

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

APR 11 3 12 PM '95

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Division of Environmental Protection TITLE NUMBER: 47

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 36

TITLE OF RULE BEING AMENDED: Underground Storage Tanks

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB2134

SECTION 64-3-1 (o), PASSED ON March 10, 1995

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: July 1, 1995

Roger W. Mally
AUTHORIZED SIGNATURE



BUREAU OF ENVIRONMENT
10 McJUNKIN ROAD
NITRO, WV 25143-2506

GASTON CAPERTON
GOVERNOR

DAVID C. CALLAGHAN
COMMISSIONER

Ms. Judy Cooper
Director, Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
Charleston, West Virginia 25305

RE: 47 CSR 36 - Underground Storage Tanks

Dear Ms. Cooper:

This is to advise you that I am giving approval for the filing of the above-captioned rule as a final filing and adoption of a legislative rule authorized by the West Virginia Legislature.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Roger T. Hall at 759-0515.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Callaghan", written over a horizontal line.

David C. Callaghan
Commissioner
Bureau of Environment

DCC;RTH:cc

Attachment

LEGISLATIVE HISTORY ABSTRACT

Underground Storage Tanks

47 CSR 36 - 1 et. seq.

Division of Environmental Protection
Office of Waste Management
UST Section
Rulemaking Coordinator - Gil Sattler

July 13, 1994 Initial Filing with Secretary of State
Public Hearing and Comment Date

July 20, 1994 News Release

Aug 15, 1994 Close of Public Comment Period
Public Hearing Held

Aug 15, 1994 Agency Approved Rule Filed with Secretary of State

Aug 15, 1994 Agency Approved Rule Filed with Legislative
Rulemaking Review Committee

Oct 4, 1994 Passed by Legislative Rulemaking Review Committee
_____ With Amendments X Without Amendments

1995 Regular Legislative Session

Jan 20, 1995 Introduced in the Senate SB 98
Referred to Natural Resources then Judiciary

Jan 23, 1995 Introduced in House of Delegates HB 2134
Referred to House Judiciary

Jan 31, 1995 Passed Senate Natural Resources Committee without
amendments
Sent to Senate Judiciary Committee

Feb 13, 1995 Passed House Judiciary Committee

Feb 14, 1995 First Reading in House of Delegates

Feb 15, 1995 Second Reading in House of Delegates

Feb 16, 1995 Third Reading in House of Delegates
Passed House of Delegates
Communicated to Senate

Feb 17, 1995 Introduced to Senate Judiciary Committee

Mar 3, 1995 Passed Judiciary Committee with amendment and title
amendment
First Reading in Senate
Immediate consideration
Second Reading in Senate
Suspension of Constitutional Rule (Roll No. 47)
Committee amendment adopted
Third Reading in Senate
Passed Senate with amended title (Roll No. 48)
Senate requests House of Delegates to concur

Mar 9, 1995 House of Delegates Concurred in Senate amendment
with amendment (Roll No. 201)
Passed House of Delegates (Roll No. 202)
Communicated to Senate

Mar 10, 1995 Senate concurred in House of Delegates amendment to
Senate amendment
Passed Senate
Communicated to House of Delegates
Completed Legislative Action

Mar 24, 1995 Approved by the Governor

Apr 11, 1995 Final Filed with the Secretary of State

July 1, 1995 Effective Date

TITLE 47
LEGISLATIVE RULES
~~DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES~~
BUREAU OF ENVIRONMENT
DIVISION OF ENVIRONMENTAL PROTECTION

SERIES 36
UNDERGROUND STORAGE TANKS

§47-36-1. General.

1.1. Scope and Purpose. --This legislative rule establishes regulations to govern the construction, installation, upgrading, use, maintenance, and closure of underground storage tanks in this State.

1.2. Authority. --W. Va. Code ~~§20-5H-6.~~ §22-17-6

1.3. Filing Date. -- April 11, 1995

1.4. Effective Date. -- July 1, 1995

1.5. Determination of Stringency. This rule is no more stringent than the federal counterpart regulation; however, the rule may be considered to be broader in scope.

