



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED

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Jared Wyrick, Legislative Analyst
Mark White, Legislative Analyst
Trina Hartley, Committee Clerk

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SECRETARY OF STATE**

Jay Lovell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Hatfield, Associate Counsel

December 17, 2014

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Natalie E. Tennant, Secretary of State, State Register

TO: Kristin A. Boggs
DEP - Water and Waste Management
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee

Proposed Rule: Waste Management, 33CSR1

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

(B) as modified by the agency

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

X

4. Recommends that the Legislature rule be withdrawn; a statement of reasons for the recommendation is attached.

Committee Amendments

Waste Management, 33CSR1

1. The Legislative Rule-Making Review Committee moved to amend the Department of Environmental Protection's proposed rule, Waste Management, 33CSR1, on page 176, adding two compounds, toluene and xylene, to appendix V.

Statement of Reason

The Committee amendment strengthens water quality protection and promotes the goal of avoiding contamination of the state's drinking water by adding two compounds, toluene and xylene, to appendix V.

2. The Legislative Rule-Making Review Committee moved to amend the Department of Environmental Protection's proposed rule, Waste Management, 33CSR1, on page 145, by adding the following new subparagraph:

5.6.b.3.C. Any facility permitted to accept drilling wastes that does not transfer leachate off-site for additional treatment, must sample and analyze the output fluid from on-site leachate treatment systems to include the sampling parameters in Appendix V of this rule on a quarterly basis.

Statement of Reason

The Committee amendment ensures that appropriate data are collected to monitor and manage the potentially hazardous characteristics of leachate from facilities accepting drilling wastes.