

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: State Water Resources Board TITLE NUMBER: 46

CITE AUTHORITY: §20-5A-1

RULE TYPE: PROCEDURAL x INTERPRETIVE

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-3-4

AMENDMENT TO AN EXISTING RULE: YES x, 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 ADOPTED:

TITLE OF RULE BEING ADOPTED:

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 18, 1989

Frances E. Hunter

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 19, 1989
ADMINISTRATIVE LAW DIVISION

TITLE 46
PROCEDURAL LEGISLATIVE RULE
WATER RESOURCES BOARD

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. -- August 18, 1989

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 April 10, 1983. 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.~~

2.4. Injection into Class V wells shall be authorized for a period of five (5) years until August 18, 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.

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.