1.6. Constitutional Takings Determination. No constitutional takings of real property are anticipated as a result of this rule.

§47-36-2. Adoption of Federal Regulations.

2.1. The director hereby adopts and incorporates by reference the provisions contained in 40 C.F.R. Part 280 as published in the Code of Federal Regulations on July 1, ~~1993~~ 1994, with the following modifications:

2.1.1. The definition of "Implementing Agency" that appears in 40 C.F.R. §280.12 shall be deleted and replaced by "Implementing Agency means the West Virginia Division of Environmental Protection."

2.1.2. The provisions contained in 40 C.F.R. §280.20(e) shall be deleted and replaced by Section 3 of this rule.

2.1.3. The provisions contained in 40 C.F.R. §280.22 shall be deleted and replaced by Section 4 of this rule.

2.1.4. The phrase "section 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended" that appears in 40 C.F.R. §280.34 shall be deleted and replaced by the phrase "~~W. Va. Code §20-5H-13.~~" "W. Va. Code §22-17-13".

2.1.5. The provisions contained in 40 C.F.R. §280.34(a)(1) shall be deleted and replaced by "(1) Notification in accordance with the provisions of Section 4 of this rule".

2.1.6. The provisions contained in Appendices II and III of 40 C.F.R. Part 280 shall be deleted.

§47-36-3. Certification Requirements for Individuals Who Install, Repair, Retrofit, Upgrade, Perform Change-in-Service or Close Underground Storage Tank Systems.

3.1. The requirements of this Section apply to individuals engaged in underground storage tank system installation, repair, retrofitting, upgrading, change-in-service, or closure.

3.2. After December 31, 1994, no individual shall conduct an underground storage tank system installation, repair, retrofit, upgrade, change-in-service or closure unless an individual present at the underground storage tank system site and exercising responsible supervisory control over the installation, repair, retrofit, upgrade, change-in-service, or closure is currently certified by the director in accordance with this Section. The underground storage tank system owner and operator must ensure that the individual supervising the installation, repair, retrofitting, upgrade, change-in-service and/or closure is certified by the director.

3.2.1. An individual who holds a current certificate issued by the director shall be present at all times during:

3.2.1.a. The installation process involving the preparation of the excavation immediately prior to receiving backfill and the tank, the setting of the tank and the piping (including placement of any anchoring devices), backfilling to the level of the tank, strapping, anytime during the installation in which piping components are connected, all testing of the underground storage tank and piping performed during the installation, completion of the backfill and filling of the excavation, and installation of release detection devices within the excavation zone;

3.2.1.b. The repair, retrofitting or upgrading process involving the excavation of existing tanks and/or piping, the actual performance of repairs to the tank and/or piping, anytime during the process when components of the piping are connected, anytime during the repair process when the tank and/or associated piping are tested and at anytime during the process when equipment is connected to the tank and/or piping; and

3.2.1.c. The change-in-service or closure process involving the process of vapor removal, purging, inerting, cleaning and all subsurface sample collection events.

3.3. The underground storage tank system certificates issued by the director will address the following categories:

3.3.1. A Class A certificate will allow the individual certified to install, repair, retrofit or upgrade an underground storage tank system; and

3.3.2. A Class B certificate will allow the individual certified to perform a change-in-service or close an underground storage tank system.

3.4. An individual applying for a Class A and/or Class B certificate must file a written application on a form supplied by the director showing the director that he or she meets the following requirements:

3.4.1. The applicant must be an individual. Businesses or corporations may not be certified;

3.4.2. The applicant need not be a resident of West Virginia;

3.4.3. The applicant shall demonstrate ethical practice. The demonstration shall consist of providing to the director written statements from two (2) personal references and two (2) business references attesting to the applicant's ethical practices. In addition, the director may conduct a police check and checks with other certification or licensing boards with which the applicant is registered to determine the nature of violations of Federal, State or local laws and regulations relating to the applicant's performance in an ethical and competent manner. The director may deny the applicant's certification based upon the documentary evidence obtained pursuant to this subdivision;

