

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #1

Do Not Mark In This Box

FILED

2009 JUN 11 PM 1:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Water Resources
~~DEP Division of Water & Waste Management~~ TITLE NUMBER: 47

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §22-12-5(d)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 59

TITLE OF RULE BEING AMENDED: Monitoring Well Rules

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: July 16, 2009 TIME: 6:00 PM

LOCATION OF PUBLIC HEARING: Coopers Rock Room (Room No. 1203 and 1204)
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

COMMENTS LIMITED TO: ORAL WRITTEN BOTH

DATE WRITTEN COMMENT PERIOD ENDS: July 16, 2009 TIME: 7:00 PM

WRITTEN COMMENTS MAY BE MAILED TO:

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.

Daniel T. Arnold
West Virginia Department of Environmental Protection
601 57th Street S.E.
Charleston, WV 25304
dep.comments@wv.gov

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Authorized Signature

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BRIEFING DOCUMENT**

Rule Title: Monitoring Well Rules

A. AUTHORITY: W. Va. Code §22-12-5(d).

B. SUMMARY OF RULE: Promulgated in 1994 session. Revisions to the rule are to add new language to incorporate “high” and “low” risk boreholes, experience requirements for those persons applying for monitoring well driller certificate, recertification and training requirements for monitoring well drillers, monitoring well advisory board membership requirements and definitions. Typographical and grammatical revisions and or corrections will be included.

C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE: A definition for “high risk” borehole was needed, as were grammatical corrections and changes to reflect the current structure of the West Virginia Department of Environmental Protection. In an effort to ensure certified monitoring well drillers maintain acceptable knowledge of the applicable regulations, requirements for minimum drilling activity were recommended by the Monitoring Well Drillers Advisory Board Meeting on May 7, 2009. These requirements were added as a prerequisite to recertification of drillers within 30 days of their current certification expiration.

D. FEDERAL COUNTERPART REGULATIONS – INCORPORATION BY REFERENCE / DETERMINATION OF STRINGENCY:

There is no federal counterpart regulation; thus, no determination of stringency is required.

E. CONSTITUTIONAL TAKINGS DETERMINATION

In accordance with W. Va. Code §§ 22-1A-1 and 3(c), the Secretary has determined that this rule will not result in taking of private property within the meaning of the Constitutions of West Virginia and the United States of America.

F. CONSULTATION WITH THE ENVIRONMENTAL PROTECTION ADVISORY COUNCIL:

At its meeting on June 3, 2009, the Environmental Protection Advisory Council discussed the proposed rule. See attached minutes for Council’s discussion.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Monitoring Well Rules

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Environmental Protection

Address: 601 57th Street S.E.
Charleston, WV 25304

Phone Number: 304-92-0499 Ext. 1341 Email: Daniel.T.Arnold@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There will be no cost associated with this rule change.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Monitoring Well Rules

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

There will be no cost associated with this rule.

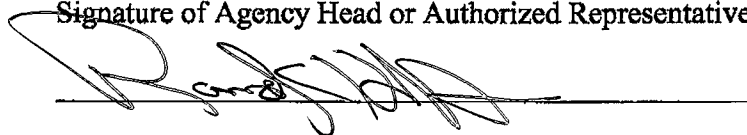
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule is being submitted for the sole purpose of updating definitions and specifying training and recertification standards.

Date: 6/01/09

Signature of Agency Head or Authorized Representative



FILED

TITLE 47
 LEGISLATIVE RULES
 DIVISION DEPARTMENT OF ENVIRONMENTAL PROTECTION
~~BUREAU OF ENVIRONMENT~~
 WATER RESOURCES

2009 JUN 11 PM 1:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 59
 MONITORING WELL RULES

§47-59-1. General.

1.1. Scope. -- This legislative rule establishes the certification of monitoring well drillers and monitoring well installations and alterations.

1.2. Authority. -- W.Va. Code §22-12-5(d).

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

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

1.4.1. ~~Compliance with sections 4 and 5 of this rule is not required until such time as 47 C.S.R. 60 (Monitoring Well Design Standards) becomes effective.~~

§47-59-2. Definitions.

2.1. "Application" means the ~~state division~~ Department of Environmental Protection's standard form(s) for applying for monitoring well driller certification, including any additions, revisions or modifications to the form(s).

2.2. "Borehole" means a circular hole, deeper than it is wide, constructed in earth material for the purpose of obtaining geological- or groundwater-related data. Boreholes are also referred to as "drill holes."

~~2.2.~~ 2.3. "Certified monitoring well driller" means an individual granted a written certificate by the ~~director~~ Secretary to drill, construct, alter or abandon monitoring wells and who meets the requirements of this rule.

