

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

FILED

JUN 19 3 05 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: office of Oil and Gas
WV Div. of Environmental Protection TITLE NUMBER: 35*

RULE TYPE: Legislative; CITE AUTHORITY WV Code 22-1-3, 22-1-10, 22-1-11, 22-6-3, and 22-15-1 through 8

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2*

TITLE OF RULE BEING AMENDED: Oil and Gas Operations - Solid Waste Rule

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

*Previously 38CSR12

DATE OF PUBLIC HEARING: July 22, 1997 TIME: 6:00PM

LOCATION OF PUBLIC HEARING: WV Division of Environmental Protection
#10 McJunkin Road

Nitro, west Virginia 25143-2506

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Theodore M. Streit

WV Div. of Env. Protection

#10 McJunkin Road

Nitro, WV 25143-2506

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.

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



Authorized Signature



BUREAU OF ENVIRONMENT
10 McJunkin Road
Nitro, WV 25143-2506

CECIL H. UNDERWOOD
GOVERNOR

JOHN E. CAFFREY
COMMISSIONER

June 18, 1997

Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

RE: 35CSR2 - "Oil and Gas Operations - Solid
Waste Rule"

Dear Ms. Cooper:

This is to advise you that I am giving approval for filing the above-referenced rule as Notice of Public Hearing/Comment Period.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Carrie Chambers at 759-0515.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John E. Caffrey".

John E. Caffrey
Commissioner

JEC:cc

Attachment

**BUREAU OF ENVIRONMENT
DIVISION OF ENVIRONMENTAL PROTECTION**

BRIEFING DOCUMENT

Rule Title: 35CSR2 - Oil and Gas Operations - Solid Waste Rule

A. AUTHORITY: WV Code WV Code 22-1-3, 22-1-10, 22-1-11, 22-6-3,
and 22-15-1 through 8

B. SUMMARY OF RULE:

Rule provides a solid waste permit by rule for certain solid waste facilities and provides for issuance of other solid waste permits pertaining to the exploration, production, storage and recovery of oil and gas.

C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE:

Technical clean-up to change code references, punctuation, spelling, etc.

D. FEDERAL COUNTERPART REGULATIONS - INCORPORATION BY REFERENCE/DETERMINATION OF STRINGENCY:

There is no counterpart regulation.

E. CONSTITUTIONAL TAKINGS DETERMINATION:

In accordance with §22-1A-1 and 3(c), the Director has determined that this rule will not result in taking of private property within the meaning of the Constitutions of West Virginia and the United States of America.

**F. CONSULTATION WITH THE ENVIRONMENTAL PROTECTION
ADVISORY COUNCIL:**

This amendment (or these amendments) to the rule will be reviewed by the Advisory Council during its meeting on July 2, 1997. Recommendations of the Council and the Director's response to Council's recommendations will be included in the August 1, 1997 filing with the Secretary of State's Office and the Legislative Rulemaking Review Committee.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 35CSR2 - Oil and Gas Operations -Solid Waste Rule

Type of Rule: Legislative Interpretive Procedural

Agency: WV Division of Environmental Protection - Office of Oil & Gas

Address: #10 McJunkin Road
Nitro, West Virginia 25143-2506

1. Effect of Proposed Rule

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

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

Technical clean-up to update Code references, punctuation, etc. for existing rules.

Rule Title: 35CSR2 - Oil and Gas Operations - Solid Waste Rule

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

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


N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 6/14/97

Signature of Agency Head or Authorized Representative



TECHNICAL CLEANUP
OFFICE OF OIL AND GAS
35CSR2
PREVIOUSLY 38CSR12

The paragraph numbering, punctuation, etc., in this rule has been modified to conform to the Secretary of State's legislative rule, 153CSR6.

FILED

JUN 19 3 15 PM '97

TITLE 38 35

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULES
DEPARTMENT OF ENERGY
BUREAU OF ENVIRONMENT
DIVISION OF OIL AND GAS
DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS

SERIES 12 2

SOLID WASTE OIL AND GAS OPERATIONS - SOLID WASTE RULE

§38-12-1, 35-2-1. General.

1.1. Scope. -- This rule provides a solid waste permit by rule for certain solid waste facilities and provides for the issuance of other solid waste permits pertaining to the exploration, development, production, storage and recovery of oil and gas and related mineral resources in this state.

1.2. Authority and Related Code Citations(s). -- W.Va. Code ~~§22-1-13, 22-1-15, 22-1-16, 22B-1-3 and 20-5F-1 through 8~~ 22-1-3, 22-1-10, 22-1-11, 22-6-3, and 22-15-1 through 8.

1.3. Filing Date. -- ~~June 12, 1987~~ _____

1.4. Effective Date. -- ~~June 12, 1987~~ _____

1.5. Former Rule Superseded. -- This legislative rule supersedes West Virginia Legislative Rule "Department of Natural Resources, ~~Chapter 20-5F~~ W. Va. Code ~~§22-15~~, in effect on June 12, 1987, to the extent that such rule pertains to the exploration, development, production, storage and recovery of oil and gas, and related mineral resources in this state. Such rule was continued in effect pursuant to ~~West Virginia Code §22-1-15~~ W. Va. Code §22-1-10 for the benefit of the Department of Energy Division of Environmental Protection to the extent that it pertained to the provisions of The West Virginia Energy Act.

§38-12-2, 35-2-2. Definitions.

Unless the context in which used clearly requires a different meaning, the definitions set forth in ~~West Virginia Code §20-5F-2~~ W. Va. Code §22-15-2 and in Section 2 of ~~West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5F, Series 38, 33CSR1, "Solid Waste Management Regulations Rules" in effect on July 11, 1985,~~ shall apply to these regulations, rules except that for the purposes of this rule, "Department" shall mean the Department of Energy of Oil and Gas, and "Director" Chief

shall mean the ~~Director Chief~~ of the ~~Division Office~~ of Oil and Gas of the ~~Department of Energy Division of Environmental Protection~~.

~~§38-12-3.~~ 35-2-3. Permits.

A permit shall be obtained from the ~~Department of Energy Division of Environmental Protection, Division Office of Oil and Gas~~, prior to the installation, establishment, construction, modification, operation or abandonment of any solid waste facility that is within the scope of subsection 1.1 of this rule. Such a permit shall satisfy the requirements of ~~West Virginia Code §20-5F-1~~ W. Va. Code §22-15-1 through 8 and contain such reasonable terms and conditions as may be prescribed by the ~~Director Chief~~ of the ~~Department of Energy Division of Environmental Protection, Division Office of Oil and Gas~~.

~~§38-12-4.~~ 35-2-4. Permit by rule.

A solid waste facility shall be deemed to have a solid waste permit for that facility, if that facility complies with the regulatory and permitting requirements set forth in Series 18 of the rules of the ~~Department of Energy, Division of Environmental Protection Division Office of Oil and Gas~~. Nothing in this section shall relieve an owner or operator of such a well of any obligation to apply for and receive appropriate authorizations from other agencies for such a facility, if the facility received waste from sources other than those associated with the exploration, development, production, storage and recovery of oil and gas and related mineral resources in this state.