3.4.4. The applicant must demonstrate two (2) years of experience in underground storage tank system installation, repair, retrofitting, upgrading, performance of a change-in-service and closure conducted after December 22, 1988, as is applicable to the Class A and/or B certificate. Closely related work experience may be substituted on a year for year basis upon approval by the director. The applicant may ~~substitute~~ substitute a civil or mechanical engineering degree from a recognized college or university for the required experience;

3.4.4.a. Applicants shall provide the director a listing of the work performed, site locations, and the names of the companies or employers for whom the work was performed;

3.4.5 No applicant shall be issued a certificate unless he or she has successfully passed a written examination administered by the director;

3.4.5.a. Examinations administered to applicants for certification shall be written, multiple choice examinations. The Director shall derive the questions used in the examination from standards, instructions, industry recommended practices and State and Federal laws and regulations pertaining to underground storage tank system installation, repair, retrofitting, upgrading, change-in-service and closure. The director can make available to applicants alternative testing procedures;

3.4.5.b. Beginning after July 1, 1994, the director or persons designated by the director shall conduct written examinations at such times and locations within the state as the director may consider necessary;

3.4.5.c. Applicants for certification must correctly answer not less than 80 percent of the questions in a category of certification to qualify for that category of certification; and

3.4.5.d. No applicant may take an examination more than three (3) times within a 12 month period. Applications are considered current for a period of one year from the date they are received by the director. After one year, a new application must be filed and the application examination fee paid; and

3.4.6. At the time of the examination the applicant shall remit a nonrefundable \$75 fee by check or money order. This fee shall be deposited in the Underground Storage Tank Administrative Fund. A fee of \$35 shall be assessed for each retesting within the same year.

3.5. All certificates and certificate renewals expire December 31 of every second year. Applications for certificate renewal and payment of a nonrefundable renewal fee of \$50 must be submitted to the director by November 1 of the year in which the certificate expires. An individual whose certificate has expired prior to his or her submission of an application for renewal is considered a new applicant for certification.

3.5.1. An individual may renew his or her certificate for another two (2) year period by:

3.5.1.a. Paying the renewal fee; and

3.5.1.b. Submitting on a form supplied by the director a certificate renewal application demonstrating that he or she has completed sixteen (16) hours of director approved continuing education training courses:

3.5.1.b.A. The continued education training course must be relevant to the subject area of installation, repair, retrofitting, upgrading, change-in-service, closure or the regulation of underground storage tank systems as it relates to the category of certification and offer instruction on the most current generally acceptable technology or methods for these subjects; and

3.5.1.b.B. Applications for approval of specific training programs shall be submitted by the training provider to the director in writing. The submissions shall contain a complete course outline, training material, sample certificates, the methodology for verifying attendance, the date, time and location of the course, the name of the offering organization, the credentials of the instructors, and a certification that the technology or methods that will be presented in the training program will satisfy state and federal laws governing underground storage tank system installation, repair, retrofitting, upgrading, change-in-service, or closure; or

3.5.1.c. Submitting on a form supplied by the director a certificate renewal application and successfully passing the written examination described in Section 3.4.5. of this rule. At the time of the examination, the applicant applying for renewal must remit a nonrefundable \$50 fee by check or money order.

3.6. Upon issuance of the certification the director shall issue an identification card to the successful applicant that shows the individual's name, social security number, certificate issuance date, certificate expiration date, certification number and the class of certification.

3.6.1. An individual who holds a current certificate shall present his or her identification card upon request by a representative of the director or the owner or operator of the underground storage tank system for which an installation, repair, retrofit, upgrade, change-in-service or closure is to be conducted.

3.7. Should an applicant be denied issuance or renewal of certification or should the individual's certificate be revoked, the reason or reasons for the denial or revocation shall be set forth in writing to the individual by the director.

3.7.1. Possible reasons for denial of issuance of certification, renewal of certification or revocation of certification may include, but are not limited to, failure to achieve a passing score on the written examination described in Section 3.4.5. of this rule, failure to submit required documentation, previous revocation of certification held by the applicant, evidence of fraud or deceit with respect to the certification application, failure to present the identification card upon request of a director's representative, violations of the laws or rules of West Virginia, for ethical considerations enumerated in Section 3.4.3. of this rule, and/or any other cause that, in the opinion of the director, constitutes adequate grounds for denial or revocation of a certificate.