~~2.3.~~ 2.4. "Design standards" means those specifications, drawings and other details promulgated by the ~~director~~ secretary to ensure proper location, design, construction, completion and abandonment of monitoring wells.

2.4. "~~Director~~" means the ~~director of the division of environmental protection or his or her lawful designee.~~

2.5. "Groundwater" means the water occurring in the zone of saturation beneath the seasonal high water table, or any perched water zones.

2.6. "High risk borehole" means a borehole that is on a site that currently contains or contained in the past solid or hazardous waste, hazardous materials or their by-products; or that may be affected by solid or hazardous waste, hazardous materials or their by-products; or at sites known or suspected to be contaminated by hazardous waste, hazardous materials or their by-products, unless the contamination is

determined to be innocuous; or in situations where water quality in one water-bearing zone may be detrimental to another water-bearing zone.

~~2.6. "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.~~

2.7. "Monitoring well" means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting or other methods for the purpose of determining the physical, chemical, biological or radiological properties of groundwater. The term "monitoring well" includes piezometers and observation wells that were installed for purposes other than those listed above, but does not include wells whose primary purpose is to provide a supply of potable water.

2.8. "Monitoring well driller" means the individual operating the drilling rig when drilling, constructing, altering or abandoning (i.e., properly or improperly closing) a monitoring well or a high-risk borehole.

~~2.9. "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.~~

~~2.9.~~ 2.10. "Piezometer" means a groundwater monitoring well sealed below the water table that is installed for the specific purpose of determining the potentiometric surface or the physical, chemical, biological or radiological properties of groundwater, or both.

2.11. "Secretary" means the Secretary of the Department of Environmental Protection or his or her lawful designee.

§47-59-3. Application and Enforcement.

3.1. Application - This rule applies to all monitoring well drillers.

3.2. Enforcement - The enforcement of this rule is vested with the ~~director~~ Secretary of the West Virginia ~~Division~~ Department of Environmental Protection, or his or her lawful designee.

§47-59-4. Certification of Monitoring Well Drillers.

4.1. There shall be a certified monitoring well driller on site in direct charge of actively drilling, constructing, altering, testing or abandoning any monitoring well or high-risk borehole.

4.2. To be eligible for certification, an individual must ~~be able to demonstrate a minimum of two (2) years of monitoring well drilling experience under the supervision of a certified monitoring well driller~~ meet one of the following criteria:

4.2.a. Have a minimum of two (2) years of monitoring well drilling experience under the supervision of a West Virginia certified monitoring well driller; or

4.2.b. Have six (6) months of monitoring well drilling experience that includes properly installing at least fifteen (15) monitoring wells and properly abandoning at least ten (10) monitoring wells under the supervision of a West Virginia certified monitoring well driller.

~~4.3. Monitoring well drillers actively engaged in monitoring well drilling on or before the effective date of this rule are exempt from the minimum experience requirements.~~

4.4. ~~4.3.~~ An application for certification as a monitoring well driller shall be made in writing to the ~~director~~ Secretary on a form prescribed by the ~~director~~ Secretary. Information required on the form may include, but not be limited to, the applicant's name, address, education, experience, business name and references.

~~4.5. 4.4.~~ In addition to filing an application for becoming ~~certified to drill, construct, alter or abandon monitoring wells~~ a certified monitoring well driller, the applicant must pass an oral or written examination to assure the ~~director~~ Secretary that the applicant is thoroughly familiar with all requirements of applicable laws, regulations, and design standards pertaining to monitoring well drilling and construction and borehole abandonment. Examinations shall be administered by personnel of the West Virginia ~~Division~~ Department of Environmental protection or their appointees. An applicant must obtain a passing grade of seventy per cent (70%) ~~before becoming in order to become~~ certified. An applicant who has failed an examination must wait thirty (30) days before ~~again~~ retaking the examination again.

~~4.6. 4.5.~~ Certification is not transferable or assignable and shall automatically become invalid upon suspension or revocation.

~~4.7. 4.6.~~ Certification expires one (1) year after date of issuance and may be renewed thirty days (30) before the expiration date. In order to renew certification, a certified monitoring well driller must demonstrate continued familiarity with all requirements of applicable laws, regulations, and design standards pertaining to monitoring well drilling, construction and abandonment and borehole drilling and abandonment, by submitting documentation to the West Virginia Department of Environmental Protection for twelve (12) events, either installation or abandonment of monitoring wells or boreholes in the previous 36 months or sign an affidavit attesting to having read 47 CSR 59, 47 CSR 60 and the training guidance document used for initial training and testing.

