

**TITLE 46**  
**LEGISLATIVE RULE**  
**WATER RESOURCES BOARD**

**SERIES 10**  
**REGULATIONS IMPLEMENTING THE AUTHORIZATION**  
**BY RULE PROVISION OF THE REGULATIONS FOR THE WEST VIRGINIA**  
**UNDERGROUND INJECTION CONTROL PROGRAM**

**§46-10-1. General.**

1.1. Scope. -- Whereas, pursuant to the provisions of Chapter 20-5A-1 et seq. and Chapter 29A-3-1 et seq. of the West Virginia Code, 1931 as amended, the Board has approved and filed Series nine (9) and whereas, Section thirteen (13) of said Regulation provides that certain facilities may be authorized by rule in accordance with the requirements of said section. Now, therefore, the Board promulgates the following procedural rules for the implementation of Section thirteen (13) of the Board's Series nine (9).

1.2. Authority. -- W. Va. Code 20-5A-1

1.3. Filing Date. -- March 10, 1983

1.4. Effective Date. -- April 10, 1983

**§46-10-2. Rules**

2.1. Injection into existing Class I, II, and III wells shall be authorized by rule for periods up to five (5) years from the effective date of these regulations. All such wells must be issued permits within the five (5) year period or close down, at its end, unless the rule continued under Section 2.2 of these regulations.

2.2. Rules under Section 2.1 of these regulations authorizing Class II and III wells or projects in existing fields or projects shall allow them to continue normal operations permitted, including construction.

operation, and plugging and abandonment of wells Provided the owner or operator maintains compliance with all applicable requirements under the Board's Series nine (9).

2.3. Injection into existing Class IV wells shall be authorized for a period not to exceed six (6) months after the effective date of these regulations. Such rules shall apply to the requirements of Section 7.3 and Section 11.4 of the Board's, Series 9.

2.4. Injection into Class V wells shall be authorized for a period of five (5) Years, subject to the requirements of Section 13.2(b) and (d) of Section 12.00 of the Board's, Series 9. However, the Chief has authority to withdraw the authorization if required under Section 13.2 of said Regulations.

2.5. Any facility which is authorized by rule pursuant to these regulations shall meet the requirements contained in Section 13.2(b) of the Board's, Series 9, no later than one (1) year after authorization by such rules.

2.6. These regulations do not supersede Series 9, and are solely intended as procedural regulations for the implementations of the provisions of Section 13.2 of the Board's, Series 9, and in the event of any inconsistency of conflict between any provision of these regulations and any provisions of Series 9, the provisions of Series 9 shall control.



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FRANCES E. HUNTER  
Board Secretary

January 6, 1983

The Honorable A. James Manchin  
Secretary of State  
State Capitol  
Charleston, WV 25305

Dear Mr. Secretary:

In accordance with the State Administrative Procedures Act, Chapter 29A, Code of West Virginia, 1931, as amended, the State Water Resources Board is hereby filing its approved Administrative Regulations for the West Virginia Underground Injection Control Program, Chapter 20-5A, 1983 (Series IX) along with the prescribed filing form and the History of Promulgation on page 92.

Please note that these regulations were previously filed on April 8, 1982, and at the request of the Legislative Rule Making Review Committee, they are now being refiled along with changes/additions/and corrections as noted in the Promulgation History, thus superseding the ones previously filed.

I hereby certify that the enclosed regulations are true copies of the regulations approved by the Board on January 4, 1983.

Respectfully submitted,

*John C. Ailes*  
John C. Ailes, Chairman  
State Water Resources Board

JCA/feh  
enclosures



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FRANCES E. HUNTER  
Executive Secretary

February 7, 1984

The Honorable A. James Manchin  
Secretary of State  
State Capitol  
Charleston, WV 25305

Attn: Mr. Robert Jackson

Dear Mr. Jackson:

As per telephone communication of this date, I am attaching a copy of a letter to the Director of the Department of Natural Resources in which the Underground Injection Control Program (UIC) was delegated to the State of West Virginia.

The Board was not aware of this until your call and I contacted John Northeimer of the Hazardous Waste Section of the Division of Water Resources, Department of Natural Resources, who brought a copy of attached letter to my office on February 6, 1984.

Sincerely,

Frances E. Hunter  
Executive Secretary

attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
6TH AND WALNUT STREETS  
PHILADELPHIA, PENNSYLVANIA 19106

RECEIVED  
M

JAN 19 1984

Water Resources  
Division

JAN 11 1984

Dr. Willis H. Hertig, Jr.  
Director, Department of  
Natural Resources  
1800 Washington Street, East  
Charleston, West Virginia 25305

Dear Dr. Hertig:

On December 5, 1983, EPA Administrator, William D. Ruckelshaus signed the State of West Virginia's Underground Injection Control (UIC) primacy application thereby delegating the UIC Program to West Virginia.

I wish to extend my congratulations to both you and your staff in the Division of Water Resources for a job well done. The development of an acceptable UIC Program was a difficult task and the commitment shown by your staff throughout the development process was commendable.

Again, congratulations and the best of success during program implementation.

