

**47CSR9**

**DIVISION ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES**

“Beginning on page 1, and continuing throughout the text of the rule, by replacing text breakdown numbering to conform with Secretary of State’s rule 153CSR6, Table 153-A;

On page 1, in the title, add ‘Bureau of Environment’, and strike the words ‘ Department of Commerce, Labor, and Environmental Resources’, and insert ‘Office of’ in front of ‘Water Resources’ and by striking ‘Waste Management’;

Beginning on page 1, and continuing throughout the rule, by striking the code reference ‘§20-5A-5’, and inserting in lieu thereof ‘§22-11-8’;

Beginning on page 1, and continuing throughout the rule, by striking the code reference ‘§22-B-1-6’, and inserting in lieu thereof ‘§22-6-6’;

On page 1, subsection 1.2, by striking the code reference ‘§20-5A-6a’, and inserting in lieu thereof ‘§-22-11-10’;

On page 1, subsection 1.3, strike the existing ‘filing date’ and leave it blank ;

On page 1, subsection 1.4, strike the existing ‘effective date’ and leave it blank;

On page 1, subsection 2.2, delete the words ‘Department of Commerce, Labor and Environmental Resource’ and insert in lieu thereof the words ‘Bureau of Environment’;

Beginning on page 1, and continuing throughout the text of the rule, by striking the code reference ‘46 C.S.R.9’ and inserting in lieu thereof ‘47CSR13’;

On page 1, subsection 2.3, strike the word ‘paragraphs’ and insert in lieu thereof the word ‘subdivisions’;

On page 1, subsection 2.4, strike the word ‘paragraphs’ and insert in lieu thereof the word ‘subdivisions’;

On page 1, subsection 2.5, strike the word 'paragraphs' and insert in lieu thereof the word 'subdivisions';

On page 1, subsection 2.6, strike the word 'paragraph' and insert in lieu thereof the word 'subdivision';

On page 1, subsection 2.7, strike the word 'paragraphs' and insert in lieu thereof the word 'subdivisions';

On page 2, subsection 2.17, strike the letter 'S' in 'Subsection' and insert in lieu of the letter 's';

On page 2, subsection 3.1, strike the letter 'S' in 'Sections' and insert in lieu thereof the letter 's';

On page 2, subsection 3.2, strike the letter 'S' in 'Section' and insert in lieu thereof the letter 's';

On page 3, subdivision 3.4.a., strike the code reference '46CSR2' and insert in lieu thereof, '46CSR10' and by striking the letter 'S' in 'Subsection' and insert in lieu thereof the letter 's';

Beginning on page 3, subsection 4.1 and continuing throughout the rule, by striking the code reference '§22B-1-1', and inserting in lieu thereof '§22-6-1';

On page 4, subsection 5.5, strike the letter 'S' in 'Section' and insert in lieu thereof the letter 's';

On page 5, subdivision 8.5.a., strike the word 'Section' and insert in lieu thereof the word 'subsection' and insert the 'subdivision 4.5.c.' in lieu thereof 4.5.3;

On page 5, subdivision 8.5.b., strike the 'Subsection 8.5.1' and insert in lieu thereof the 'subdivision 8.5.a';

On page 5, subdivision 8.5.c., strike the 'Subsection 8.5.1' and insert in lieu thereof the subdivision 8.5.a.';

AND

On page 5, subdivision 8.5.e., strike the word 'section' and insert in lieu thereof the word 'subsection' and insert 'subdivision 7.5.c.' in lieu thereof '7.5.3';"

TITLE 47  
LEGISLATIVE RULES  
BUREAU OF ENVIRONMENT  
DIVISION OF ENVIRONMENTAL PROTECTION  
~~DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES~~  
OFFICE OF WATER RESOURCES-WASTE MANAGEMENT

SERIES 9  
UNDERGROUND INJECTION CONTROL FEE SCHEDULE

**§47-9-1. General.**

1.1. Scope and Purpose -- This legislative rule establishes schedules of permit fees for state underground injection control permits issued by the Chief of the Office of Water Resources. This rule applies to any person who is required to apply for and obtain a permit from the Chief in order to conduct an activity that is enumerated in WV Code ~~§20-5A-5~~ §22-11-8, and is separate from permit fees required under WV Code ~~§22B-1-6~~ §22-6-6.