4.7. If a certified monitoring well driller allows his or her certification to expire without seeking renewal, he or she must be retested in accordance with the provisions of section 4.4 above in order to receive recertification under this rule.

§47-59-5. Monitoring Well Driller Identification.

All monitoring well drillers shall have proof of certification available for inspection at all times when actively engaged in drilling, constructing, altering, or closing/abandoning monitoring wells or boreholes.

§47-59-6. Advisory Board.

6.1. The ~~director~~ Secretary may establish an advisory board and designate the chairman of the board.

6.2. The advisory board membership shall consist of, but not necessarily be limited to, the following members:

- Certified monitoring well drillers: _____ 3 members
- State health department: _____ 1 member
- Office of Water Resources: _____ 1 member
- West Virginia Geological Survey: _____ 1 member

6.2.a. Three (3) members shall be certified monitoring well drillers;

6.2.b. One (1) member shall be from the State Bureau for Public Health;

6.2.c. One (1) member shall be from the Department of Environmental Protection; and

6.2.d. One (1) member shall be from the West Virginia Geological & Economic Survey.

6.3. The duties of the advisory board shall be assigned by the ~~director~~ Secretary.

6.4. The ~~director~~ Secretary may establish other boards, committees ~~and~~ or commissions to assist in carrying out the provisions of this rule.

§47-59-7. Denial, Suspension or Revocation of Certification.

7.1. The ~~director~~ Secretary may suspend, revoke or deny certification if the information on the application form is incomplete, inaccurate, false or misleading, or if the provisions of this rule or any other rule pertaining to monitoring wells are willfully or negligently violated.

7.2. Suspension or revocation of certification shall be preceded by a written notice from the ~~director~~ Secretary at least ten (10) days prior to actual revocation or suspension.

7.3. Denial, suspension or revocation of certification shall be in writing from the ~~director~~ Secretary and shall state specific reasons for the denial, suspension or revocation.

7.4. When certification has been denied, suspended or revoked, the individual thereby affected shall immediately discontinue the drilling, altering, constructing and abandonment of monitoring wells and boreholes.

7.5. Any individual whose application for certification has been denied or whose certification has been suspended or revoked may request a hearing in accordance with the provisions of W. Va. Code §22-12-11.

§47-59-8. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule ~~desiring~~ who desire a contested case hearing to determine any rights, duties, interests or privileges shall ~~do so~~ proceed in the manner prescribed in W. Va. Code §22-12-11.

§47-59-9. Severability.

If any provisions of this rule or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect the provisions or the application of this rule that can be given effect without the invalid provisions or application and, to this end, the provisions of this rule are declared to be severable.

West Virginia Department of Environmental Protection

ADVISORY COUNCIL MEETING MINUTES

Wednesday, June 3, 2009
601 57th Street, SE, Charleston, West Virginia
West Virginia Room – 3rd Floor

IN ATTENDANCE:

Members of the Council:

Lisa Dooley
Jackie Hallinan
Larry Harris
Karen Price
Bill Raney
Rick Roberts

DEP:

Raymond Franks II	General Counsel
Kristin Boggs	Associate General Counsel
Kathy Cosco	Chief Communications Officer
Tom Clarke	Director, Division of Mining & Reclamation
James Martin	Chief, Office of Oil & Gas
Robert Bates	Division of Water & Waste Management
Bill Brannon	Division of Water & Waste Management
Carroll Cather	Division of Water & Waste Management
Ellen Herndon	Division of Water & Waste Management
Jeff Knepper	Division of Water & Waste Management
Teresa Koon	Division of Water & Waste Management
Sudhir Patel	Division of Water & Waste Management
Yogesh Patel	Division of Water & Waste Management
Bill Timmermeyer	Division of Water & Waste Management
Ken Politan	Division of Mining & Reclamation
Jim Mason	Division of Air Quality

Others:

Don Garvin	Interested Citizen
Steve Hannah	Interested Citizen
Dave Yaussy	Interested Citizen

OLD BUSINESS:

Raymond Franks called the meeting to order at 1:45 p.m. Mr. Franks noted that two members of the Council had pointed out a minor discrepancy in the April minutes as circulated, and that for expediency's sake the error would be corrected following the meeting and the April and June minutes each moved for approval at the September meeting.

Mr. Franks provided to the Council information it had requested at the April meeting regarding ongoing projects in the Office of Abandoned Mine Lands and recruiting potential for environmental inspectors. The Council agreed to review the information and discuss it in more detail at the September meeting.

