

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

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Form #1

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY § 20-5M-5(d)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 58

TITLE OF RULE BEING PROPOSED: Groundwater Protection Regulations

DATE OF PUBLIC HEARING: July 28, 1992 TIME: 7:00 pm

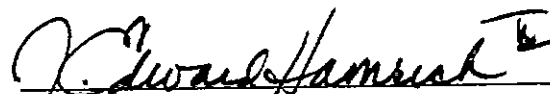
LOCATION OF PUBLIC HEARING: Air Pollution Control Building, Conference Room, 1558 Washington Street, East, Charleston, West Virginia

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Laidley Eli McCov, Chief, DNR, Water Resources Section, 1201 Greenbrier Street, Charleston, West Virginia 25311, Attention: Patrick Campbell

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments. The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


J. Edward Hamrick III, Director
Division of Natural Resources



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY
State Capitol, Room R-151
Charleston, West Virginia 25305-0310
Telephone: (304) 558-3255
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

June 15, 1992

J. Edward Hamrick III; Director
Division of Natural Resources
Building 3, Room 669
Charleston, West Virginia 25305

RE: Proposed Rules - Title 47, Series 58 (Groundwater
Protection Regulations)

Dear Ed:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby
consent to the proposal of the rules specified above.

You may attach a copy of this letter to your filing with the
Secretary of State as evidence of my consent.

Sincerely yours,

John M. Ranson
John M. Ranson
Cabinet Secretary

JMR:cjb
B:RUL-DNR:CJB

FISCAL NOTE FOR PROPOSED RULE

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Rule Title: Groundwater Protection Regulations 47 C.S.R. 58

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	N.A.	N.A.	N.A.	N.A.	N.A.
Personal Services					
Current Expenses					
Repairs & Alterations					
Equipment					
Other					

2. Explanation of above estimates: All costs related to implementation of this rule have been provided for through the Groundwater Protection Act Fee Schedule regulation, 47 C.S.R. 55.

3. Objectives of this rule: Establishes Groundwater Protection Practices.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government. None, see item 2 above.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. There will be some cost to industry to implement these practices, however these costs will be more than offset by reduction or elimination of costs related to cleanup/remediation of groundwater.
- C. Economic Impact on Citizens/ Public at Large. None.

Date:

Signature of Agency Head or Authorized Representative

J. Edward Hamrick
 Director, Division of Natural Resources

PREAMBLE TO A PROPOSED RULE
CONCERNING
GROUNDWATER PROTECTION REGULATIONS

AGENCY: Department of Commerce, Labor, and Environmental Resources; Division of Natural Resources.

REGULATION: Title 47, Series 58, "Groundwater Protection Regulations."

ACTION: Filing of a Proposed Rule, Notice of a Public Hearing, and acceptance of written comments.

SUMMARY: This rule establishes a series of practices which are to be followed by any person who owns or operates facilities or conducts activities subject to the provisions of chapter 20-5M-1 et seq. of the West Virginia Code and who is subject to regulation by the Division of Natural Resources.

A Public Hearing will be held on the date and at the location as follows:

July 28, 1992, 7:00 p.m.

Air Pollution Control Building
Conference Room
1558 Washington Street, East
Charleston, West Virginia

Written comments received on or before 4:00 pm July 29, 1992 will be accepted. Written comments should be sent to:

Laidley Eli McCoy, Chief
DNR, Water Resources Section
1201 Greenbrier Street
Charleston, West Virginia 25311
Attention: Patrick Campbell

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

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1998 JUL 16 BY 4:13
STATE OF WEST VIRGINIA

SERIES 58
GROUNDWATER PROTECTION REGULATIONS

§ 47-58-1. General.

1.1. Scope and Purpose. -- This rule establishes a series of practices which must be followed by any person who owns or operates facilities or conducts activities subject to the provisions of chapter 20-5M-1 et seq. of the West Virginia Code and is subject to regulation by the Division of Natural Resources, provided that this regulation does not apply to those facilities or activities which are under jurisdiction of the Division of Natural Resources and have been assigned/transferred to other regulatory agencies through valid agreements.