1.2. Authority -- ~~§20-5A-6a~~ §22-11-10.

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

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

1.5. Incorporation by Reference -- Whenever federal or Sstate statutes or regulations are incorporated into this rule by reference, the reference is to the statute or regulation in effect on July 1, 1992.

**§47-9-2. Definitions.**

2.1. "Activity" means an activity for which a permit is required pursuant to the provisions of WV Code ~~§20-5A-5~~ §22-11-8.

2.2. "Chief" means the Chief of the Office of Water Resources of the Division of Environmental Protection of the West Virginia ~~Department of Commerce, Labor and Environmental Resources~~ Bureau of Environment.

2.3. "Class 1 well" is an underground injection well as described in the Underground Injection Control rule ~~46-C.S.R.-9~~ §47CSR13, ~~paragraphs~~ subdivision 4.1.a and b.

2.4. "Class 2 well" is an underground injection well as described in the Underground Injection Control rule ~~46-C.S.R.-9~~ §46CSR13 ~~paragraphs~~ subdivisions 4.2.a through c.

2.5. "Class 3 well" is an underground injection well as described in the Underground Injection Control rule ~~46-C.S.R.-9~~ §47CSR13 ~~paragraphs~~ subdivisions 4.3.a through e.

2.6. "Class 4 well" is an underground injection well as described in the Underground Injection Control rule ~~46 C.S.R. 9~~ 47CSR13 paragraph 4.4.a.

2.7. "Class 5 well" is an underground injection well as described in the Underground Injection Control rule ~~46 C.S.R. 9~~ 47CSR13 ~~paragraphs~~ subdivisions 4.5.a through r.

2.8. "Facility" means any "injection well or group of wells" that is subject to rule under the UIC program.

2.9. "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

2.10. "Hazardous Waste" means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

2.11. "Major modification" means a modification of an issued permit made in accordance with the provisions of the Underground Injection Control rule ~~46 C.S.R. 9~~ 47CSR13, subsection 13.18.

2.12. "Minor modification" means a modification of an issued permit made in accordance with the provisions of the Underground Injection Control rule ~~46 C.S.R. 9~~ 47CSR13, subsection 13.20.

2.13. "Permit" means an authorization, license or equivalent control document issued by the ~~S~~state to implement the requirements of the UIC Program. "Permit" includes an area permit and a UIC Emergency Permit. "Permit" does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a "draft permit."

2.14. "Person", "persons", or "applicant" means any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; ~~S~~state of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry, sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity

whatsoever.

2.15. "UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, 42 USC §300f including an approved State program.

2.16. "Underground Injections" means the subsurface emplacement of fluids through a well, drainfield, cesspool or pit, or any means thereof.

2.17. "Well" for the purpose of the State UIC Program, means a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension and includes those types of Class 5 wells as defined in subsection 4.5 of the Underground Injection Control rule, ~~46 C.S.R. 9~~§47CSR13.

### §47-9-3. Fee Assessment and Collection.

3.1. Assessment of Permit Application Fees -- Any person who applies or reapplies for a permit shall pay the appropriate permit application or renewal fee in accordance with the provisions of Sections 4 through 6 of this rule.

3.2. Assessment and Collection of Annual Permit Fees -- Any person who holds a permit shall pay an annual permit fee in accordance with the provisions of section 7 of this rule. The first annual permit fee shall be remitted to the proper office one (1) calendar year from the date of permit issuance; subsequent annual permit fees shall be remitted on or before the anniversary date of the permit issuance.

3.2.a. A permit becomes void if the annual permit fee has not been paid within one hundred and eighty (180) days of the due date.

3.2.b. The chief shall not reissue a permit until all annual permit fees due during prior terms of that permit have been paid in full.

