



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25306

JOHN D. ROCKEFELLER IV
Governor

December 16, 1981

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

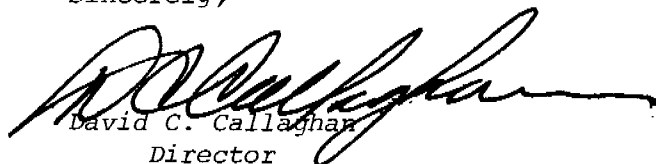
The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Mr. Secretary:

Enclosed herewith are three copies of proposed West Virginia Administrative Regulations, designated Series XV, Sections 1 and 2, relating to hazardous waste management, which have been filed in the State Register.

H. B. 1479, passed April 10, 1981, requires that certain sections take effect immediately. Therefore, these regulations are being promulgated to clarify those sections and are being filed on an emergency basis, to become effective immediately and shall expire within ninety (90) days or when final rules and regulations become effective, whichever is sooner.

Sincerely,


David C. Callaghan
Director

DCC/rms

Enclosures

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-16-81
A Division of the Law Department



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director,
 Title or Position

Department of Natural Resources, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (declaration of emergency).

This filing pertains to

Chapter 20
 Article 5E
 Series XV
 Section 1 & 2
 Page No. 1 - 2

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

December 16, 1981
 Date Submitted

Signature of Person Authorizing
 this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources

Chapter 20-5E
Series XV

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-16-81
ADMINISTRATIVE LAW DIVISION

Subject: Hazardous Waste Rules and Regulations

Section 1. General.

1.01. Scope - These regulations define "hazardous wastes" for purposes of Sections 5(e) and (f), 8, 12, 13, 17, and 20.

1.02. Authority - These regulations are issued under authority of West Virginia Code, Chapter 20, Article 5E, Section 6.

1.03. Effective Date - These regulations are promulgated on the 16th day of December, 1981, and become effective on the 17th day of December, 1981.

Section 2. Definition of Hazardous Waste.

2.01 Deed and Lease Disclosures - For the purposes of Section 20 of Chapter 20, Article 5E, pertaining to deed and lease disclosures, the term "hazardous waste" shall have the same meaning as it has in the regulations promulgated by the Environmental Protection Agency at 40 CFR § 261.3 except that persons will not be subject to such disclosure requirements if the activity engaged in falls within one of the specific exclusions described at 40 CFR § 122.21.

2.02. Hazardous Waste Management Study - For purposes of Section 5(e) and 5(f) of Chapter 20, Article 5E, the term "hazardous waste" shall mean a waste or combination of wastes, which because of its quantity, concentration or physical or infectious characteristics, may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, and as defined in 40 CFR § 261.3.

2.03. Monitoring and Analysis - For the purposes of Section 13 of Chapter 20, Article 5E, pertaining to monitoring and analysis, the term

"hazardous waste" shall mean a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, and as defined in 40 CFR § 261.3.

2.04. Inspections - For the purposes of Section 12 of Chapter 20, Article 5E, pertaining to inspections, the term "hazardous waste" shall mean a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, and as defined in 40 CFR § 261.3.

2.05. Imminent and Substantial Hazards - For the purposes of Section 17 of Chapter 20, Article 5E, pertaining to imminent and substantial hazards, the term "hazardous waste" shall mean a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, defined in 40 CFR § 261.3.

2.06. Permits; Application; Denial; Undertaking Activities Without
a Permit.

For the purposes of Section 8 of Chapter 20, Article 5E, pertaining to permits, the term "hazardous waste" shall have the same meaning as it has in the regulations promulgated by EPA at 40 CFR § 261.3 except that persons will not be subject to such permitting requirements if the activity falls within one of the specific exclusions described at 40 CFR § 122.21.



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OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

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SECRETARY OF STATE

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