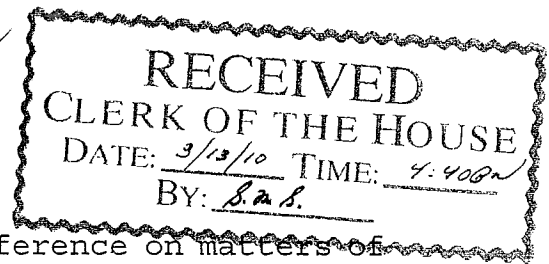


Annex 8: 4802



SB273 CC #1 3/13

Delegate Brown, from the committee of conference on matters of disagreement between the two houses, as to Eng. Com Sub for Senate Bill No. 273, Authorizing DEP promulgate legislative rules.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for Senate Bill No 273 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House inserting new subsection (q) of section one, and inserting in lieu thereof, the following language:

"(q) The legislative rule filed in the state register on the twenty-first day of April, two thousand nine, authorized under the authority of section two, article six, chapter twenty-two, of this code, modified by the Department of Environmental Protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the fifteenth day of January, two thousand ten, relating to the Department of Environmental Protection (oil and gas wells and other wells, 35 CSR 4), is authorized with the following amendment:

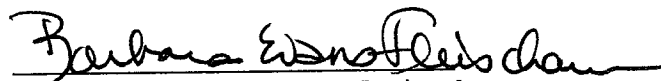
On page twenty-five, subdivision 16.4.d., by striking out the


words "authorized by the Office, based on soil analysis from the operator, to be suitable to prevent seepage or leakage" and inserting in lieu thereof the words "deemed to be suitable to prevent seepage or leakage based on soil analysis from the operator and standards developed and certified by a registered professional engineer and approved by the Office. Before deeming pits suitable to prevent seepage or leakage without a synthetic liner, the chief shall notify the surface owner that the surface owner is entitled to receive notice of the application for the well work permit and that the operator has requested that the pit be deemed suitable to prevent seepage or leakage without a synthetic liner. If the surface owner objects, the chief shall hold a hearing pursuant to article five, chapter twenty-nine-A of the Code of West Virginia before determining that the pit is suitable to prevent seepage or leakage."

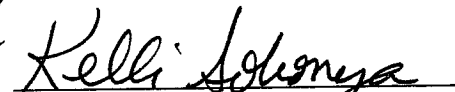
Respectfully submitted,

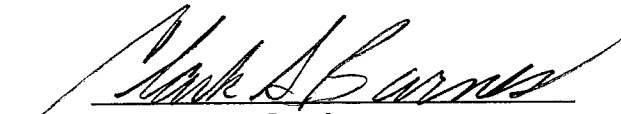

Delegate Bonnie Brown


Senator Joseph Minard


Delegate Barbara Fleischauer


Senator Bob Williams


Delegate Kelly Sobonya


Senator Clark S. Barnes

Conferees on the part of
the Senate

Conferees on the part of
the House