Sincerely yours,

Thomas P. Eichler  
Regional Administrator

cc: David Robinson, Director, Division of Water Resources

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FEB 6 1984

WATER RESOURCES BOARD

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE WATER RESOURCES BOARD

Chapter 20-5A-1 and Chapter 29A-3-1

Series X  
(1983)

SUBJECT: \*\*Regulations Implementing the Authorization by Rule Provision of  
the Regulations for the West Virginia Underground Injection  
Control Program

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\*\*Procedural Rule

PROMULGATION HISTORY

The proposed procedural regulations were filed in the Office of the Secretary of State on January 17, 1983, and went to public notice on the same date with the comment period ending on February 16, 1983.

These Regulations Implementing the Authorization by Rule Provision of the Regulations for the West Virginia Underground Injection Control Program, Chapter 20-5A-1 et seq. and Chapter 29-A-3-1 et seq. Series X were adopted by the Board on March 10, 1983, and become effective upon assumption of the Underground Injection Control Program by the State of West Virginia.

~~WEST VIRGINIA STATE WATER RESOURCES BOARD~~

Regulations Implementing the Authorization By Rule Provision  
of the Regulations for the West Virginia Underground Injection  
Control Program

Section 1 General  
1.1 Scope - 11

WHEREAS, pursuant to the provisions of Chapter 20-5A-1 et seq. and Chapter 29A-3-1 et seq. of the West Virginia Code, 1931, as amended, the Board has approved and filed ~~the Regulations for the West Virginia Administrative Regulations, Series IX,~~ and

WHEREAS, Section 13.02 of said Regulations provides that certain facilities may be authorized by rule in accordance with the requirements of said section;

NOW, THEREFORE, the Board promulgates the following procedural rules for the implementation of Section 13.02 of the Board's ~~West Virginia Administrative Regulations, Series IX,~~

- 1.2 Authority - WV Code 20-5A-1
- 1.3 Filing Date - March 10, 1983
- 1.4 Effective Date - April 10, 1983

Section 2 Rules  
2.1

~~1.01~~ Injection into existing Class I, II, and III wells shall be authorized by rule for periods up to five (5) years from the effective date of these regulations. All such wells must be issued permits within the five (5) year period or close down, at its end, unless the rule is continued under Section ~~1.02~~ <sup>2.2</sup> of these regulations.

~~1.02~~ <sup>2.2</sup> Rules under Section ~~1.01~~ <sup>2.1</sup> of these regulations authorizing Class II and III wells or projects in existing fields or projects shall

allow them to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells provided the owner or operator maintains compliance with all applicable requirements under the Board's ~~West Virginia Administrative Regulations~~, Series ~~IX~~<sup>9</sup>.

~~1.03~~<sup>2.3</sup> Injection into existing Class IV wells shall be authorized for a period not to exceed six (6) months after the effective date of these regulations. Such rules shall apply to the requirements of Section 7.~~03~~<sup>9</sup> and Section 11.~~04~~<sup>9</sup> of the Board's ~~West Virginia Administrative Regulations~~, Series ~~IX~~<sup>9</sup>.

~~1.04~~<sup>2.4</sup> Injection into Class V wells shall be authorized for a period of five (5) years, subject to the requirements of Section 13.~~02~~<sup>9</sup>(b) and (d) and Section 12.00 of the Board's ~~West Virginia Administrative Regulations~~, Series ~~IX~~<sup>9</sup>. However, the Chief has authority to withdraw the authorization if required under Section 13.~~02~~<sup>9</sup> of said Regulations.

~~1.05~~<sup>2.5</sup> Any facility which is authorized by rule pursuant to these regulations shall meet the requirements contained in Section 13.~~02~~<sup>9</sup>(b) of the Board's ~~West Virginia Administrative Regulations~~, Series ~~IX~~<sup>9</sup>, no later than one (1) year after authorization by such rules.

~~1.06~~<sup>2.6</sup> These regulations do not supersede ~~West Virginia Administrative~~

WRB

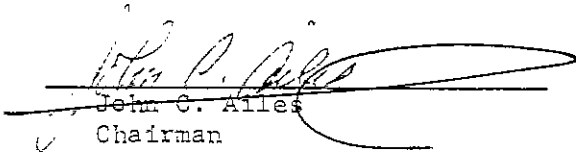
Adm. Reg. 20-5A & 29A-3  
Series X

Section 1.06

~~Regulations~~<sup>9</sup>, Series ~~IX~~<sup>9</sup>, and are solely intended as procedural regulations for the implementation of the provisions of Section 13.02<sup>e</sup> of the Board's ~~West Virginia Administrative Regulations~~<sup>e</sup>, Series ~~IX~~<sup>9</sup>, and in the event of any inconsistency or conflict between any provision of these regulations and any provisions of Series ~~IX~~<sup>9</sup>, the provisions of Series ~~IX~~<sup>9</sup> shall control.

~~Adopted this 10th day of March 1983.~~

~~Attest~~

  
~~John C. Alles~~  
Chairman

~~These regulations shall become effective upon assumption of the~~  
~~Underground Injection Control Program~~