



west virginia department of environmental protection

Division of Water and Waste Management
Solid Waste Permitting Unit
601 57th Street SE
Charleston, WV 25304

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

MEMORANDUM

TO: Solid Waste Landfill Owners and Operators

CC: Mark D. Holstine, Executive Director, Solid Waste Management Board
Michael A. Albert, Chairman, Public Service Commission
Jason R. Frame B.S. R.T. (R), Chief, Radiological Health Program
County Solid Waste Authorities

FROM: Scott G. Mandirola, Director, Division of Water and Waste Management

RE: Solid Waste Management Rule (33CSR1) Emergency Rule

Date: July 17, 2014

As you are aware, on March 14, 2014, the legislature passed House Bill 107 which requires the West Virginia Department of Environmental Protection to promulgate emergency and legislative rules for the handling and disposal of drill cuttings and associated drilling mud, as well as establish limits for unique toxins associated with drill cuttings and associated drilling mud. On July 10, 2014, the Secretary of State approved DEP's emergency rule (33 CSR 1), which took effect immediately upon signature. The emergency rule establishes procedures for the acceptance, handling, and disposal of drill cuttings and associated drilling mud and amends requirements regarding the materials that can be used in the protective cover zone of the leachate collection system and the types of solid waste that can be placed in the first eight (8) feet of waste on the protective cover. A copy of the emergency rule can be obtained by visiting the Secretary of State's website at www.sos.wv.gov.

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All solid waste landfills that are approved to accept drill cuttings and associated drilling mud must comply with the emergency rule. If a facility cannot comply with this rule, please contact the Office of Waste Management within ten (10) days of receipt of this Memorandum for further assistance.