

ADMINISTRATIVE LAW DIVISION

FILED

Jul 6 4 04 PM '93

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

Department of Commerce, Labor and Environmental ^{OFFICE OF WEST VIRGINIA} ~~SECRETARY OF STATE~~
Division of Environmental Protection/OWM TITLE NUMBER: 47

AGENCY: _____
RULE TYPE: Legislative; CITE AUTHORITY WV Code §20-10-5(b)

AMENDMENT TO AN EXISTING RULE: YES _____ NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 35A

TITLE OF RULE BEING PROPOSED: "Commercial Hazardous Waste Management Facility Siting Fees"

DATE OF PUBLIC HEARING: August 10, 1993 TIME: 7:00 PM

LOCATION OF PUBLIC HEARING: Office of Air Quality
1558 Washington Street East
Charleston, WV 25301

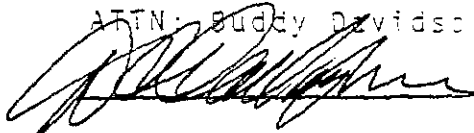
COMMENTS LIMITED TO: ORAL _____, WRITTEN _____, BOTH XX

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV DEP/Office of Waste Management

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.
1356 Hansford Street
Charleston, WV 25301

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

ATTN: Buddy Davidso




DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room M-146
Charleston, West Virginia 25305-0310
Telephone: (304) 558-0400
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

July 6, 1993

David C. Callaghan
Director
Division of Environmental Protection
#10 McJunkin Road
Nitro, West Virginia 25143-2506

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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Re: Title 47, Series 35A - "Commercial Hazardous Waste
Management Facility Siting Fees"

Dear Director Callaghan:

Pursuant to West Virginia Code Section 5F-2-2(a)(12), I hereby
consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the
Secretary of State as evidence of my consent.

Sincerely yours,

John M. Ranson
John M. Ranson
Cabinet Secretary

JMR/lab
cc: Ken Ellison

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES
 Title 47 Series 35A: "Commercial Hazardous Waste Management
 Facility Siting Fees"

Rule Title: _____

Type of Rule: XX Legislative Interpretive Procedural

Agency: Department of Commerce, Labor and Environmental Resources

Address: Division of Environmental Protection/Office of Waste Management
1356 Hansford Street
Charleston, WV 25301

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	1987	1988/1989
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. **Explanation of above estimates:** All expenses incurred will be recovered from the Siting Application Fees.

3. **Objectives of these rules:** These regulations establish the procedure for obtaining a Certificate of Site Approval prior to submitting the permit application for the construction of a commercial hazardous waste management facility.

Rule Title: Title 47 Series 35A: "Commercial Hazardous Waste Management Facility Siting Fees"

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

No impact.

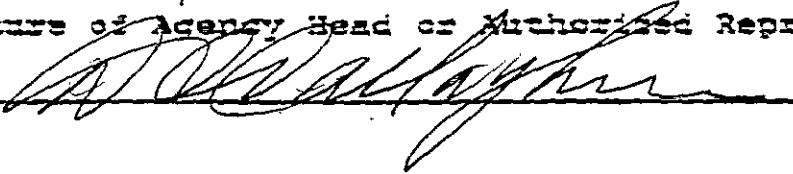
C. Economic Impact on Citizens/Public at Large.

No impact.

Date:

7/1/93

Signature of Agency Head or Authorized Representative



DATE:

TO: **LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**
Department of Commerce, Labor and Environmental Resources
Division of Environmental Protection

FROM: Office of Waste Management

LEGISLATIVE RULE TITLE: Title 47 Series 35A: "Commercial Hazardous Waste

1. Authorizing statute(s) ^{Management Facility Siting Fees"} Citation _____

West Virginia Code § 20-10-5(b)

2. a. Date filed in State Register with Notice of Hearing:

b. What other notice, including advertising, did you give of the hearing?

c. Date of hearing(s): _____

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

f. Name and phone number(s) of agency person(s) to contact for additional information:

3. Is the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

SUMMARY TO A LEGISLATIVE RULE CONCERNING AN AMENDMENT TO
THE HAZARDOUS WASTE MANAGEMENT REGULATIONS

AGENCY: Department of Commerce, Labor and Environmental Resources
Division of Environmental Protection
Office of Waste Management

REGULATION: Title 47 Series 35A
"Commercial Hazardous Waste Management Facility Siting Fees"

AUTHORITY: West Virginia Code §20-10-5(b)

ACTION: Filing of a Legislative Rule

SUMMARY:

On April 8, 1989, the Commercial Hazardous Waste Management Facility Siting Board (CHWMFSB) Act became effective. It established the Board itself, and directed that regulations be promulgated for the siting of commercial hazardous waste management facilities.

The Act also provided that pursuant to West Virginia Code §29A-1-1, reasonable fees be charged to those applying for a Certificate of Site Approval in order to recover the necessary expenses of the Board, the attorney general's office and any state agencies which participate in the review process.

FILED

JUL 6 4 04 PM '93

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

SERIES 35A
COMMERCIAL HAZARDOUS WASTE MANAGEMENT FACILITY SITING FEES

§47-35A-1. General.

1.1. Scope and Purpose. -- These regulations establish fees to be charged each person, as defined in Title 56, Series 1, Section 2.5 of the Code of State Regulations, applying for a certificate of site approval of a commercial hazardous waste management facility. These fees will recover the reasonable and necessary expenses of the Commercial Hazardous Waste Management Facility Siting Board, the Division of Environmental Protection, and the WV Attorney General's Office which such agencies incur pursuant to the activities under West Virginia Code §20-10 et seq.

1.2. Authority. -- West Virginia Code §20-10-5(b).

1.3. Filing Date. --

1.4. Effective Date. --

§47-35A-2. Definitions.

2.1. "Board" means the Commercial Hazardous Waste Management Facility Siting Board established pursuant to West Virginia Code §20-10-3.

2.2. "Commercial Hazardous Waste Management Facility" or "Commercial Facility" means any hazardous waste treatment, storage, or disposal facility, including incinerators, which accepts hazardous waste, as identified or listed by the director of the Division of Environmental Protection under Title 47, Series 35 "Hazardous Waste Management Regulations" (47 C.S.R. 35), generated by sources other than the owner or operator of the facility and shall not include an approved hazardous waste facility owned and operated by a person for the sole purpose of disposing of hazardous waste created by that person or such person or other persons on a cost-sharing or nonprofit basis (ie., captive facility).

2.3. All other terms shall have the meaning prescribed in Title 47, Series 35 "Hazardous Waste Management Regulations" (47 C.S.R. 35).

§47-35A-3. Application Fees.

3.1. Any person(s) who submits an application to the Board pursuant to Title 56, Series 1 "Certification Requirements" (56 C.S.R. 1), shall include a certified cashier's check in the amount of sixty thousand dollars (\$60,000) that is made payable to "The Commercial Hazardous Waste Management Facility Siting Fund" of the State Treasury pursuant to West Virginia Code §20-10-5.

3.2. The application fee shall underwrite the necessary expenses of the Board, and the administrative, professional, and the support services provided by the Division of Environmental Protection and other participating State agencies. In addition to the fee, all legal expenses associated with processing the application shall be billed to the applicant.

3.3. An additional fee of two thousand five hundred dollars (\$2,500) shall be paid by the applicant for each incomplete application that must be resubmitted to the Board, or for any subsequent modifications offered by the applicant after the Board has determined the application to be complete pursuant to the "Commercial Hazardous Waste Management Facility Siting Board Regulations" under Title 56, Series 1.