3.7.2. An individual who has been denied issuance or renewal of certification or who has had a certificate revoked may appeal the action to the ~~Water Resources Board~~, Environmental Quality Board.

3.8. Any individual who violates the provision of Section 3 of this rule is subject to enforcement action under WV Code ~~§20-5H-1~~ §22-17-1 et seq.

§47-36-4. Notification Requirements.

4.1. Except as provided in Section 4.1.1, 4.1.2, or 4.1.3 of this rule, the owner or operator of an underground storage tank system that was in the ground prior to May 1, 1990, must submit a notice of the existence of such tank system to the director by completing the form prescribed in Appendix I of this rule.

4.1.1. The owner or operator of an underground storage tank system that was in the ground prior to May 1, 1990, is exempt from the notification requirements of Section 4.1 of this rule if notice was previously given to the director in accordance with the provisions of the federal Hazardous and Solid Waste Amendments of 1984 on the form published in the Federal Register on November 8, 1985 (50 F.R. 46602), unless such notice was given pursuant to Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

4.1.2. The owner or operator of an underground storage tank system that was removed from the ground on or before May 8, 1986, is exempt from the notification requirements of Section 4.1 of this rule.

4.1.3. The owner or operator of an underground storage tank that was installed ~~on or~~ before December 22, 1988, need only complete Sections I through X of the form prescribed in Appendix I of these regulations. Tank systems installed on or after December 22, 1988, must comply with the provisions of Section 4.2 of this rule.

4.2. All owners and operators of underground storage tank systems installed on or after December 22, 1988, must provide the director, in addition to the provisions of Section 4.1.3 of this rule, notification of compliance with the following requirements:

4.2.1. For underground storage tank systems installed on or after December 22, 1988, and before January 1, 1995, installation of tanks and piping as certified under Section XI of the form prescribed in Appendix I of these regulations, excluding Item B (Installer certified or licensed by the implementing agency) under Section 1 (Installation) of Part XI (Certification of Compliance).

4.2.2. For underground storage tank systems installed on or after January 1, 1995, installation of tanks and piping by an individual certified by the director in accordance with Section 3 of these regulations.

4.2.3. Cathodic protection of steel tanks and piping in accordance with the provisions of 40 C.F.R. §§280.20(a) and 280.20(b).

4.2.4. Spill and overflow prevention equipment in accordance with the provisions of 40 C.F.R. §280.20(c).

4.2.5. Financial responsibility in accordance with the provisions of 40 C.F.R. Part 280 Subpart H.

4.2.6. Release detection in accordance with the provisions of 40 C.F.R. §§280.41 and 280.42.

4.3. All owners and operators of underground storage tank systems to be installed on or after the effective date of this rule must notify the director in writing at least thirty (30) days prior to beginning the installation. The thirty (30) day time period may be waived when such action is in response to a release from an existing UST system on the site.

4.4. All owners and operators of UST systems must ensure that:

4.4.1. When the system was installed ~~between~~ on or after December 22, 1988, and before January 1, 1995, the installer certifies, in the notification form, that the methods used to install the tanks and piping comply with the requirements of 40 C.F.R. §280.20(d); and

4.4.2. When the system was installed on or after January 1, 1995, the installation of tanks and piping was performed by an individual certified by the director in accordance with Section 3 of these regulations. The installer must certify in the notification form that the methods used to install the tanks and piping comply with the requirements of 40 C.F.R. 280.20(a) through (d).

4.5. An owner or operator who is required to submit notices under Section 4 of these regulations may provide notice for several tanks by using one notification form, but an owner of tanks located at more than one place of operation must file a separate notification form for each separate place of operation.

4.6. After June 10, 1988, any person who sells a tank intended to be used as an underground storage tank must notify the purchaser of the tank of the owner's notification obligations under Section 4 of these regulations. The following notice may be used to comply with the requirement:

"NOTICE: Owners of certain underground storage tanks in West Virginia are required by law to notify the director of the Division of Environmental Protection of the existence of their tanks. Notifications for tanks brought into use after May 8, 1986, must be made within thirty (30) days. Consult the Division's Underground Storage Tank Rule (47 C.S.R. 36) to determine if you must provide this notification."