1.2. Authority -- West Virginia code 20-5M-5(d)

1.3. Filing date --

1.4. Effective date --

§ 47-58-2. Definitions.

2.1. "Director" means the director of the Division of Natural Resources of the Department of Commerce Labor, and Environmental Resources or his authorized designee.

2.2. "Existing Facility" for the purpose of this regulation means any facility or activity which was in operation prior to the effective date of this regulation.

2.3. "Impoundment" means an area which is a natural topographic depression, man-made excavation, or diked area that is designed or improved in such a manner so as to hold an accumulation of contaminated surface runoff, process wastewater, product, or sewage, or any other liquid substance that could impact groundwater.

2.4. "Industrial Establishment" means any mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery, well, and each and every industry or plant or works, or activity in the operation or process of which industrial wastes, sewage, or other wastes are produced. This definition does not include electric power generation facilities, or private or publicly owned sewage treatment operations.

2.5. "Mitigate" means reparation for the loss of use of groundwater, including the replacement of a water source.

2.6. "Naturally Occurring Substance" for the purpose of this regulation means raw or processed coal.

2.7. "New Facility" for the purpose of this regulation means any facility or activity which initializes operation after the effective date of this regulation.

2.8. "Permit" means any license, certification, registration, permit, or any other approval granted by an agency authorized to regulate facilities or activities, which may have an impact on groundwater.

2.9. "Practice" means any regulation, rule, policy, permit requirement, or other appropriate regulatory action which is protective of groundwater.

2.10. "Secondary Containment" means utilizing dikes, berms, synthetic or natural liner systems, double walled containment vessels, or any combination thereof to prevent contaminants from accidentally discharging into the environment.

2.11. "Small Business" means any facility or activity that has less than \$300,000.00 in gross receipts per annum.

§ 47-58-3. Incorporation by Reference.

3.1. Practices contained in or created under the authority of Chapter 20, Article 5A, Article 5E, Article 5F, Article 5G, Article 5H, and the legislative rules promulgated pursuant thereto, were enacted in part to protect groundwater and are hereby incorporated by reference into this rule.

§ 47-58-4. Practices Authorized by the Groundwater Protection Act.

4.1. Recognizing that in certain cases existing regulations are more protective, and in the event this rule conflicts with another applicable rule, the rule most protective of groundwater shall apply.

§ 47-58-5. Groundwater Protection Practices For Industrial Establishments.

5.1. Industrial establishments owned and/or operated by a small business may be exempted from certain requirements of this section at the director's discretion.

5.2. Outside Material Storage Areas (Coal, Raw Materials etc.)

5.2.1. Existing areas shall be evaluated for their potential to release contaminants to the groundwater. Where potential exists, the areas shall have runoff and/or infiltration control systems. Placement of groundwater monitoring wells may be necessary to perform this evaluation.

5.2.2. New areas shall be designed and operated to prevent release of contaminants to the groundwater, using liner systems if necessary.

5.3. Loading and Unloading

5.3.1. Loading and unloading stations including but not limited to drums, trucks and railcars shall have spill prevention and control facilities and procedures. Spill containment and cleanup equipment shall be readily accessible.

5.3.2. Product distribution facilities and bulk containers shall be designed to prevent spills and leaks.

5.4. Wastewater Impoundments (Holding, Storage, Equalization, Treatment, etc.)

5.4.1. Existing impoundments shall be evaluated for their potential to release contaminants to the groundwater. Where potential exists, the areas shall have runoff and/or infiltration control systems. Placement of groundwater monitoring wells may be necessary to perform this evaluation.

5.4.2. New impoundments shall be designed and operated to prevent release of contaminants to the groundwater, using liner systems. Groundwater monitoring wells will be placed, if there is a potential for groundwater contamination.

5.5. Best Management Practices (BMP) Plans -- Plans are required for all Industrial Establishments.

5.5.1. BMP plans shall address groundwater as well as surface water. Particular areas to be addressed regarding groundwater protection methods include:

- 5.5.1.a. Outside manufacturing facilities;
- 5.5.1.b. Outside materials handling;
- 5.5.1.c. Equipment cleaning;
- 5.5.1.d. Construction activities; and
- 5.5.1.e. Maintenance activities.

