



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

1205 Greenbrier Street
Charleston, West Virginia 25311
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1985 MAY 17 PM 2:32

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NOTICE OF PUBLIC HEARING

AND

COMMENT PERIOD ON PROPOSED RULES

PUBLIC HEARING

AGENCY: West Virginia State Water Resources Board
RULE TYPE: Legislative Rules
RULE TITLE: Legislative Rules, State Water Resources Board, Series I, Water Quality Standards; Series II, National Pollutant Discharge Elimination System (NPDES); Series III, Special Regulations; Series IX, Underground Injection Control

A PUBLIC HEARING ON THE PROPOSED REVISIONS TO THE ABOVE RULES WILL BE HELD AT 7:00 P.M. ON JUNE 25, 1985 AT THE COONSKIN ARMORY. COMMENTS SHALL BE LIMITED TO THE PROPOSED REVISIONS AND MAY BE EITHER: ORAL _____ WRITTEN _____ BOTH X .

COMMENTS MAY ALSO BE MAILED TO:

State Water Resources Board
1205 Greenbrier Street
Charleston, WV 25311

1. The Board requests that persons wishing to make comments at the hearing make an effort to also submit written comments to facilitate the review process.
2. Copies of the proposed revisions to the above rules may be obtained from the Secretary of State's Office and at the Board's Office, 1260 Greenbrier Street, Charleston, WV 25311 (phone 348-4002) and may be viewed at all Department of Natural Resources' District Offices.
3. The Board realizes that the responsibility for promulgation of certain portions of the above proposed regulations will change as a result of the recently passed "Energy Act",

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especially as they pertain to coal and oil and gas related issues. However since the majority of the proposed revisions merely update the State regulations to comply with Federal EPA regulations this hearing will excellerate the rule making process and it should make the transfer of regulatory responsibility to the Energy Department more efficient.

Franca E Hunter

Executive Secretary

WRB
Leg. Rule, 20-5A
Series IX

ABSTRACT

The one proposed revision to Series IX pertains to Section 13.01(b0 and is a EPA suggested modification which has been approved by the Water Resources Division and will facilitate EPA approval of the W. Va. U.I.C. program.

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~~Adm. Reg. Leg. Rule, 20-5A~~
Series IX, Sec. 1.00-

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Section 1.00- General Provisions---

1.01 Applicability and Scope

--(a)- These regulations set forth criteria and standards for the requirements which apply to the State Underground Injection Control Program (U.I.C.) The UIC permit program regulates underground injections by five (5) classes of wells. The five (5) classes of wells are set forth in Section 4.00 of these regulations. All owners or operators of these injection wells must be authorized either by permit or rule by the Chief.

~~(b)-~~

1.2

~~(1)-~~ Specific inclusions. The following wells are included among those types of injection activities which are covered by the UIC regulations (this list is not intended to be exclusive but is for clarification only):

~~(i)-(a)~~ Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids.

~~(ii)-(b)~~ Any septic tank or cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste.

~~(iii)-(c)~~ Any septic tank, cesspool, or other well used by multiple dwelling, community, or regional system for the injection of waste.

1.2.1

~~(2)-~~ Specific exclusions. The following are not covered by these regulations:

~~(i)-(a)~~ Individual or single family residential waste disposal systems such as domestic cesspools or septic systems.

~~(ii)-(b)~~ Any dug hole which is not used for emplacement of fluids underground.

WRB

--Adm. Reg. Leg. Rule, 20-5A
Series IX, Sec. 1.01

~~(iii)~~ (c) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems are used solely for the disposal of sanitary wastes and have the capacity to serve fewer than 20 persons a day.

~~(iv)~~ (d) Injection wells used for injection of hydrocarbons which are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage.

(3) NOTE: The specification of exclusions under paragraph (b) (2) of this section shall not relieve any person of any requirement imposed under the State Act and regulations, other than this Series, including State permit requirements.

1.023 Law Authorizing These Regulations

~~These regulations are promulgated under authority of --
Chapter 20, Article 5A, Section 3(b)(2) of the West Virginia Code, --
W. Va. Code 20-5A-3(b)(2).~~

1.034 ~~Effective Date Filing Date -~~

1.045 ~~Filing Date Effective Date -~~

1.056 ~~Certification.---~~

~~These regulations are certified authentic by the ---
Executive Secretary of the State Water Resources Board.~~

Section 2. Definitions

The definitions set forth in Chapter 20, Article 5A, Section 2 of the Code of West Virginia shall apply to these regulations along with the following definitions unless the context clearly indicates otherwise:

Section 13.00- Injection Well Permitting Program

13.01 General Prohibition and Prohibition of
Movement of Fluid into Underground
Sources of Drinking Water.

(a) Underground injection is prohibited unless authorized by permit or rule. The construction of any well required to have a permit is prohibited until the permit has been issued.

~~(b) -No-authorization-by-permit-or-rule-shall-allow-No~~
~~owner or operator shall construct, operate, maintain, covert,~~
~~plug, abandon or conduct any other underground injection activity~~
~~in a manner which causes or allows the movement of fluid~~
containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 or promulgated pursuant to West Virginia Code, Chapter 16-1-1 et seq., or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(c) For Class I, II, and III wells, if any water quality monitoring of an USDW indicates the movement of any contaminant into the USDW except as authorized under these regulations, the Chief shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit or the permit may be revoked if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see Section 13.02.