

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In This Box

FILED

MAY 13 3 45 PM '94

OFFICE OF WEST VIRGINIA
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 X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 56

TITLE OF RULE BEING PROPOSED: Assessment of Civil Administrative Penalties

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 1005

SECTION 64-3-17(w), PASSED ON 3/16/94

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: 6/1/94

Roger J. Mall
David C. Callaghan, Director
Division of Environmental Protection



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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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Charleston, WV 25305-0770

March 30, 1994

Laidley Eli McCoy
Natural Resources
Ofc. of Water Resources
1201 Greenbrier St.
Charleston, WV 25311

SB 1005 authorizing, Title 47, Series 56, Assessment of Civil Administration Penalties, passed the Legislature on **March 16, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1005, 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 **SB 1005** section 64-3-17(w). 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: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR 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 AND STRIKE-THROUGHS 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

Promulgation History For

Rule Name: Assessment of Civil Administrative Penalties

Rule Title: 47 CSR 56

Date of Notice of Public
Hearing/Comment Period on Proposed Rule: 6/16/92

Date of Public Hearing or Close of Comment Period: 7/28/92

Date Agency Approved Proposed Rule Filed
with the Legislative Rule Making Review Committee: 1/28/93

Date of LRMRC Approval: 9/28/93

Date Rule Modification of Proposed Rule Filed: 10/6/93

Rule Authorized by: SB 1005, Section 64-3-17(w)

Date Passed Legislature: 3/16/94

Date Governor Signed: 4/6/94

Date of Final Filing and Adoption of a
Legislative Rule Authorized by the West Virginia Legislature: 4/29/94

Date Rule to become Effective: 5/1/94

FILED

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

MAY 13 3 45 PM '94
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 56
ASSESSMENT OF CIVIL ADMINISTRATIVE PENALTIES

§ 47-56-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes the criteria and procedures that shall be followed in the assessment of civil administrative penalties imposed under the provisions of W. Va. Code § 20-5M-10.

1.2. Authority. -- W. Va. Code § 20-5M-10.

1.3. Filing Date. -- May 13, 1994.

1.4. Effective Date. -- June 1, 1994.

§ 47-56-2. Definitions.

2.1. "Act" means the West Virginia Groundwater Protection Act (W. Va. Code § 20-5M-1, et seq.).

2.2. "Assessment Officer" means a person appointed by the director to carry out the review, assessment, and hearing procedures outlined in this rule. Any person(s) initiating the Notice of Violation is prohibited from being the Assessment Officer for the facility in question.

2.3. "Civil Administrative Penalty Referral" means a written document that shall include the observations made by the inspector or relative to the seriousness of the alleged violation, any good faith efforts made to comply with applicable requirements, as well as any other appropriate factors established by this rule, and any other pertinent information or factors that have bearing on the referral.

or factors that have bearing on the referral.

2.4. "Director" means the director of the West Virginia Division of Environmental Protection, or his or her authorized representative(s).

2.5. "Inspector" means an authorized representative of the director who as a normal function of his or her responsibilities conducts inspections, takes samples, or determines compliance with applicable statutes, rules, regulations, orders, or permit conditions of facilities or activities regulated under the Act.

2.6. "Notice of Civil Administrative Penalty" means a written notification provided to a violator by the assessment officer, by means of certified mail or personal service, assessing a civil administrative penalty. A notice of civil administrative penalty shall include:

2.6.1. A reference to the section of the statute, rule, regulation, order, or permit condition allegedly violated;

2.6.2. A concise statement of the facts alleged to constitute the violation;

2.6.3. A statement of the amount of the initial civil administrative penalty to be imposed; and

2.6.4. A statement of the alleged violator's right to an informal hearing.

2.7. "Notice of Dismissal" means a written notification provided to a violator by the assessment officer or the director by means of certified mail or personal service, dismissing and vacating the enforcement action. A notice of dismissal may be issued at any time during the proceedings.

2.8. "Notice of Violation" means a written notification provided to an alleged violator by the inspector.

2.9. "Person" means any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; state of West Virginia; governmental agency, including federal facilities; political subdivisions; county commission; municipal corporation; industry; sanitary district; public service district; soil conservation district; watershed improvement district; partnership; trust, estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever.

2.10. "Violator" means the person who is alleged to have violated the Act, or any rule, regulation, order, or permit condition imposed pursuant to the Act.

