

FILED

47CSR35A
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AUG 28 10 14 AM '96

TITLE 47 33
LEGISLATIVE RULE
DIVISION OF ENVIRONMENTAL PROTECTION
~~WATER RESOURCES~~ — ~~WASTE MANAGEMENT~~
OFFICE OF WASTE MANAGEMENT

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 35A 21
COMMERCIAL HAZARDOUS WASTE
MANAGEMENT FACILITY SITING FEES

~~§47-35A-1.~~ 33-21-1. General

1.1. **Scope.** This rule establishes fees to be charged each person, as defined in Section 2.5 of 57 C.S.R. 1, 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 these agencies incur pursuant to the activities under W.Va. Code ~~§20-10-1~~ §22C-5-1 et seq.

1.2. **Authority.** - W.Va. Code ~~§20-10-5(b)~~ §22C-5-6(b).

1.3. **Filing Date.** - May 20, 1994

1.4. **Effective Date.** - June 1, 1994

~~§47-35A-2.~~ 33-21-2. Definitions.

2.1. "Board" means the commercial hazardous waste management facility siting board established pursuant to W.Va. Code ~~§20-10-3~~ §22C-5-3(a).

2.2. "Commercial hazardous waste management facility" or "commercial facility" means any hazardous waste treatment, storage, or disposal facility, which accepts hazardous waste, as identified or listed by the director of the division of environmental protection under the "hazardous waste management ~~regulations rule~~" ~~47 C.S.R. 35 33~~ C.S.R. 20, 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 other persons on a cost-sharing or nonprofit basis (ie., captive facility).

2.3. All other terms shall have the meaning prescribed in the "hazardous waste management ~~Regulations rule~~" ~~47 C.S.R. 35~~ 33 C.S.R. 20.

~~§47-35A-3.~~ 33-21-3. **Application Fees.**

3.1. Any person who submits an application to the board, pursuant to the "certification requirements" of 57 C.S.R. 1, shall include a certified cashier's check in the amount of one hundred thousand dollars (\$100,000) that is made payable to "The Commercial Hazardous Waste Management Facility Siting Fund" of the state treasury pursuant to W.Va. Code ~~§20-10-5.~~ §22C-5-6.

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, the applicant will be responsible for all legal expenses incurred by the board in response to a challenge to the issuance of a certificate of site approval, but the applicant is not responsible for compensating the board for the legal costs associated with processing the application in excess of the application fee, or any action or suit brought by the applicant against the state.

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 major modification 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 rule".

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"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking the title number '47' and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking the series number '35A' and inserting in lieu thereof the series number '21';

On page 1, in the title, by striking the words 'WATER RESOURCES-WASTE MANAGEMENT' and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

On page 1, subsection 1.1., by striking the code reference '\$20-10-1' and inserting in lieu thereof the code reference '\$22C-5-1';

On page 1, subsection 1.2., by striking the code reference '\$20-10-5(b)' and inserting in lieu thereof the code reference '\$22C-5-6(b)';

On page 1, subsection 2.1., by striking the code reference '\$20-10-3' and inserting in lieu thereof the code reference '\$22C-5-3(a)';

Beginning on page 1, subsection 2.2., and continuing throughout the text of the rule, by striking the rule reference '47 C.S.R. 35', and inserting in lieu thereof the rule reference '33 C.S.R. 20';

Beginning on page 1, subsection 2.2., and continuing

throughout the text of the rule, by striking the word 'regulations' and inserting in lieu thereof the word 'rule' when referencing the 'hazardous waste management rule';

On page 1, subsection 3.1., by striking the code reference '\$20-10-.5.' and inserting in lieu thereof the code reference '\$22C-5-6';

On page 1, subsection 3.3., by striking the word 'regulations' and inserting in lieu thereof the word 'rule'."