

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Water Resources Board TITLE NUMBER: 46

RULE TYPE: Procedural; CITE AUTHORITY Chapter 20-5A-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 10

TITLE OF RULE BEING AMENDED: Regulations Implementing The Authorization
By Rule Provision Of The Regulations For The West Virginia Underground
Injection Control Program

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

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 27, 1989 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

State Water Resources Board
1260 Greenbrier Street
Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Steven E. Hunter

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD
 1205 Greenbrier Street
 Charleston, West Virginia 25311
 (304) 348-4002

STAFF
 FRANCES E. HUNTER
 Executive Secretary
 Jan R. Taylor
 Technical Advisor

February 23, 1989

OFFICE LOCATION
 1260 Greenbrier Street

The Honorable Ken Hechler
 Secretary of State
 State Capitol Bldg. # 1 Room 157K
 Charleston, West Virginia 25305

Dear Mr. Secretary:

In accordance with the provisions of Chapter 29A, Code of West Virginia, 1931, as amended and Chapter 20-5A, Code of West Virginia, 1931, as amended, enclosed please find copy of the State Water Resources Board's proposed Procedural Regulation Implementing The Authorization By Rule Provision Of The Regulations For The West Virginia Underground Injection Control Program, the Notice of a comment Period on a Proposed Rule, the Notice of Agency Adoption of a Procedural or Interpretive Rule or a Legislative Rule Exempt from Legislative Review forms, and a Fiscal Note for Proposed Rules. If you have any question do not hesitate to contact this office.

Respectively submitted,

STATE WATER RESOURCES BOARD

Frances E. Hunter

Frances E. Hunter
 Executive Secretary

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OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

enclosures

FISCAL NOTE FOR PROPOSED RULES

FILED
1999 FEB 23 PM 3:25
OFFICE OF THE CLERK
STATE OF WEST VIRGINIA

Rule Title: Regulations Implementing The Authorization By Rule Provision of The Regulations For The Underground Injection Control Program

Type of Rule: Legislative Interpretive Procedural

Agency State Water Resources Board Address 1260 Greenbrier St., Charleston, WV 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations	NONE		NONE		
Equipment					
Other					

2. Explanation of above estimates.

N/A

3. Objectives of these rules: To extend "authorization by rule" for Class V injection wells for an additional five years or until federal regulations are promulgated. Without this time extension, many of the State's industries will be in violation of State regulations. This rule is consistent with CFR 40, Chapter 1, Section 144.24 and merely continues an existing rule.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE.

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

NONE.

C. Economic Impact on Citizens/Public at Large.

NONE.

Date February 23, 1989

Signature of Agency Head or Authorized Representative

Frances E. Hunter

ATTACHMENT

SUMMARY

This rule is to extend "authorization by rule" for Clas V injection wells for an additional five years or until federal regulations are promulgated. Without this time extension, many of the State's industries will be in violation of State regulations. This rule is consistent with CFR 40, Chapter 1, Section 144.24 and merely continues an existing rule.

TITLE 46
PROCEDURAL LEGISLATIVE RULE
WATER RESOURCES BOARD

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1989 FEB 23 PM 3:24
OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

Series 10
REGULATIONS IMPLEMENTING THE AUTHORIZATION BY RULE
PROVISION OF THE REGULATIONS FOR THE WEST VIRGINIA
UNDERGROUND INJECTION CONTROL PROGRAM

§ 46-10-1. General

1.1. Scope. -- Whereas, pursuant to the provisions of Chapter 20-5A-1 et seq. and Chapter 29A-3-1 et seq. of the West Virginia Code, 1931 as amended, the Board has approved and filed Series nine (9) and whereas, Section thirteen (13) of said Regulation provides that certain facilities may be authorized by rule in accordance with the requirements of said section. Now, therefore, the Board promulgates the following procedural rules for the implementation of Section thirteen (13) of the Board's Series (9).

1.2. Authority. -- W. Va. Code 20-5A-1

1.3. Filing Date. -- February 23, 1989

1.4. Effective Date. --

§ 46-10-2. Rules

2.1. Injection into existing Class I, II, and III wells shall be authorized by rule for periods up to five (5) years from ~~the effective date of these regulations~~ March 27, 1989. All such wells must be have been issued permits within the five (5) year period or closed down, at its end, unless the rule is continued under Section 2.2 of these regulations .

2.2. Rules under Section 2.1 of these regulations authorizing Class II and III wells or projects in existing fields or projects shall allow them to continue normal operations permitted, including construction, operation, and plugging and abandonment of wells Provided the owner or operator maintains compliance with all applicable requirements under the Board's Series nine (9).

~~2.3. -- Injection into existing Class IV wells shall be authorized for a period not to exceed six (6) months after the effective date of these regulations. -- Such rules shall apply to the requirements of Section 7.3 and Section 11.4 of the Board's Series 9.~~

2.43. Injection into Class V wells shall be authorized for a period of five (5) years until March 27, 1994, subject to the requirements of Section 13.2(b) and (d) of Section 12.00 of the Board's Series 9. However, the Chief has authority to withdraw the authorization if required under Section 13.2 of said regulations.

WRB
Series 10, Sec. 2.4

2.54. Any facility which is authorized by rule pursuant to these regulations shall meet the requirements contained in Section 13.2(b) of the Board's Series 9, no later than one (1) year after authorization by such rules.

2.65. These regulations do not supersede Series 9, and are solely intended as procedural regulations for the implementation of the provisions of Section 13.2 of the Board's Series 9, and in the event of any inconsistency or conflict between any provision of these regulations and any provision of Series 9, the provisions of Series 9 shall control.