5.5.2. BMP's should clarify that no wastes be used for deicing, fills, etc., unless provided for in existing regulations.

5.5.3. The industrial establishment BMP Plan should include the following provisions:

5.5.3.a. For all employees to be instructed and trained on their responsibility to ensure groundwater protection. Job procedures shall provide direction on how to prevent groundwater contamination;

5.5.3.b. Quarterly inspections conducted to ensure that all elements of the site's groundwater protection program are in place, properly functioning and appropriately managed;

5.5.3.c. Equipment or structures installed to provide groundwater protection shall be inspected and maintained regularly for system integrity;

5.5.3.d. Maintenance procedures, including equipment preparation shall include appropriate provisions to protect groundwater; and

5.5.3.e. Subsurface boring (e.g., water wells, injection wells, soil boring, production wells, extraction wells, exploratory wells and groundwater monitoring wells) shall be constructed, operated and closed in a manner that protects groundwater.

5.6. Each industrial establishment should have a comprehensive groundwater protection plan which covers all aspects of activities which could potentially contaminate groundwater. Each industrial establishment shall conduct a groundwater assessment survey and prepare a groundwater protection plan containing the following:

5.6.1. An inventory of all operations that may reasonably be expected to contaminate the groundwater resources and contain an indication of the potential for soil and groundwater contamination;

5.6.2. A description of procedures designed to protect groundwater from the identified potential contamination sources;

5.6.3. A list of procedures to be employed in the design of any new operations;

5.6.4. A summary of all activities carried out under other regulatory programs that have relevance to groundwater protection; and

5.6.5. A discussion of all available information regarding the existing groundwater situation.

5.7. Implementation Schedule -- In order to accomplish this task in a timely manner, the following schedule will be established.

5.7.1. Begin groundwater assessment survey upon promulgation of these regulations.

5.7.2. Begin collection of information on other regulatory activities upon promulgation of these regulations.

5.7.3. Complete assessment survey and collection of information and begin drafting of Groundwater Protection Plan (GPP) within six months of promulgation of these regulations.

5.7.4. Implement Groundwater Protection Plan within one year of promulgation of these regulations.

5.8. Impoundment Closure Requirements

5.8.1. All wastewater shall be treated and removed. All solids, sludges, etc. should be properly disposed of in a landfill.

5.8.2. If in-place closure is to be performed, stabilize, if necessary, unless determined innocuous.

5.8.3. Impoundments should be filled in, graded, capped and vegetated.

5.8.4. At impoundments which were previously existing and where groundwater contamination had been determined to exist requiring remedial action with continuing groundwater monitoring, the groundwater monitoring must continue until results assure adequate remedial action was taken.

5.8.5. If impoundments are closed due to a current problem, then an impermeable cap should be placed over impoundment when filled in and graded to facilitate surface water run-off.

5.9. Site Selection Criteria -- Determine if shallow groundwater zones or karst areas exist and locate away from these areas.

5.10. Pipelines And Pumps.

5.10.1. Pipelines shall be preferentially installed above ground.

5.10.2. On-site underground pipelines may only be installed if provided with leak detection and secondary containment measures, excluding sewer systems containing only sanitary wastewater, uncontaminated stormwater, raw water, condensate, etc.

5.10.3. Ditches shall not be installed as primary conveyances where contaminants may be present unless provided with appropriate impervious liners.

5.10.4. Pumps and ancillary equipment (e.g. valves, flanges, filters, condensate lines and instrumentation) shall be selected and installed to prevent or contain any spills or leaks.

5.11. Sumps And Tanks.

5.11.1. Sumps and tanks installed above ground shall have a leak detection system and secondary containment.

5.11.2. Sumps and tanks may only be installed underground for overriding

safety, legal, security or fire protection concerns.

5.11.3. Sump design shall include provisions for inspection of system integrity. Inspections shall be performed on a quarterly basis.

5.11.4. Secondary containment is not required for sumps and tanks used only as secondary containment for other facilities.

