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## West Virginia Bureau of Environment

Cecil H Underwood  
Governor

Michael C. Castle  
Commissioner

September 16, 1999

Ms. Judy Cooper  
Director, Administrative Law  
Division  
Secretary of State's Office  
Capitol Complex  
Charleston, WV 25305

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RE: Repeal of 47CSR40B "Hazardous Waste Emergency Response Fund Regulations Concerning Fee Assessment"

Dear Ms. Cooper:

The purpose of this letter is to request the repeal of the above-referenced Interpretive Rule from the Code of State Rules. In our on-going technical cleanup of DEP rules, we discovered in reviewing this rule that 47CSR40B only parrots the WV Code. The only section in the referenced rule that is not duplicative of the Code refers to exemptions that are contained in other Waste Management rules. We are therefore requesting 47CSR40B be repealed.

Your cooperation in this request is appreciated. If you should have questions or need additional information, please contact Carrie Chambers in my office at 759-0515.

Sincerely,

Michael C. Castle  
Commissioner

MCC:cc

cc: Mike Dorsey  
Carrie Chambers