4.6.1. Any person who sells an existing tank intended to be used as an underground storage tank must notify the director in writing at least thirty (30) days prior to the transfer of ownership.

4.7. Except as provided in Section 4.6.1 of these regulations, the owner or operator must report changes in the status of any underground storage tank system by completing the form prescribed in Appendix I of these regulations and then submitting that form to the director by December 31 of the year in which the change of status occurred.

4.7.1. A new owner of an underground storage tank must provide notification of the transfer of ownership of that tank by completing the form prescribed in Appendix I of these regulations and then submitting that form to the director within thirty (30) days of the transfer.

§47-36-5. Carriers.

5.1. Carriers (private, common, or for-hire) of regulated substances shall not deliver regulated substances into an underground storage tank unless the division has certified that the underground storage tank owner or operator is in compliance with the requirements of: the Underground Storage Tank Fee Assessments (47 C.S.R. 37), Notification Requirements (47 C.S.R. 36 Section 4); and Capitalization Fee Requirements (47 C.S.R. 37A Section 5) and the owner or operator presents proof of ~~the~~ this certification to the carrier, along with proof of financial responsibility in compliance with 40 C.F.R. Part 280 Subpart H to the carrier.

5.2. Any carrier who violates the provision of Section 5.1 of these regulations is subject to enforcement action under WV Code ~~§20-5H-1~~ §22-17-1 et seq.

Notification for Underground Storage Tanks	STATE USE ONLY
WY Div. of Environmental Protection, Office of Waste Mgmt., UST Section 1056 Hartford Street, Charleston, WV 25301	ID NUMBER
TYPE OF NOTIFICATION	F.E.I.N. No.
<input type="checkbox"/> A. NEW FACILITY <input type="checkbox"/> B. AMENDED <input type="checkbox"/> C. CLOSURE _____ No. of tanks at facility _____ No. of continuation sheets attached	A. Data Entered into Computer _____ B. Data Entry Clerk Initials _____ C. Owner Was Contacted to Clarify Responses, Comments _____ _____ _____ _____
INSTRUCTIONS	
Please type or print in ink all items except "signature" in section VIII. This form must be completed for each location containing underground storage tanks. If more than five (5) tanks are owned at this location, photocopy the following sheets, and staple continuation sheets to the form.	

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Other means—

- a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances; and
- b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

c) if the State agency so requires, any facility that has undergone any changes to facility information or tank system status (only amended tank information needs to be included).

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. Gasoline, used oil, or diesel fuel, and 2. Industrial solvents, pesticides, herbicides or fungicides.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:

- 1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- 2. tanks used for storing heating oil for consumptive use on the premises where stored;

3. septic tanks;
 4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an interstate pipeline facility regulated under State laws;
 5. surface impoundments, pits, ponds, or lagoons;
 6. storm water or waste water collection systems;
 7. flow-through process tanks;
 8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
 9. storage tanks situated in an underground area (such as a basement, cellar, mine-working, or pit, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subcode C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Send completed forms to:

WV Division of Environmental Protection
 Office of Waste Management
 UST Section
 1056 Hartford Street
 Charleston, WV 25301

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use. 3. If the State requires notification or any amendments to facility send information to State agency immediately.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.