2.11. "Written Decision" means a written decision furnished to the violator concerning the director's final decision regarding the assessment of a civil administrative penalty and the reasons for the decision.

§ 47-56-3. Notice of Violations.

3.1. General. An inspector or other authorized representative of the director may issue a notice of violation for any violation he or she observes.

3.2. Notice Procedures. A notice of violation shall be in writing, shall be signed by the inspector or other authorized representative of the director and shall set forth with reasonable specificity:

3.2.1. The nature of the violation with a reference to the section of the statute, rule, regulation, order, or permit condition that was allegedly violated;

3.2.2. The time and date of the observance of the violation; and

3.2.3. A reasonable description of the facility where the violation is observed, and where within that facility the violation was observed, if appropriate.

§ 47-56-4. Penalty Assessment Procedures.

4.1. Review of Notice of Violation and Penalty Calculation. The assessment officer shall review each notice of violation referred to him or her for civil administrative penalty assessment to determine:

4.1.1. The appropriateness of a civil administrative penalty;

4.1.2. The initial amount of penalty, if any, based upon the rates and methods given in this rule;

4.1.3. The appropriateness of assessing a daily civil administrative penalty for continuing violations;

4.1.4. The total initial civil administrative penalty assessment; and

4.1.5. The appropriateness of assessing a civil administrative penalty against

an individual.

4.2. - Notice of Civil Administrative Penalty. The assessment officer shall provide the violator with:

4.2.1. A notice of civil administrative penalty which shall include procedures for requesting an informal hearing and a notification of applicable time constraints; or

4.2.2. A notice of dismissal.

§ 47-56-5. Hearings and Appeals.

5.1. Right to Informal Hearing. The violator has twenty (20) calendar days from his or her receipt of the notice of civil administrative penalty within which to request, in writing, an informal hearing before the assessment officer. If a hearing is requested, the assessment officer will hold the hearing to deduce the actual facts and circumstances regarding the violation and, based thereon, will make a final recommendation of civil administrative penalty assessment to the director. If no hearing is requested, the notice of civil administrative penalty becomes a final order after the expiration of the twenty-day period and the civil administrative penalty becomes due and payable.

5.2. Notice and Scheduling of Informal Hearing. If the violator requests an informal hearing within the twenty-day period, the assessment officer shall schedule a hearing in accordance with the following procedures:

5.2.1. The time and place where the informal hearing is to be held shall be communicated to any inspector or other authorized representative of the director who filed a notice of violation bringing about the informal hearing and to the violator.

5.2.2. The communication shall be provided at least fifteen (15) calendar days prior to the time of the hearing.

5.2.3. The assessment officer may continue the informal hearing only for good cause shown.

5.3. Informal Hearing Procedures. An informal hearing, as provided by these regulations, is intended to be an informal discussion of the facts which gave rise to the issuance of a notice of violation and shall be conducted in the following manner:

5.3.1. The West Virginia Rules of Civil Procedure and West Virginia Rules

of Evidence shall not apply.

5.3.2. A record of the informal hearing is not required but may be made by any party to the hearing at that party's expense. Any other party to the hearing may obtain copies of the record at the expense of the party requesting the copy.

5.3.3. At formal review proceedings which may ensue, no evidence as to any statement made by one party at the informal hearing may be introduced as evidence by another party, nor may any statement be used to impeach a witness, unless the statement is or was available as competent evidence independent of its introduction during the informal hearing.

5.4. Written Decision. Within thirty (30) calendar days following the informal hearing, the director shall issue and furnish to the violator a written decision affirming, decreasing, or dismissing the initial civil administrative penalty assessment and giving the reasons for the decision.

5.5. Request for Formal Hearing. Within thirty (30) calendar days after written notification of the director's decision, the violator may request a formal hearing before the State Water Resources Board in accordance with the provisions of the Act. If no hearing is requested the director's decision shall become a final order after the expiration of the thirty-day period and the civil administrative penalty shall become due and payable.

5.6. The assessment officer shall establish a schedule for payment of the administrative penalty based on all relevant factors.

§ 47-56-6. Individual Civil Administrative Penalties.

6.1. The director may assess an individual civil administrative penalty against any corporate director, officer, agent, or employee of a violator, or any other person, who authorizes, orders, or carries out a violation of the statute, rule, regulation, order, or permit condition or who fails or refuses to follow an order from the director.