NEW BUSINESS:

Mr. Franks turned the meeting over to Kristin Boggs for presentation and discussion of the 2010 proposed Legislative Rules:

DIVISION OF WATER & WASTE MANAGEMENT – WATER RULES

47CSR10 – NPDES Rule: Promulgated last in 2008. The proposed revisions reflect changes made to the Federal rule regarding Concentrated Animal Feeding Operations (CAFOs), which became effective in November 2008. EPA gave DEP two years to revise the State rules and start issuing permits. The revisions include a clarified definition of CAFO, a detailed explanation of the permitting process and the process for permit exemption, and an explanation of the required nutrient management plan. Technical revisions and corrections are made throughout.

47CSR26 – Water Pollution Control Permit Fee Schedules: Promulgated last in 2000. The proposed revisions reflect the CAFO changes made in the NPDES Rule. The fees for CAFOs will be as follows: \$300 for the initial application; \$300 for permit renewal; \$50 for permit modification; and \$50 for the annual permit fee. Technical revisions and corrections are made throughout.

47CSR12 – Requirements re Groundwater Standards: Promulgated last in 2002. The proposed revisions reflect updates and additions made to EPA's 2006 edition of the Drinking Water Standards & Health Advisories. Technical revisions and corrections are made throughout.

47CSR59 – Monitoring Well Rule. Promulgated last in 1994. The proposed revisions add new language to incorporate "high" and "low" risk boreholes, experience requirements for those persons applying for monitoring well driller certificates, recertification and training requirements for monitoring well drillers, and definitions. Technical revisions and corrections are made throughout.

47CSR60 – Monitoring Well Design Standards. Promulgated last in 1996. The proposed revisions bring this rule in conformance with the 47CSR59 *Monitoring Well Rule* definition changes, and "high" and "low" borehole requirements. Technical revisions and corrections are made throughout.

DIVISION OF WATER & WASTE MANAGEMENT – WASTE MANAGEMENT RULES

33CSR1 – *Solid Waste Management Rule*: Promulgated last in 2006. The proposed revisions include removing the requirement that free day tonnage count toward monthly/daily totals and clarifying the definition of pick-up truck. Technical revisions and corrections are made throughout.

33CSR20 – *Hazardous Waste Management System*: Promulgated last in 2009. The proposed rule reflects the annual incorporation-by-reference (IBR) revisions made by DEP to its hazardous waste rule. The proposed revisions include changes to the academic laboratory waste provisions to allow alternative requirements for hazardous waste determination and accumulation of unwanted materials at labs owned by and affiliated with colleges and universities. Other proposed revisions are directed at the hazardous waste code 019 provisions, which expand the exclusion for sludges generated from the chemical conversion coating of aluminum using a zinc phosphating process. The F019 waste code exclusion only applies to the automobile or light truck manufacturing industry. This IBR specifically excludes two federal amendments that are currently undergoing reconsideration by the EPA, *i.e.*, revisions to the definition of solid waste and expansion of RCRA comparable fuel exclusion. Technical revisions and corrections are made throughout.

Mr. Franks asked whether the Council had any questions about the seven DWWM rules. Mr. Raney inquired about the impetus for the change in the monitoring well rules, since they have not been revised in several years. Ms. Boggs responded that the changes in the rules reflect changes in technology and practice over time. There were no further questions from the Council.

OFFICE OF OIL AND GAS RULE

35CSR4 – *Oil & Gas Wells and Other Wells*: Promulgated last in 2001. The proposed revisions include updating the permit fees to reflect the 2005 statutory change, clarifying general requirements for pit and impoundment construction, and adding a new section setting forth requirements for constructing pits and impoundments that exceed a certain size. Technical revisions and corrections are made throughout.

Mr. Franks asked whether the Council had any questions about the OOG rule. Dr. Harris expressed concern that the current statutory bond amount may not suffice given the larger pits associated with Marcellus wells. Mr. Martin explained that the bond is a performance bond, not designed to cover any specific area of the well operation. Dr. Harris then asked about protections for surface owners whose water supply is impaired from drilling operations, in response to which Mr. Martin pointed out the statutory and regulatory remedies. There were no further questions from the Council.

DIVISION OF MINING & RECLAMATION RULE

47CSR30 – *Mining NPDES Rule*: Promulgated last in 2009. The proposed revisions include deleting the certification language for NPDES maps and decreasing from two years to one the raw mine drainage water quality data required for abandonment of a deep mine. Technical revisions and corrections are made throughout.