I. OWNERSHIP OF TANK(S)

II. LOCATION OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity) _____ Street Address _____ _____ City _____ State _____ ZIP Code _____ County _____ Phone Number (include Area Code) _____	Latitude _____ Longitude _____ (if same as Section I, mark box here <input type="checkbox"/>) Facility Name or Company Site Identifier, as applicable _____ Street Address (P.O. Box not accepted here) _____ _____ City _____ State _____ ZIP Code _____ County _____ Municipality _____
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III. TYPE OF OWNER	IV. INDIAN LANDS				
<input type="checkbox"/> Federal Government <input type="checkbox"/> Commercial <input type="checkbox"/> State Government <input type="checkbox"/> Private <input type="checkbox"/> Local Government	<table style="width:100%; border: none;"> <tr> <td style="width:60%; border: none;">Tanks are located on land within an Indian Reservation or on other trust lands. <input type="checkbox"/></td> <td style="width:40%; border: none;">Tribe or Nation: _____</td> </tr> <tr> <td style="border: none;">Tanks are owned by native American nation, tribe, or individual. <input type="checkbox"/></td> <td style="border: none;"></td> </tr> </table>	Tanks are located on land within an Indian Reservation or on other trust lands. <input type="checkbox"/>	Tribe or Nation: _____	Tanks are owned by native American nation, tribe, or individual. <input type="checkbox"/>	
Tanks are located on land within an Indian Reservation or on other trust lands. <input type="checkbox"/>	Tribe or Nation: _____				
Tanks are owned by native American nation, tribe, or individual. <input type="checkbox"/>					

V. TYPE OF FACILITY															
<p>Select the Appropriate Facility Description</p> <table style="width:100%; border: none;"> <tr> <td style="width:33%;"><input type="checkbox"/> Gas Station</td> <td style="width:33%;"><input type="checkbox"/> Railroad</td> <td style="width:33%;"><input type="checkbox"/> Trucking/Transport</td> </tr> <tr> <td><input type="checkbox"/> Petroleum Distributor</td> <td><input type="checkbox"/> Federal - Non-Military</td> <td><input type="checkbox"/> Utilities</td> </tr> <tr> <td><input type="checkbox"/> Air Taxi (Airline)</td> <td><input type="checkbox"/> Federal - Military</td> <td><input type="checkbox"/> Residential</td> </tr> <tr> <td><input type="checkbox"/> Aircraft Owner</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Farm</td> </tr> <tr> <td><input type="checkbox"/> Auto Dealership</td> <td><input type="checkbox"/> Contractor</td> <td><input type="checkbox"/> Other (Explain) _____</td> </tr> </table>	<input type="checkbox"/> Gas Station	<input type="checkbox"/> Railroad	<input type="checkbox"/> Trucking/Transport	<input type="checkbox"/> Petroleum Distributor	<input type="checkbox"/> Federal - Non-Military	<input type="checkbox"/> Utilities	<input type="checkbox"/> Air Taxi (Airline)	<input type="checkbox"/> Federal - Military	<input type="checkbox"/> Residential	<input type="checkbox"/> Aircraft Owner	<input type="checkbox"/> Industrial	<input type="checkbox"/> Farm	<input type="checkbox"/> Auto Dealership	<input type="checkbox"/> Contractor	<input type="checkbox"/> Other (Explain) _____
<input type="checkbox"/> Gas Station	<input type="checkbox"/> Railroad	<input type="checkbox"/> Trucking/Transport													
<input type="checkbox"/> Petroleum Distributor	<input type="checkbox"/> Federal - Non-Military	<input type="checkbox"/> Utilities													
<input type="checkbox"/> Air Taxi (Airline)	<input type="checkbox"/> Federal - Military	<input type="checkbox"/> Residential													
<input type="checkbox"/> Aircraft Owner	<input type="checkbox"/> Industrial	<input type="checkbox"/> Farm													
<input type="checkbox"/> Auto Dealership	<input type="checkbox"/> Contractor	<input type="checkbox"/> Other (Explain) _____													

VI. CONTACT PERSON IN CHARGE OF TANKS								
<table style="width:100%; border: none;"> <tr> <th style="width:20%;">Name</th> <th style="width:20%;">Job Title</th> <th style="width:40%;">Address</th> <th style="width:20%;">Phone Number (Include Area Code)</th> </tr> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> </tr> </table>	Name	Job Title	Address	Phone Number (Include Area Code)				
Name	Job Title	Address	Phone Number (Include Area Code)					