6.2. In determining the amount of a civil administrative penalty to be assessed against an individual, consideration shall be given to the criteria specified in Section 7 of this rule.

6.3. The director shall serve on each individual to be assessed an administrative penalty a notice of individual civil administrative penalty assessment. For purposes of Section 6.3 of this rule, service is considered to be sufficient if it satisfies Rule 4 of the West Virginia Rules of Civil Procedure for service of a summons and complaint. A

notice of individual civil administrative penalty assessment shall include:

6.3.1. A reference to the section of the statute, rule, regulation, order, or permit condition allegedly violated;

6.3.2. A concise statement of the facts alleged to constitute the violation;

6.3.3. A statement of the amount of the individual civil administrative penalty to be imposed;

6.3.4. A copy of the underlying notice of violation; and

6.3.5. A statement of the individual's right to an informal hearing.

6.4. The individual shall have twenty (20) calendar days from his or her receipt of the notice of individual civil administrative penalty assessment within which to request, in writing, an informal hearing before the assessment officer. If no hearing is requested, the notice of individual civil administrative penalty becomes a final order after expiration of the thirty-day period and the individual civil administrative penalty becomes due and payable.

6.5. The informal hearing, if requested, will be scheduled and conducted pursuant to Section 5 of this rule.

§ 47-56-7. Civil Administrative Penalty Calculation Procedures.

The director shall calculate a civil administrative penalty by taking into account the seriousness of the alleged violation, negligence or good faith on the part of the violator, and any history of noncompliance by the violator.

7.1. **Seriousness of Violation.** The director shall take into account the seriousness of the violation by assigning a rating for the extent of deviation from the requirement of the statute, rule, regulation, order, or permit condition in accordance with Table A of this rule and a rating for the potential harm which may have resulted from the alleged violation in accordance with Table B of this rule. These seriousness of violation ratings shall be used to determine the base penalty amount of the civil administrative penalty assessment through the use of Table C of this rule.

7.2. **Negligence/Good Faith.** The director shall take into account the negligence or good faith which the violator displayed with regard to the alleged violation by assigning a rating in accordance with Table D of this rule. The negligence/good faith

rating shall be used to determine the multiplying factor to be applied to the base penalty amount through the use of Table E of this rule.

7.3. History of Noncompliance. The director shall take into account the violator's history of noncompliance by determining the number of previous enforcement actions (administrative, civil, or criminal) which have been taken against the violator during the twenty-four (24) months prior to the violation. Those enforcement actions which were withdrawn, dismissed, or vacated shall not be included in this determination. The number of previous enforcement actions shall be used to determine the dollar amount to be added to the penalty through the use of Table F of this rule.

7.4. The civil administrative penalty shall be calculated by multiplying the base penalty amount (established from the seriousness of violation pursuant to Subsection 7.1 of this rule) by the multiplying factor (established from the negligence/good faith ratings pursuant to Subsection 7.2 of this rule), and then adding to that product a dollar amount (established from the history of noncompliance pursuant to Subsection 7.3 of this rule) through the use of Table G of this rule.

7.5. The civil administrative penalty assessed may not exceed the maximum assessments prescribed by the Act. The maximum assessment for ground water protection act violations shall not exceed five thousand dollars (\$5,000) per day per violation, up to a maximum of twenty thousand dollars (\$20,000) total penalty.

TABLE A

Ratings for Deviation from Requirements

1 to 3 -- The violator had completed nearly all requirements of the statute, rule, regulation, order, or permit condition in question. However, there were some aspects of the requirements which were clearly not accomplished or the requirements were completed in most, but not all, areas of the facility.

4 to 6 -- The violator had completed approximately one-half of the requirements of the statute, rule, regulation, order, or permit condition in question or the requirements were not completed in approximately one-half of the areas of the facility.

7 to 9 -- The violator has completed almost none of the requirements of the statute, rule, regulation, order, or permit condition in question. However, some aspects of the requirements clearly were accomplished or the requirements were not completed in most, but not all, areas of the facility.

10 -- The violator had not completed any of the requirements of the statute, rule, regulation, order, or permit condition in question or the requirements were not completed in any area of the facility.

TABLE B

Ratings of Potential for Harm

1 to 3 -- The violation is of an administrative nature and could not result in a potential for harm to human health or the environment.

