WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Committee Substitute for
SENATE BILL NO. 341

(By Senator __Loehr________________)

PASSED __April 8__, 1989
In Effect ________ from ________ Passage
AN ACT to amend and reenact section eight, article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the commissioner of the department of energy to promulgate legislative rules relating to West Virginia surface mining reclamation regulations (repealer).

Be it enacted by the Legislature of West Virginia:

That section eight, article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-8. Department of energy.

1 (a) The legislative rules filed in the state register on the thirty-first day of March, one thousand nine hundred eighty-two, relating to the department of
mines (energy) (mine safety program), are authorized.

(b) The legislative rules filed in the state register on the seventeenth day of August, one thousand nine hundred eighty-three, relating to the department of energy (governing the safety of those employed in and around surface mines), are authorized.

(c) The legislative rules filed in the state register on the seventh day of December, one thousand nine hundred eighty-three, relating to the office of oil and gas, department of mines (energy), (oil and gas and other wells) are authorized with the amendment set forth below:

Page viii, place an * in front of section 32.02.

Page ix, after section 35.04 add the following:

"*35.05 Extra Powers of the Administrator .......64."

Page 1, section 1.03 in the list of additional regulations, add 35.05; in the list of revised regulations, add 32.02, 32.03 and 33.00.

Page 52 section 32.04 and section 32.05 add at the end of (ii) the words "and (iii) definition of proration unit".

Page 53 section 33 after the word "definitions" add the following sentence: "The following definitions are applicable to these regulations used for purposes of implementing the Natural Gas Policy Act of 1978 and are not intended to be used in any other context."

Page 55, section 33.02 (b)(16) after the word "formations" in the third lines of (i) and (ii), add the words "for which a well has been."

Page 64, after section 35.04 add the following section:

35.05 Extra powers of the Administrator.

"The administrator may also certify or provide a waiver for a well located within a proration unit as defined in 32.02 (b)(16) or any other well sought to be certified under these regulations after notice and hearing."
(d) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (oil and gas wells and other wells), are authorized.

(e) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the oil and gas division of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (certification of gas wells), are authorized.

(f) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (underground injection control), are authorized.

(g) The legislative rules filed in the state register on the eleventh day of August, one thousand nine hundred eighty-six, modified by the director of the division of oil and gas of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of December, one thousand nine hundred eighty-six, relating to the director of the division of oil and gas of the department of energy (state national pollutant discharge elimination system (NPDES) program), are authorized.
(h) The legislative rules filed in the state register on
the fourteenth day of November, one thousand nine
hundred eighty-six, modified by the commissioner of
the department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the sixteenth day of December,
one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (standards
for certification of coal mine electricians), are autho-
rized with the following amendments:

"Page one, §2.1, subsection (a), following the second
word, ‘electrician’ by striking the colon and inserting
the following: ‘under the supervision required by
section 4.1(d) of these rules’ and a colon.

Page one, §2.1, subsection (a), by deleting all of
subdivision (6) and renumbering the subsequent
subdivisions.

Page two, §2.1, subsection (a), by deleting all of
subdivision (9).

Page two, §2.1, subsection (b), by deleting all of
subdivision (14) and inserting in lieu thereof a new
subdivision (14) to read as follows: ‘(14) Replace blown
fuses on trolley poles and nips.’

Page five, §4.1, subsection (d), line three, following
the words ‘certified electrician prior’ by inserting the
words ‘to any work being performed and again prior’."

(i) The legislative rules filed in the state register on
the fifteenth day of December, one thousand nine
hundred eighty-six, modified by the commissioner of
the department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the twenty-first day of Janu-
ary, one thousand nine hundred eighty-seven, relating
to the commissioner of the department of energy
(safety training program for prospective underground
coal miners in West Virginia), are authorized.

(j) The legislative rules filed in the state register on
the eleventh day of August, one thousand nine hun-
dred eighty-six, modified by the commissioner of the
department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the fifteenth day of December,
one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (miscella-
neous water pollution control), are authorized.

(k) The legislative rules filed in the state register on
the eleventh day of August, one thousand nine hun-
dred eighty-six, modified by the commissioner of the
department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the fifteenth day of December,
one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (dam
control), are authorized.

(l) The legislative rules filed in the state register on
the eleventh day of August, one thousand nine hun-
dred eighty-six, modified by the commissioner of the
department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the fifteenth day of December,
one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (solid waste
management), are authorized.

(m) The legislative rules filed in the state register on
the eleventh day of August, one thousand nine hun-
dred eighty-six, modified by the commissioner of the
department of energy to meet the objections of the
legislative rule-making review committee and refiled
in the state register on the fifteenth day of December,
one thousand nine hundred eighty-six, relating to the
commissioner of the department of energy (hazardous
waste management), are authorized.

(n) The legislative rules filed in the state register on
the twentieth day of April, one thousand nine hundred
eighty-seven, relating to the commissioner of the
department of energy (roof control) are authorized.

(o) The legislative rules filed in the state register on
the third day of April, one thousand nine hundred
eighty-seven, relating to the department of energy
(standards for certification of underground belt examiners for underground coal mines), are authorized.

(p) The legislative rules filed in the state register on the ninth day of April, one thousand nine hundred eighty-seven, relating to the commissioner of the department of energy (performance standards for blasting on surface mines) are authorized.

(q) The legislative rules filed in the state register on the twelfth day of January, one thousand nine hundred eighty-seven, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of February, one thousand nine hundred eighty-seven, relating to the commissioner of the department of energy (state national pollutant discharge elimination system (NPDES) for mines and minerals), are authorized.

(r) The Legislature hereby authorizes and directs the department of energy to promulgate the procedural rules filed in the state register on the twenty-first day of October, one thousand nine hundred eighty-seven, relating to the department of energy (requests for information) with the amendments set forth below:

On page two, subsection 3.1, by striking subdivision (d) and renumbering the remaining subdivisions, and

On page three, section 6, by striking all of subsection 6.1 and inserting in lieu thereof, the following:

"6.1 The department shall establish fixed rate fees for reproduction of documents, records, and files on the basis of the actual cost of such reproduction and shall document such costs: Provided, That where total costs are less than five dollars, no fee shall be charged."

(s) The legislative rules filed in the state register on the twelfth day of May, one thousand nine hundred eighty-seven, modified by the commissioner of the department of energy to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourteenth day of August,
one thousand nine hundred eighty-seven, relating to
the commissioner of the department of energy (blas-
ters certification for surface coal mines and surface
areas of coal mines) are authorized.

(t) The legislative rules filed in the state register on
the twentieth day of January, one thousand nine
hundred eighty-eight, modified by the commissioner
of the department of energy to meet the objections of
the legislative rule-making review committee and
refiled in the state register on the twenty-eighth day
of November, one thousand nine hundred eighty-eight,
relating to the commissioner of the department of
energy (abandoned mine reclamation) are authorized.

(u) The legislative rules filed in the state register on
the nineteenth day of September, one thousand nine
hundred eighty-eight, and modified to meet the
objections of the West Virginia Legislature and refiled
in the state register on the sixth day of April, one
thousand nine hundred eighty-nine, relating to the
commissioner of the department of energy (West
Virginia surface mining reclamation regulations
(repealer)) are authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick P. Raw
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jared C. Smith
Clerk of the Senate

Donald V. Kapp
Clerk of the House of Delegates

Tim J. Faubel
President of the Senate

B. L. O'Mara
Speaker House of Delegates

The within ......... ......... ......... this the ......

day of ...... ......, 1889.

Rufus L. Freer
Governor