Mr. Franks asked whether the Council had any questions about the DMR rule. Ms. Dooley inquired whether the changes were substantive or merely technical. Ms. Boggs explained that although the changes appeared merely technical, they had real-world effects upon licensed professional engineers and surveyors, whom the rule required to swear to the contents of a NPDES map under penalty of perjury. Engineers and surveyors could not obtain insurance for such an oath, because they did not create the maps and were therefore subjecting themselves to criminal penalties for work that was not entirely within their control. There were no further questions from the Council.

DIVISION OF AIR QUALITY RULES

45CSR8 – *Ambient Air Quality Standards*: Promulgated last in 2009. The proposed revisions include deletion of redundant measurement method language for lead and addition of new national primary and secondary ambient air quality standards for lead.

45CSR14 – *Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration*: Promulgated last in 2009. The proposed revisions incorporate the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers. Other miscellaneous revisions and corrections are also included, so that the rule comports with federal counterpart language.

45CSR16 – *Standards of Performance for New Stationary Sources*: Promulgated last in 2009. The proposed rule reflects the annual IBR revisions to New Source Performance Standards, including Stationary Spark-Ignition Internal Combustion Engines, Fossil Fuel-Fired Steam Generators and Industrial-Commercial-Institutional Steam Generating Units, Stationary Combustion Turbines, Nonroad Spark Ignition Engines, Alternative Work Practice To Detect Leaks From Equipment, Petroleum Refineries and Performance Specification 16 for Predictive Emissions Monitoring Systems, Amendments to Testing and Monitoring Provisions, and Nonmetallic Mineral Processing Plants. The IBR exclusion for the vacated Clean Air Mercury Rule has been removed.

45CSR19 – *Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment*: Promulgated last in 2005. The proposed revisions incorporate the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers, Reasonable Possibility in Recordkeeping, Ethanol Production Facilities, and 8-Hour Ozone National Ambient Air Quality Standard provisions. Other proposed revisions to the rule remove references to pollution control projects and clean units per the 2005 decision by the United State Court of Appeals for the District of Columbia Circuit that vacated the parallel federal provisions. Other miscellaneous revisions and/or corrections are also included, so that the rule comports with federal counterpart language.

45CSR25 – *Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities*: Promulgated last in 2009. The proposed rule reflects the annual IBR revisions to the Hazardous Waste rule.

45CSR33 – *Acid Rain Provisions and Permits*: Promulgated last in 2006. The proposed rule

reflects the annual IBR revisions, including Air Pollution Control, Transport of Emissions of Nitrogen Oxide and Sulfur Dioxide; Amendments to Monitoring Provisions; Revisions to Acid Rain Program Rules, and Revisions to the Continuous Monitoring Rule for the Acid Rain Program.

45CSR34 – *Emission Standards for Hazardous Air Pollutants*: Promulgated last in 2009. The proposed rule reflects the annual IBR revisions to the Hazardous Air Pollutant rule. Excluded from incorporation by reference are the national emission standards for hazardous air pollutants affecting non-major (area) sources of hazardous air pollutants for Iron and Steel Foundries, Plating and Polishing Operations, Ferroalloys Production Facilities, and Metal Fabrication and Finishing Source Categories.

Mr. Franks asked whether the Council had any questions about the seven DAQ Rules, and there were none.

On general comment, Dr. Harris inquired about water quality standards for mercury, citing a newspaper report that DEP supported less stringent standards based on data that State residents consume relatively fewer fish per capita. Mr. Clarke explained the factual context of the reported quote and the method by which EPA developed the point three (0.3) standard. With respect to the rules presentation, Dr. Harris suggested a return to the practice of providing Council with written summaries of the proposed rules, along with justifications for the proposed changes. The suggestion was well-received.

Mr. Franks then opened the floor to questions from the general public. Don Garvin, Legislative Coordinator for the West Virginia Environmental Council, inquired about acid rain standards, to which Mr. Mason responded that the State's standards with respect to acid rain derive from Title VI of the federal Clean Air Act.

Dr. Harris then asked whether the downturn in the energy market has caused any decrease in the number of permit applications to drill gas wells in the Marcellus Shale. Mr. Martin responded that the economy has had some effect on the number of permit applications overall, and that he could later provide Dr. Harris with more precise statistics.

Mr. Garvin complimented the Agency and the Office of Oil & Gas on finally requiring pits to be lined. Mr. Raney then thanked DEP staff for their hard work on the rules.

With no further comments forthcoming from the Council or public, Mr. Franks reminded everyone that the next meeting is scheduled for Wednesday, September 23, 2009. On motion from Mr. Raney, seconded by Mr. Roberts, Mr. Franks declared the meeting adjourned at 2:45 p.m.