5.12. Diking And Spill Containment.

5.12.1. Secondary containment (compatible with and impervious to the contaminants being stored or handled) shall be provided for all above ground tanks and vessels containing contaminants.

5.12.2. Secondary containment capacity shall be appropriate to the risk for containment failure and the potential to contaminate groundwater.

5.12.3. Drums shall be stored so that spills and leaks are contained. Measures shall be taken to prevent drum deterioration caused by weather or other environmental influences and damage due to handling.

§ 47-58-6. Criteria Applicable To Facilities Who Generate Electric Power.

6.1. Groundwater Protection Practices.

6.1.1. Outside Material Storage Areas (Coal, Raw Materials, Loading, Unloading, Etc.)

6.1.1.a. Existing areas shall be evaluated for their potential to release contaminants to the groundwater. Where potential exists, the areas shall have runoff and/or infiltration control systems. Placement of groundwater monitoring wells may be necessary to perform this evaluation.

6.1.1.b. New areas shall be designed and operated to prevent release of contaminants to the groundwater, using liner systems, runoff and/or infiltration control systems, if necessary. Groundwater monitoring wells may be necessary to assure protection of the groundwater resources.

6.1.2. Wastewater Impoundments (Holding, Storage, Equalization, Treatment, Etc.)

6.1.2.a. Existing impoundments shall be evaluated for their potential to release contaminants to the groundwater. Where potential exists, the areas shall have runoff control systems. (Placement of groundwater monitoring wells may be necessary to perform this evaluation.)

6.1.2.b. New impoundments shall be designed and operated to

prevent release of contaminants to the groundwater, using liner systems, if necessary.

6.2. Groundwater Protection Plan.

6.2.1. Each facility should have a comprehensive groundwater protection plan which covers all aspects of activities which could potentially contaminate groundwater. Each facility shall conduct a groundwater assessment survey and prepare a groundwater protection plan containing the following:

6.2.1.a. Specific identification of all plant operations that may reasonably be expected to impact negatively on the groundwater resources;

6.2.1.b. A description of procedures designed to protect groundwater from the identified potential contamination sources;

6.2.1.c. A list of procedures to be employed in the design of any new operation;

6.2.1.d. A summary of all activities carried out under other regulatory programs that have relevance to groundwater protection; and

6.2.1.e. A discussion of all available information regarding the existing groundwater situation.

6.2.2. Development of a Best Management Practices (BMP) Plan to address groundwater protection procedures for the above activities. Particular areas to be detailed include outside materials/waste handling, equipment cleaning, construction activities and maintenance activities. BMPs should also clarify that no wastes be used for deicing, fills or any other use which could negatively impact groundwater, unless a reuse is provided for in existing regulations.

6.2.3. In order to accomplish this task in a timely manner, the following schedule will be established.

6.2.3.a. Begin ground water assessment survey upon promulgation of these regulations.

6.2.3.b. Begin collection of information on other regulatory activities upon promulgation of these regulations.

6.2.3.c. Complete assessment survey and collection of information and begin drafting of Groundwater Protection Plan (GPP) within six months of promulgation of these regulations.

6.2.3.d. Implement Groundwater Protection Plan within one year of promulgation of these regulations.

6.3. Impoundment Closure Requirements

6.3.1. All wastewater shall be treated and removed.

6.3.2. All solids, sludges, etc. should be properly disposed of or reused in accordance with the Solid Waste Management Regulations.

6.3.3. If in-place closure is to be performed, stabilize, if necessary, unless determined innocuous.

6.3.4. Impoundments should be graded and leveled to the maximum extent possible including, where practicable, filling with soils or other material approved by the director, capped if the director determines necessary, and vegetated.

6.3.5. Impoundments which were previously existing and where groundwater contamination has been determined to exist requiring remedial action will require continuing groundwater monitoring until results assure adequate remedial action was taken.

6.3.6. If impoundments are closed due to a current problem, then an impermeable cap must be placed over the impoundment when filled, and graded to facilitate surface water run-off.