3.3. Method of Fee Payment -- All fees assessed under this rule shall be submitted to the appropriate office by check or money order payable to the West Virginia Division of Environmental Protection.

3.3.a. The appropriate office for remitting fees related to Class 1 or Class 5 well(s) is the Office of Water Resources.

3.3.b. The appropriate office for remitting fees related to Class 2 or Class 3 well(s) is the Office of Oil and Gas.

3.4. Collection of Permit Application Fees -- The permit application fee shall be submitted to the appropriate office with the permit application. No permit application will be processed until the appropriate fee has been received.

3.4.a. An applicant may seek verification of the correct amount of a permit application fee by submitting his or her calculation of the fee to the appropriate office in writing. The applicant shall submit this calculation sufficiently in advance of the permit application so that the provisions of the Rules Governing The State National Pollutant Discharge Elimination System (NPDES) Program, ~~46 C.S.R. 2547CSR10~~, §subsection 4.3 are met. Within thirty (30) days of the receipt of this calculation, the appropriate office shall notify the applicant of the accuracy of his or her calculation. If the applicant's calculation is incorrect, the appropriate office shall advise the applicant of the correct amount to be submitted as the permit application fee.

3.4.b. If the appropriate office determines that a submitted application is incomplete and must be returned to the applicant for additional information, a permit application resubmission fee shall accompany the refiled application. This fee is either a sum equivalent to five percent (5%) of the permit application fee or fifty dollars (\$50), whichever is greater.

3.5. If a permittee wishes to continue an activity pursuant to paragraph 13.12.b of the Underground Injection Control rule, ~~46 C.S.R. 947CSR13~~, the permittee must apply for a permit renewal at least one hundred eighty (180) days prior to expiration of the permit.

#### **§47-9-4. Initial UIC Permit Application Fees.**

4.1. Class 1 Wells -- The initial permit application fee is one thousand dollars (\$1,000).

4.2. Class 2 Wells -- The initial permit application fee is five hundred dollars (\$500), which is in lieu of any individual well work permit fee required under WV Code ~~§22B-1-1 et seq~~ §22-6-1 et seq.

4.3. Class 3 Wells -- The initial permit application fee is five hundred dollars (\$500), which is in lieu of any individual well work permit fee required under WV Code ~~§22B-1-1 et seq~~ §22-6-1 et seq.

4.4. Class 4 Wells. -- Class 4 injection wells are prohibited.

4.5. Class 5 Wells -- The initial permit application fee shall be calculated through use of the following formula: the initial permit application fee shall equal the volume fee multiplied by the

treatment factor multiplied by the well type factor (i.e. Initial Permit Application Fee = Volume Fee X Treatment Factor X Well Type Factor). An applicant shall use the following paragraphs to calculate the fees and factors.

4.5.a. The appropriate volume fee is determined from Table A of Attachment 1 of this rule.

4.5.b. The appropriate treatment factor is determined from Table B of Attachment 1 of this rule.

4.5.c. The appropriate well type factor is determined from Table C of Attachment 1 of this rule. The interpretive rule, Class 5 Injection Well Type Descriptions, §47CSR9A contains descriptions of well type codes.

4.5.d. The total amount of the initial permit application fee for a Class 5 injection well shall be no less than twenty five dollars (\$25) and no more than one thousand five hundred dollars (\$1,500).

#### **§47-9-5. Permit Renewal Application Fees.**

5.1. The permit renewal application fee for a Class 1 UIC Permit is one thousand dollars (\$1,000).

5.2. The permit renewal application fee for a Class 2 UIC Permit is five hundred dollars (\$500).

5.3. The permit renewal application fee for a Class 3 UIC Permit is five hundred dollars (\$500).

5.4. Class 4 injection wells are prohibited.

5.5. The permit renewal application fee for Class 5 injection wells is calculated using the formula in §section 4.5 of this rule. (i.e. Permit Renewal Application Fee = Volume Fee X Treatment Factor X Well Type Factor).

