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Oct 18 8 44 AM '00

WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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October 16, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Carrie Chambers  
DEP-Oil and Gas, Office of  
10 McJunkin Road  
Nitro, WV 25143

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Oil and Gas Wells and Other Wells, 35CSR4

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.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

FILED

ANALYSIS OF PROPOSED LEGISLATIVE RULE

SEP 21 10 37 AM '00

Agency: Office of Oil and Gas  
Subject: Oil and Gas Wells and Other Wells  
CSR Cite: 35CSR4  
Counsel: JAA

OFFICE OF THE SECRETARY OF STATE  
SECRETARY OF STATE

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PERTINENT DATES

Filed for public comment: July 17, 2000  
Public comment period ended: August 16, 2000  
Filed following public comment period: August 23, 2000  
Filed LRMRC: August 23, 2000  
Filed as emergency: n/a

Fiscal Impact: None.

ABSTRACT

Section Summary

Subsection 9.2.i and Subsection 9.5 are amended to allow the electronic submission of plats required for permit applications and renewals. The format of the electronically submitted plats must be approved by the Chief of the Office of Oil and Gas.

Subsection 9.4 is amended to provide that new plat certifications are not required for plugging permits.

Subsection 9.5 is amended to remove the requirement that a pre-circular be mailed to applicants on the status of pending applications for permits. This in effect reduces the number of mailings done by the Office of Oil and Gas by removing status notification until a permit has been approved.

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AUTHORITY

Statutory authority: W. Va. Code, §22-6-2 provides the following:

(a) The director shall have as his or her duty the supervision of the execution and enforcement of matters related to oil and gas set out in this article and in articles eight and nine of this chapter.

(b) The director is authorized to enact rules necessary to effectuate the above stated purposes....

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ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.