4 to 6 -- The violation is of an administrative or a physical nature and may result in a minor potential for harm to human health or the environment.

7 to 9 -- The violation is of an administrative or a physical nature and may result in a moderate potential for harm to human health or the environment.

10 -- The violation is of an administrative or physical nature and may result in a major potential for harm to human health or the environment.

TABLE C

Seriousness of Groundwater Protection Act Violation

		Deviation from Requirement									
		1	2	3	4	5	6	7	8	9	10
Potential for Harm											
	1	100	140	190	250	320	400	490	590	700	725
	2	200	240	290	350	420	500	590	690	800	825
	3	400	440	490	550	620	700	790	890	1000	1125
	4	700	740	790	850	920	1000	1090	1190	1300	1425
	5	1025	1065	1115	1175	1245	1325	1415	1515	1625	1750
	6	1375	1415	1465	1525	1595	1675	1765	1865	1975	2100
	7	1725	1765	1815	1875	1945	2025	2115	2215	2325	2450
	8	2075	2115	2165	2225	2295	2375	2465	2565	2675	2800
	9	2425	2465	2515	2575	2645	2725	2815	2915	3025	3150
	10	2775	2815	2865	2925	2995	3075	3165	3265	3375	3500

TABLE D

Ratings for Negligence/Good Faith

1 -- The violation is not the result of negligence and the violator expended all possible effort to comply with the requirement in question or the violator has completed all actions to correct the violation.

2 to 4 -- The violation is the result of an oversight by the violator and could have been avoided if a more conscientious effort had been made in the operation of the facility or the violator has begun but not completed current actions to correct the violation.

5 to 7 -- The violation is obvious and a result of a lack of reasonable care by the violator or the violator has taken inadequate action to prevent the violation.

8 to 10 -- The violation is the result of a complete disregard for the requirement in question or the violator failed to respond to a previous enforcement action pertaining to the same requirement.

TABLE E

Negligence/Good Faith

Negligence/Good	Multiplying Factor
1	0.5
2	0.6
3	0.7
4	0.8
5	1.0
6	1.2
7	1.4
8	1.6
9	1.8
10	2.0

TABLE F
History of Groundwater Protection Act Noncompliance

Number of Previous Enforcement Actions	Dollar Amount
1	\$100.00
2	\$200.00
3	\$350.00
4	\$550.00
5	\$850.00
6	\$1250.00
7	\$1650.00
8	\$2150.00
9	\$2750.00
10 and greater	\$3350.00

TABLE G

Calculation of Civil Administrative Penalty Assessment

Seriousness of Violation		_____	
Negligence/Good Faith	X	_____	
Subtotal:		_____	
History of Noncompliance	+	_____	
Total Assessment:		_____	

SENATE BILL NO. 165

1 (By Senators Anderson, Grubb, Macnaughtan and
2 Minard)

3 [Introduced January 31, 1994; referred to the
4 ~~Committee on~~

NATURAL RESOURCES

5 *Jurisdiction*

6 *Judiciary*

7
8
9
10 A BILL to amend and reenact section seventeen, article three,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the division of environmental protection to promulgate
14 legislative rules relating to the assessment of civil
15 administrative penalties.

16 Be it enacted by the Legislature of West Virginia:

17 That section seventeen, article three, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred thirty-one,
19 as amended, be amended and reenacted, to read as follows:

20 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
21 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-3-17. Division of environmental protection.

23 (a) The legislative rules filed in the state register on the
24 eleventh day of October, one thousand nine hundred ninety-one,

1 modified by the division of environmental protection to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the ninth day of November, one
4 thousand nine hundred ninety-two, relating to the division of
5 environmental protection (operator's designation of bona fide
6 future use of oil and gas wells - qualification for inactive
7 status), are authorized.

8 (b) The legislative rules filed in the state register on the
9 third day of September, one thousand nine hundred ninety-two,
10 modified by the division of environmental protection to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the nineteenth day of February,
13 one thousand nine hundred ninety-three, relating to the division
14 of environmental protection (oil and gas wells and other wells),
15 are authorized.

16 (c) The legislative rules filed in the state register on the
17 third day of September, one thousand nine hundred ninety-two,
18 modified by the division of environmental protection to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the nineteenth day of February,
21 one thousand nine hundred ninety-three, relating to the division
22 of environmental protection (abandoned wells), are authorized.