VII. FINANCIAL RESPONSIBILITY			
<p>I have met the financial responsibility requirements in accordance with 40 CFR Subpart H <input style="width: 50px; height: 20px;" type="checkbox"/></p>			
<table style="width:100%; border: none;"> <tr> <td style="width:33%; vertical-align: top;"> <p>Check All that Apply</p> <input type="checkbox"/> Self Insurance <input type="checkbox"/> Commercial Insurance <input type="checkbox"/> Risk Retention Group </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> Guarantee <input type="checkbox"/> Surety Bond <input type="checkbox"/> Letter of Credit </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> State Funds <input type="checkbox"/> Trust Fund <input type="checkbox"/> Other Method Allowed Specify _____ </td> </tr> </table>	<p>Check All that Apply</p> <input type="checkbox"/> Self Insurance <input type="checkbox"/> Commercial Insurance <input type="checkbox"/> Risk Retention Group	<input type="checkbox"/> Guarantee <input type="checkbox"/> Surety Bond <input type="checkbox"/> Letter of Credit	<input type="checkbox"/> State Funds <input type="checkbox"/> Trust Fund <input type="checkbox"/> Other Method Allowed Specify _____
<p>Check All that Apply</p> <input type="checkbox"/> Self Insurance <input type="checkbox"/> Commercial Insurance <input type="checkbox"/> Risk Retention Group	<input type="checkbox"/> Guarantee <input type="checkbox"/> Surety Bond <input type="checkbox"/> Letter of Credit	<input type="checkbox"/> State Funds <input type="checkbox"/> Trust Fund <input type="checkbox"/> Other Method Allowed Specify _____	

VIII. CERTIFICATION (Read and sign after completing all sections)
<p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.</p>

Name and official title of owner or owner's authorized representative (Print)	Signature	Date Signed
---	-----------	-------------

EPA estimates public reporting burden for this form to average 30 minutes per response including time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding this burden estimate to Chief, Information Policy Branch PM-223, U.S. Environmental Protection Agency, 401 M Street, Washington D.C. 20460, marked "Attention Desk Officer for EPA." This form amends the previous notification form as printed in 40 CFR Part 280, Appendix I. Previous editions of this notification form may be used while supplies last.

IX. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank at this location.)

Tank Identification Number	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____	
1. Status of Tank (mark only one)	Currently in Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Temporarily Out of Use <small>(Remember to fill out section X.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Permanently Out of Use <small>(Remember to fill out section X.)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Amendment of Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Date of Installation (mo/year)						
3. Estimated Total Capacity (gallons)						
4. Material of Construction (Mark all that apply)	Asphalt Coated or Bare Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cathodically Protected Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Epoxy Coated Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Composite (Steel with Fiberglass)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fiberglass Reinforced Plastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lined Interior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Double Walled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Polyethylene Tank Jacket	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Concrete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Excavation Liner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other, Please specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has tank been repaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Piping (Material) (Mark all that apply)	Bare Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Galvanized Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fiberglass Reinforced Plastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Copper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cathodically Protected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Double Walled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary Containment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, Please specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Piping (Type) (Mark all that apply)	Suction: no valve at tank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Suction: valve at tank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gravity Feed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Has piping been repaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tank Identification Number	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____
7. Substance Currently or Last Stored In Greatest Quantity by Volume					
Gasoline	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Diesel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Gasohol	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Kerosene	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Heating Oil	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Used Oil	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other, Please specify	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Hazardous Substance CERCLA name and/or, CAS number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mixture of Substances Please specify	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

X. TANKS OUT OF USE, OR CHANGE IN SERVICE

1. Closing of Tank					
A. Estimated date last used (mo./day/year)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Estimate date tank closed (mo./day/year)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Tank was removed from ground	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D. Tank was closed in ground	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
E. Tank filled with inert material Describe	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
F. Change in service	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Site Assessment Completed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Evidence of a leak detected	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

