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west virginia department of environmental protection

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**Division of Water and Waste Management**

**Public Notice**

HAZARDOUS WASTE MANAGEMENT SYSTEM, **33 CSR 20**  
REQUIREMENTS GOVERNING WATER QUALITY STANDARDS, **47 CSR 02**  
CARBON DIOXIDE SEQUESTRATION FEE SCHEDULE, **47 CSR 9B**

**Virtual Public Hearing Set for Tuesday, July 08, 2025, at 6:00 PM.**

**Comment Period Opens:** May 30, 2025

**Comment Period Closes:** July 15, 2025

**Publication:** WVDEP ListServer and West Virginia State Register

**Publication Date:** May 30, 2025

**Type of Notice:** Public Comment Period and Public Hearing

**Location:** Statewide

**Proposed Activity:** DWWM 2026 Legislative Rules

**Project Description:** The DWWM Proposed Legislative Rules include:

**33 CSR 20** - Hazardous Waste Management System

**47 CSR 02** - Requirements Governing Water Quality Standards

**47 CSR 9B** - Carbon Dioxide Sequestration Fee Schedule

DWWM is limiting public comments to the proposed revisions to the rules and is not accepting comments unrelated to the proposed revisions.

These rules are filed to enable the State of West Virginia to maintain enforcement in these areas. The Agency anticipates (1) working to reconsider, modify, or withdraw various current federal rules and standards from the prior administration; and (2) modifying its rules, as needed, to align with those updated federal rules.

**SUMMARY OF RULE AMENDMENTS:**

**33 CSR 20 (Effective date May 01, 2025):** WVDEP is proposing to amend the Hazardous Waste Management System, 33CSR20, by adopting the most current hazardous waste regulations cited above through incorporation by reference (IBR) to the federal rules. These amendments are necessary to maintain consistency with the federal program and maintain state program approval/primacy of the hazardous waste regulations in the state of West Virginia. This amendment to the rule would be updating the IBR date to February 10, 2025.

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**47 CSR 02 (Effective date July 1, 2025):** The proposed amendments to this rule are to revise the whole-body fish tissue selenium criterion from 8.0 µg/g to 8.5 µg/g for sturgeon waters and the whole-body fish tissue selenium criterion from 8.0 µg/g to 9.5 µg/g for non-sturgeon waters.

**47 CSR 9B (New Rule):** This is a new legislative rule that establishes schedules of fees for carbon dioxide capture and sequestration authorized by underground injection control permits issued by DWWM. The US Environmental Protection Agency (EPA) has delegated primary enforcement authority for all facets of the Underground Injection Control (UIC) Program to WVDEP through the approval of the primacy for Class VI wells. WVDEP's UIC Program is primarily supported by Special Revenue (fees). Currently this program has no regulatory structure to charge Carbon Dioxide Sequestration UIC fees but has applications to be processed. The Agency is unable to fulfill its obligations under primacy, as WVDEP cannot process permit applications until the relevant fees are paid. Hence it is imperative that this rule be promulgated.

The proposed rules are available at the Secretary of State's website:

33 CSR 20: <https://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=18277>

47 CSR 02: <https://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=18278>

47 CSR 9B: <https://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=18276>

A virtual public hearing will be conducted via the video call link provided below.

**Virtual Public Hearing: DWWM 2026 Legislative Rules on Tuesday, July 8, 2025 · 6:00 PM**

Video call link: <https://meet.google.com/kas-grtg-nsh>

Or dial: +1 314-896-1638 PIN: 954805958

The agency will also accept written comments up to July 15, 2025, in addition to oral comments provided at the virtual public hearing (July 8, 2025, 6 PM). Please contact the following individuals for any additional information regarding this public notice. Written comments may be mailed or emailed to the following address.

### **33 CSR 20**

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### **47 CSR 02**

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### **47 CSR 9B**

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Public Notice

FILED - WV SECRETARY OF STATE

May 30, 2025