23 (d) The legislative rules filed in the state register on the
24 eighteenth day of September, one thousand nine hundred
25 ninety-two, modified by the division of environmental protection

1 to meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the nineteenth day
3 of February, one thousand nine hundred ninety-three, relating to
4 the division of environmental protection (underground storage
5 tank assessment fees), are authorized.

6 (e) The legislative rules filed in the state register on the
7 eighteenth day of September, one thousand nine hundred
8 ninety-two, relating to the division of environmental protection
9 (underground storage tanks), are authorized.

10 (f) The legislative rules filed in the state register on the
11 eighteenth day of September, one thousand nine hundred
12 ninety-two, modified by the division of environmental protection
13 to meet the objections of the legislative rule-making review
14 committee and refiled in the state register on the nineteenth day
15 of February, one thousand nine hundred ninety-three, relating to
16 the division of environmental protection (hazardous waste
17 management), are authorized.

18 (g) The legislative rules filed in the state register on the
19 third day of March, one thousand nine hundred ninety-two,
20 modified by the division of environmental protection to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the eighteenth day of February,
23 one thousand nine hundred ninety-three, relating to the division
24 of environmental protection (groundwater protection act fee
25 schedule), are authorized.

1 (h) The legislative rules filed in the state register on the
2 twenty-eighth day of January, one thousand nine hundred ninety-
3 three, modified by the division of environmental protection to
4 meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the sixth day of
6 October, one thousand nine hundred ninety-three, relating to the
7 division of environmental protection (assessment of civil
8 administrative penalties), are authorized.

9
10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
12 relating to the assessment of civil administrative penalties.

13
14 Strike-throughs indicate language that would be stricken from
15 the present law, and underscoring indicates new language that
16 would be added.

175877

BILL

1
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9

H. B. ~~4250~~

(By Delegates Gallagher, Douglas, Compton,
Huntwork, Burk and Faircloth
(Introduced January 31, 1994; referred to the
Committee on the Judiciary)

10 A BILL to amend and reenact section seventeen, article three,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the division of environmental protection to promulgate
14 legislative rules relating to the assessment of civil
15 administrative penalties.

16 Be it enacted by the Legislature of West Virginia:

17 That section seventeen, article three, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred thirty-one,
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20 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
21 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-3-17. Division of environmental protection.

23 (a) The legislative rules filed in the state register on the
24 eleventh day of October, one thousand nine hundred ninety-one,

4250

1 modified by the division of environmental protection to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the ninth day of November, one
4 thousand nine hundred ninety-two, relating to the division of
5 environmental protection (operator's designation of bona fide
6 future use of oil and gas wells - qualification for inactive
7 status), are authorized.

8 (b) The legislative rules filed in the state register on the
9 third day of September, one thousand nine hundred ninety-two,
10 modified by the division of environmental protection to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the nineteenth day of February,
13 one thousand nine hundred ninety-three, relating to the division
14 of environmental protection (oil and gas wells and other wells),
15 are authorized.

16 (c) The legislative rules filed in the state register on the
17 third day of September, one thousand nine hundred ninety-two,
18 modified by the division of environmental protection to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the nineteenth day of February,
21 one thousand nine hundred ninety-three, relating to the division
22 of environmental protection (abandoned wells), are authorized.

23 (d) The legislative rules filed in the state register on the
24 eighteenth day of September, one thousand nine hundred
25 ninety-two, modified by the division of environmental protection

1 to meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the nineteenth day
3 of February, one thousand nine hundred ninety-three, relating to
4 the division of environmental protection (underground storage
5 tank assessment fees), are authorized.

6 (e) The legislative rules filed in the state register on the
7 eighteenth day of September, one thousand nine hundred
8 ninety-two, relating to the division of environmental protection
9 (underground storage tanks), are authorized.

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14 committee and refiled in the state register on the nineteenth day
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17 management), are authorized.

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19 third day of March, one thousand nine hundred ninety-two,
20 modified by the division of environmental protection to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the eighteenth day of February,
23 one thousand nine hundred ninety-three, relating to the division
24 of environmental protection (groundwater protection act fee
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6 October, one thousand nine hundred ninety-three, relating to the
7 division of environmental protection (assessment of civil
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10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
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16 would be added.