6.4. Site Selection Criteria -- Determine if shallow groundwater zones or karst areas exist and will be vulnerable to the proposed activity. Should such conditions be present, the facility design shall be modified to protect the resources. Additional monitoring may be required to assure protection of the groundwater resources.

6.5. Pipelines and Pumps.

6.5.1. Pipelines shall be preferentially installed above ground.

6.5.2. On-site underground pipelines may only be installed if provided with leak detection and secondary containment measures, excluding systems containing only sanitary wastewater, contaminated stormwater, raw water, condensate, ash, etc.

6.6. Sumps and Tanks.

6.6.1. Tanks, reservoirs, and basins installed above ground shall have impervious secondary containment. Such structures will also employ a leak detection system if located in an isolated area (i.e. not inspected by personnel at least every 48 hours).

6.6.2. Underground Storage Tank regulated sumps and tanks shall meet all the applicable groundwater protection requirements (leak detection, corrosion protection, overflow protection, etc.).

6.7. Remedial Action.

6.7.1. Electric power facilities shall be subject to the remediation procedures set forth in section 47-58-13 of this regulation.

§ 47-58-7. Groundwater Protection Practices For Private Or Publicly Owned Sewage Treatment Operations. (reserved)

§ 47-58-8. Criteria Applicable To New Facilities Or New Activities Not Specified In Sections 5, 6, 7, 14, or 15.

New facilities or new activities shall be designed to be protective of groundwater and shall incorporate the following minimum design principles. In addition to these minimum design principles additional measures may be required if deemed necessary by the director to be protective of groundwater.

8.1. New facilities or activities which have the potential to impact groundwater quality, at the director's request, shall install and sample a sufficient number of groundwater monitoring wells, prior to facility or activity operation, to determine representative background groundwater quality for areas of the site which will be developed/ used/potentially impacted.

8.1.1. Such wells shall remain in service until the director determines that the threat of contamination from the facility or activity has ceased.

8.1.2. Impoundments, regardless of size, that may impact groundwater quality shall be lined in such a manner which will prevent the migration of contaminants into groundwater. Impoundments shall also be designed utilizing runoff control systems in order to minimize stormwater influx.

8.1.3. Secondary containment is required for any process or storage activity, other than impoundments and bulk storage areas for naturally occurring substances, in which materials are stored, handled, or used that may impact groundwater quality.

8.1.4. Bulk storage areas for naturally occurring substances shall employ runoff and infiltration control systems to prevent the migration of contaminants into the groundwater.

8.2. Pipelines and Pumps.

8.2.1. Pipelines shall be preferentially installed above ground.

8.2.2. On-site underground pipelines which convey or transmit any substance which may impact groundwater quality may only be installed if provided with leak detection and secondary containment measures, excluding systems containing only sanitary wastewater.

8.3. Sumps and Tanks.

8.3.1. Tanks, reservoirs, and basins which contain any substance which may

impact groundwater quality, installed above ground shall have impervious secondary containment. Such structures will also employ a leak detection system if located in an isolated area (i.e. not inspected by personnel at least once every 48 hours) and requested by the director.

8.3.2. Underground storage tank regulated sumps and tanks shall meet all the applicable groundwater protection requirements (leak detection, corrosion protection, overflow protection, etc).

§ 47-58-9. Criteria Applicable To Existing Facilities Or Existing Activities Not Specified In Sections 5, 6, 7, 14, or 15.

Existing facilities or activities shall take such action as necessary to prevent groundwater contamination.

9.1. Where it can be demonstrated to the director that existing facility or activity design is such that no groundwater contamination is occurring, continued verification will be the minimum requirement. Provided that if new construction occurs or if activities change they shall be done in a manner which complies with Section 8 above. Furthermore notification to the director must be made, in writing, 180 days prior to any operational modification.

9.2. Where it is determined that an existing facility or activity is contaminating groundwater the facility or activity must retrofit or improve or discontinue existing systems, activities, or procedures to make them, to the satisfaction of the director, protective of groundwater. The director may provide a schedule of compliance for completing the work if necessary. Furthermore the facility or activity may be directed to begin remedial actions pursuant to section 13.

§ 47-58-10. Operational Management For Facilities Or Activities Not Specified In Sections 5, 6, 7, 14, or 15.

