

Amd adopted 10-13

Defining Single Project

The amendment is indicated by underlining and strike-throughs, as follows:

§22-6A-9. Certificate of approval required for large impoundment construction; certificate of approval and annual registration fees; application required to obtain certificate; term of certificate; revocation or suspension of certificates; appeals; farm ponds; criminal penalty.

(a) It is unlawful for any person to place, construct, enlarge, alter, repair, remove or abandon any freshwater impoundment or flowback recycle impoundment with capacity of greater than 210,000 gallons used in association with any horizontal well operation until he or she has first secured from the secretary a certificate of approval for the same: *Provided*, That routine repairs that do not affect the safety of the impoundment are not subject to the application and approval requirements. A separate application for a certificate of approval must be submitted by a person for each impoundment he or she desires to place, construct, enlarge, alter, repair, remove or abandon, but one application may be valid for more than one impoundment involved in a single project, which involves two or more well pads.

(b) The application fee for placement, construction, enlargement, alteration, repair or removal of an impoundment pursuant to this section is \$300, and such fee shall accompany the application for certificate of approval. Operators holding

certificates of approval shall be assessed an annual registration fee of \$100, which shall be valid for more than one impoundment involved in a single, which involves two or more well pads.