

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #4

FILED  
1990 JAN 16 PM 2 00  
STATE OF WEST VIRGINIA

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY W. Va. Code §§20-5F-4, 20-5F-5, 20-5F-5b, 20-5F-5c, and 20-5F-5d

AMENDMENT TO AN EXISTING RULE: YES  NO

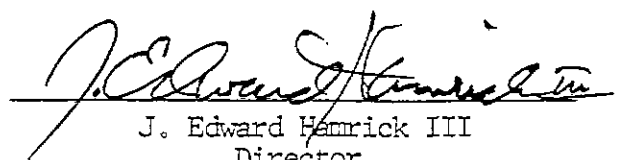
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 38

TITLE OF RULE BEING AMENDED: Solid Waste Management Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
J. Edward Hamrick III  
Director



WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-438, State Capitol  
Charleston, West Virginia 25305  
(304) 340-3286

Senator Lloyd Jackson, Co-Chairman  
Delegate Patrick H. Murphy, Co-Chairman

Debra A. Graham, Counsel  
Marie Nickerson, Receiving Clerk

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

January 10, 1990

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. J. Edward Hamrick, III, Director  
Dept. of Natural Resources  
Building 3, Room 669  
Charleston, Wv 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Solid Waste Management Regulations

FILED  
1990 JAN 24 AM 9 18  
STATE OF WEST VIRGINIA  
SECRETARY OF STATE

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed \_\_\_\_\_
  - (b) as modified by the agency \_\_\_\_\_
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.  X
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

Department of Natural Resources  
Solid Waste Management Regulations  
January 10, 1990

AMENDMENT:

On pages 147-151, Sections 4.11.5 and 4.11.6, by deleting the current language and inserting in lieu thereof the following language:

"4.11.5. Corrective Action Program.

"Whenever a statistically significant increase is found in a Phase II or Phase III monitoring parameter, or when groundwater contamination is otherwise indentified by the Chief at sites without monitoring programs, which is determined by the Chief to have resulted in a significant adverse effect on an aquifer, and which is attributable to a solid waste facility, the Chief may require appropriate corrective or remedial action pursuant to West Virginia Code Chapter 20, Article 5A and Chapter 20, Article 5F to abate, remediate or correct such pollution. Any such corrective or remedial action order shall take into account any applicable groundwater quality protection standards, the existing use of such waters, the reasonably anticipated uses of such waters, background water quality, and the protection of human health and the environment."

The Committee amended the proposed rule to allow the Chief to have discretion regarding corrective action.

cc: Jeffrey Herrold, Regulatory Analyst, DNR  
Jennifer Costello, Esq., DNR  
Wetzel County Solid Waste Authority  
Wetzel County Commission  
North Fork Landfill  
Mike Valero  
Walter Valero  
J. D. Transport, Inc.  
City of Wheeling, c/o L. Adams  
Delegate Roy Givens  
Paul Boos  
Bob Worden, Mfg. Assn.  
Scott Icard, AEP  
John Hoff, WV Assoc. of Counties  
James B. Kotcon, Ph.D., WVU  
Jearl Ramsey, National Rural Water Assn.  
Fred Stottlemeyer, WV Rural Water Assn.  
Dr. George Lilley, Act. Admr. Health Dept.  
Kay Howard, Regulatory Affairs, Health Dept.  
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D. W. Worlledge, Pres., Ravenswood Alum. Corp.