XI. CERTIFICATION OF COMPLIANCE (COMPLETE FOR ALL NEW AND UPGRADED TANKS AT THIS LOCATION)

Installation Number	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____	Tank No. _____
Installation					
A. Installer certified by tank and piping manufacturers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Installer certified or licensed by the implementing agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Installation inspected by a registered engineer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Installation inspected and approved by implementing agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Manufacturer's installation checklists have been completed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Another method allowed by State agency. Please specify.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Release Detection (Mark all that apply)	TANK	PIPING	TANK	PIPING	TANK	PIPING	TANK	PIPING	TANK	PIPING
A. Manual tank gauging	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B. Tank tightness testing	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
C. Inventory controls	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
D. Automated tank gauging	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
E. Vapor monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Groundwater monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Interstitial monitoring double walled tank/piping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Interstitial monitoring/secondary containment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Automated line leak detectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Line tightness testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Other method allowed by implementing Agency. Please specify.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Soil and Overfill Protection	TANK	PIPING	TANK	PIPING	TANK	PIPING	TANK	PIPING
A. Overfill devices installed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Soil devices installed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify the information concerning installation that is provided in section XI is true to the best of my belief and knowledge.

Installer: _____
 Name _____ Position _____
 Signature _____ Date _____
 Company _____
 NY Certification Number: _____

47-36

Bill-DEP, Underground Tanks

HEIC H. B. 2134

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs)

(Introduced January 23, 1995; referred to the
Committee on the Judiciary)

A BILL to amend chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-b, relating to authorizing the division of environmental protection to promulgate legislative rules relating to underground storage tanks.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-b, to read as follows:

ARTICLE 3B. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO PROMULGATE LEGISLATIVE RULES.

§64-3B-1. Division of environmental protection.

1 The legislative rules filed in the state register on the
2 fifteenth day of August, one thousand nine hundred ninety-four,
3 relating to the division of environmental protection (underground
4 storage tanks), are authorized.

5
6 NOTE: The purpose of this bill is to authorize the Division of
7 Environmental Protection to promulgate legislative rules relating to
8 underground storage tanks.

9
10 This section is new; therefore, strike-throughs and underscoring
11 have been omitted.

12

98
SENATE BILL NO. 98

(By * Senators Manchin, Anderson, Boley, Grubb and
Macnaughtan)

1 [Introduced January 20, 1995; referred to the
2 Committee on Natural Resources; and then to the
3 Committee on the Judiciary]
4
5
6
7
8
9

47-36

10 A BILL to amend chapter sixty-four of the code of West Virginia, one
11 thousand nine hundred thirty-one, as amended, by adding thereto
12 a new article, designated article three-b, relating to
13 authorizing the division of environmental protection to
14 promulgate legislative rules relating to underground storage
15 tanks.

16 Be it enacted by the Legislature of West Virginia:

17 That chapter sixty-four of the code of West Virginia, one
18 thousand nine hundred thirty-one, as amended, be amended by adding
19 thereto a new article, designated article three-b, to read as
20 follows:

21 **ARTICLE 3B. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO PROMULGATE**
22 **LEGISLATIVE RULES.**

23 **§64-3B-1. Division of environmental protection.**

1 The legislative rules filed in the state register on the
2 fifteenth day of August, one thousand nine hundred ninety-four,
3 relating to the division of environmental protection (underground
4 storage tanks), are authorized.

5
6 NOTE: The purpose of this bill is to authorize the Division of
7 Environmental Protection to promulgate legislative rules relating to
8 underground storage tanks.

9
10 This section is new; therefore, strike-throughs and underscoring
11 have been omitted.

12



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get!)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

RECEIVED

JUN 21 1995

OFFICE OF WASTE MANAGEMENT
UST SECTION
CHARLESTON, WV 25301-1401

TO: Gil W. Sattler

AGENCY: DEP-Water Res./Waste Mgnt.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 19, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 36 TITLE: 47 DEP-Water Res./Waste Mgnt.

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Gil W. Sattler

TITLE OF PERSON SIGNING: ERPMT

DATE: 6/23/95

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 29, 1995

Gil W. Sattler
DEP-Water Resources/Waste Management
1356 Hansford St.
Charleston, WV 25301

HB 2134 authorizing, **Title 47, Series 36, Underground Storage Tanks**, passed the Legislature on **March 10, 1995**. It is was signed by the Governor on March 24, 1995.

You have sixty (60) days after the Governor signs HB 2134, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 2134** section **64-3-1(o)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division