#### **§47-9-6. Permit Modification Application Fees.**

6.1. The permit modification fee for a Class 1 UIC Permit which requires a major modification is five hundred dollars (\$500). The permit modification fee for Class 1 UIC Permit which requires a minor modification is one hundred dollars (\$100).

6.2. The permit modification fee for a Class 2 UIC Permit which requires a major modification is two hundred and fifty dollars (\$250).

6.3. The permit modification fee for a Class 3 UIC Permit

which requires a major modification is two hundred and fifty dollars (\$250).

6.4. Class 4 wells are prohibited.

6.5. The permit modification fee for Class 5 injection wells is calculated through the use of the following formula: the permit modification application fee is equal the volume fee multiplied by the treatment factor multiplied by the well type factor (i.e., Permit Modification Application Fee = Volume Fee X Treatment Factor X Well Type Factor).

6.5.a. The appropriate volume fee is determined through the use of Table A of Attachment 1 of this rule. Only the discharge volume of the activity affected by the modification is used in determining the appropriate volume fee.

6.5.b. The appropriate treatment factor is determined through the use of Table B of Attachment 1 of this rule.

6.5.c. The appropriate well type factor is determined through the use of Table C of Attachment 1 of this rule. The Interpretive rule, Class 5 Injection Well Type Descriptions, §47CSR 9A contains descriptions of well type codes.

6.6. Non-volume related Major Modifications -- For an application seeking a major modification of a Class 5 UIC Permit where no discharge volume is involved, the permit modification application fee is twenty five percent (25%) of the initial permit application fee or a minimum of twenty five dollars (\$25).

6.7. Non-volume related Minor Modifications -- For an application seeking a minor modification of a Class 5 UIC Permit where no discharge volume is involved, the permit modification application fee is twenty five dollars (\$25).

#### §47-9-7. Annual Permit Fees.

7.1. The annual permit fee for a Class 1 injection well is seven hundred and fifty dollars (\$750).

7.2. The annual permit fee for a Class 2 disposal well is twenty five dollars (\$25) per well and ten dollars (\$10) per well for enhanced recovery injection wells.

7.3. The annual permit fee for a Class 3 injection well is twenty five dollars (\$25) per well.

7.4. Class 4 wells are prohibited.

7.5. The annual permit fee for a Class 5 injection well is

calculated through the use of the following formula: annual permit fee shall equal the volume fee multiplied by the treatment factor multiplied by well type factor multiplied by 0.333 (i.e., Annual Permit Fee = Volume Fee X Treatment Factor X Well Type Factor X 0.333). The total amount of the annual permit fee is no less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). An applicant shall use the following paragraphs to calculate the fees and factors.

7.5.a. The appropriate volume fee is determined from Table A of Attachment 1 of this rule.

7.5.b. The appropriate treatment factor is determined from Table B of Attachment 1 of this rule.

7.5.c. The appropriate well type factor is determined from Table C of Attachment 1 of this rule. The interpretive rule, Class 5 Injection Well Type Descriptions, §47CSR9A contains descriptions of well type codes.

#### **§47-9-8. Area Permit Fees.**

##### 8.1. Class 1 UIC area permit.

8.1.a. The initial application fee is one thousand dollars (\$1,000).

8.1.b. The permit renewal application fee is one thousand dollars (\$1,000).

8.1.c. The application fee for a major permit modification is five hundred dollars (\$500).

8.1.d. The application fee for a minor permit modification is one hundred dollars (\$100).

8.1.e. The annual permit fee is two hundred fifty dollars (\$250).

##### 8.2. Class 2 UIC area permit.

8.2.a. The initial permit application fee is five hundred dollars (\$500).

8.2.b. The renewal permit application fee is five hundred dollars (\$500).

8.2.c. The application fee for a major permit modification is two hundred and fifty dollars (\$250).

##### 8.3. Class 3 UIC area permit.

8.3.a. The initial permit application fee is five hundred dollars (\$500).

8.3.b. The renewal permit application fee is five hundred dollars (\$500).

8.3.c. The application fee for a major permit modification is two hundred and fifty dollars (\$250).