10.1. Any facility or activity, upon receipt of notification from the director, must conduct a groundwater assessment and prepare a comprehensive groundwater protection plan (GPP) which covers all aspects of activities which could potentially contaminate groundwater including, but not limited to, the following:

10.1.1. Specific identification of all operations that may reasonably be expected to impact groundwater;

10.1.2. Descriptions of plans, including spill control measures and waste minimization plans, associated with these identified potential sources designed to protect the resource;

10.1.3. A list of design criteria to be employed in the design of any new operations;

10.1.4. A summary of all activities carried out under other regulatory

programs that have relevance to groundwater protection;

10.1.5. Determine if any portion of the facility or activity is located within a designated Wellhead Protection Area;

10.1.6. A discussion of all available information regarding the existing groundwater situation.

10.2. The director may request that additional information be provided in the plan at any time.

10.3. In order to accomplish this task in a timely manner, the following schedule will be established.

10.3.1. Begin groundwater assessment survey upon notification of the director.

10.3.2. Begin collection of information on other regulatory activities upon notification by the director.

10.3.3. Complete assessment survey and collection of information and begin drafting of Groundwater Protection Plan (GPP) within six months of notification by the director.

10.3.4. Fully implement Groundwater Protection Plan within one year of notification by the director.

10.3.5. Update or revise the GPP on a biennial basis, or before substantive operational changes or new construction occurs.

§ 47-58-11. Impoundment Closure Requirements Not Specified In Sections 5, 6, 7, 14, or 15.

11.1. All fluids shall be removed and disposed of in an acceptable manner. All solids, sludges, etc. must be properly disposed of or reused in accordance with the Solid Waste Management Regulations 47 C.S.R. 38.

11.2. If in place closure is to be performed, impoundment contents must be stabilized, unless determined innocuous.

11.3. Impoundments must be filled, graded and leveled to the maximum extent possible, covered with an impervious cap, if the director determines necessary, and vegetated.

11.4. Impoundments which were previously existing and where groundwater contamination had been determined to exist requiring remedial action with continuing groundwater monitoring, the groundwater monitoring must continue until results assure adequate remedial action was taken.

11.5. If impoundments are closed due to an impoundment related groundwater contamination event, and remedial action has been completed, an impermeable cap must be placed over the impoundment when filled and graded.

§ 47-58-12. Prohibitions.

12.1. It shall be unlawful for any person, unless an authorization has been issued by a groundwater regulatory agency, to deliberately allow crude oil, or any petroleum product derived from crude oil, or septage, or natural gas, or salt water, or any chemical mixture which may impact groundwater quality to escape from any well, pipeline, impoundment, storage tank, treatment unit, or storage container, or be deliberately allowed to flow onto the land surface in such a manner that could impact groundwater quality.

12.2. Groundwater quality may not be impacted by any facility operation or any activity unless 1) a valid permit exists and/or 2) the director has taken action pursuant to section(s) 20-5M-5 (f) through (l) of the W.Va. Code.

§ 47-58-13. Remediation.

13.1. The Division has the authority to order persons to conduct remedial actions. The division encourages agreements for investigation and cleanups in appropriate cases.

13.1.1. The use of permanent solutions to the maximum extent practical to correct groundwater contaminations is preferred.

13.1.2. Cleanup actions shall not rely primarily on dilution and dispersion of the substance if active remedial measures are technically and economically feasible.

13.1.3. Adequate groundwater monitoring shall be conducted to demonstrate control and containment of the substance. The director shall specify which parameters should be monitored in a remedial operation.

13.2. In addition to any required remediation the director may order the facility or activity to mitigate for the loss of use, or for any significant adverse impact to groundwater.

13.3. Remediation Guidelines. (reserved)

§ 47-58-14. Requirements For Fuel Storage Tanks Not Subject To Regulation Under Chapter 20, Article 5H of the W. Va. Code. (reserved)

§ 47-58-15. Requirements For Reuse Of Sludges Generated By Facilities Permitted Under Chapter 20, Article 5A Of The W. Va. Code. (reserved)