8.4. Class 4 wells are prohibited.

8.5. Class 5 UIC area permit.

8.5.a. The initial permit application fee shall be determined by the applicant by the following procedure: (1) Total the volumes for each well to be covered by the permit, and (2) Follow the procedures outlined in subsection 4.5 through 4.5.3 subdivision 4.5.c of this rule.

8.5.a.1. The appropriate treatment factor is determined from Table B of Attachment 1 of this rule.

8.5.a.2. The total amount of the initial permit application fee is no less than twenty five dollars (\$25) nor more than one thousand five hundred dollars (\$1,500).

8.5.b. The permit renewal application fee is calculated using the formula listed under ~~§subsection 8.5.1~~ 8.5.a of this rule.

8.5.c. The application fee for a major permit modification is calculated using the formula listed under ~~§subsection 8.5.1~~ 8.5.a. of this rule.

8.5.d. The application fee for a minor permit modification is fifty dollars (\$50).

8.5.e. The annual permit fee is determined by the following procedure: (1) Total the volumes for each well to be covered by the permit, and (2) Follow the procedures outlined in subsection 7.5 through 7.5.3 subdivision 7.5.c of this rule.

8.5.e.1. The appropriate treatment factor is determined using Table B of Attachment 1 of this rule.

8.5.e.2. The appropriate well type factor is determined using Table C of Attachment 1 of this rule. The Interpretive rule, Class 5 Injection Well Type Descriptions, §47CSR 9A contains descriptions of well type codes.

8.5.e.3. The total amount of the annual permit fee

is no less than twenty five dollars (\$25) no more than five hundred dollars (\$500).

ATTACHMENT 1

TABLE A  
VOLUME FEES

<u>If the daily discharge (in gallons) is:</u>	<u>The Volume Fee is:</u>
<250	\$50.00
250 - 500	75.00
501 - 1000	150.00
1001 - 5000	200.00
5001 - 50,000	400.00
50,001 - 100,000	600.00
>100,000	850.00

TABLE B  
TREATMENT FACTORS

<u>LEVEL OF TREATMENT</u>	<u>TREATMENT FACTOR</u>
NO TREATMENT	3
PRIMARY TREATMENT	2.5
SECONDARY TREATMENT	2
TERTIARY TREATMENT	1.5
>TERTIARY TREATMENT	1

ATTACHMENT 1  
TABLE C -- WELL TYPE FACTORS

<u>WELL TYPE *</u>	<u>FACTOR</u>
<u>DRAINAGE WELLS</u>	
5F1	1
5D2	1
5D3	2
5D4	3
5G30	1
<u>GEOHERMAL REINJECTION WELLS</u>	
5A5	3
5A6	3
5A7	1
5A8	3
<u>DOMESTIC WASTEWATER DISPOSAL WELLS</u>	
5W9	3
5W10	1
5W11	2
5W31	2
5W32	1
5W12	1
<u>MINERAL AND FOSSIL FUEL RECOVERY RELATED WELLS</u>	
5X13	3
5X14	2
5X15	2
5X16	2
<u>OIL FIELD PRODUCTION WASTE DISPOSAL WELLS</u>	
5X17	3
5X18	2
<u>INDUSTRIAL/COMMERCIAL/UTILITY DISPOSAL WELLS</u>	
5A19	2
5W20	3
<u>RECHARGE WELLS</u>	
5R21	1
5B22	1
5S23	1
<u>MISCELLANEOUS WELLS</u>	
5N24	4
5X25	3
5X26	1
5X29	3
5X27	3

\* Note: See §47CSR 9A for a description of Well Type codes.

Technical Changes

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PENNEY BARKER  
Supervisor, Corporations

(Plus all the volunteer  
help we can get)

TO: CARRIE CHAMBERS

AGENCY: DEP - OFFICE OF WATER RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 31, 1997

FILED  
AUG 15 1 29 PM '97  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 9 TITLE: 47 DEP - OFFICE OF WATER RESOURCES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Ground Water Program Leader

DATE: 8-14-97

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.