

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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1997 JUN 30 PM 2:49
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Water Resources Board TITLE NUMBER: 46

CITE AUTHORITY 20-5A

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: I

TITLE OF RULE BEING AMENDED: Requirements Governing Water Quality
Standards Section 7.2.f.5.ii.B and Section 7.2.c.6

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: same as above

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Frances E. Hunter

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except those listed below:

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7.2.c.1.i MCB - Blackwater River and all its
tributaries.

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7.2.c.2 MW - West Fork River and all its tributaries.

7.2.c.3 MT - Tygart River and all its tributaries
except those listed below:

7.2.c.3.i MTB - Buckhannon River and all its
tributaries.

7.2.c.3.ii MTM - Middle Fork River and all its
tributaries.

7.2.c.4 MY - Youghigheny River and all its
tributaries to the West Virginia-Maryland State line.

7.2.c.5 Exception; to 7.2.c: Except that flow in the
main stem of the Monongahela River, as regulated by the Tygart
Reservoir, operated by the U. S. Army Corps of Engineers, is based
on a minimum flow of 345 cfs at Lock and Dam No. 8, river mile
point 90.8. This exception does not apply to tributaries of the
Monongahela River.

7.2.c.5.i Exception; to 7.2.c.4: Water Use Categories
D, and E are excluded from the tributaries of the Youghiogheny
River in West Virginia which flow into Maryland.

7.2.c.6 Exception to 7.2.c: Except for an unnamed
tributary to the Monongahela River mainstem at approximately 3700
feet upstream of mile point 125, which may contain suspended
solids not to exceed 60 mg/l, oil and grease not to exceed 15
mg/l, Ammonia-Nitrogen not to exceed 30 mg/l, total phenols not to
exceed .10 mg/l, total cyanide not to exceed .05 mg/l, total
manganese not to exceed 4 mg/l, total zinc not to exceed 1.5 mg/l,
total copper not to exceed 1.0 mg/l, Benzene not to exceed .05
mg/l, Napthalene not to exceed .05 mg/l and Benzo (a) Pyrene not
to exceed .05 mg/l and iron not to exceed 4 mg/l for the months
June through November and 7 mg/l for the months of December
through May.

7.2.d O - Ohio River Basin. The Ohio River and all
its tributaries to the West Virginia-Ohio-Pennsylvania State lines
excluding the following major tributaries which are designated as
follows:

7.2.d.1 O1 - Ohio River - main stem. The main stem
of the Ohio River from the Ohio-Pennsylvania-West Virginia State
line to the Ohio-Kentucky-West Virginia State line.

7.2.f.5.i.A For the Kanawha River main stem, Zone 1, Water Use Category A shall not apply; and

7.2.f.5.i.B The minimum flow shall be 1,960 cfs at the Charleston gauge.

7.2.f.5.ii Exceptions; to 7.2.f.1:

7.2.f.5.ii.A For the main stem of the Kanawha River only, the minimum flow shall be 1,896 cfs at mile point 72.

7.2.f.5.ii.B Except the stretch between the mouth of Little Scary Creek (K-31) and the Little Scary impoundment shall not have Water Use Category A or B1 and shall have Water Use Category B3; therefore may contain arsenic not to exceed 200 ug/l and selenium not to exceed 62 ug/; and copper not to exceed 120 ug/l.

7.2.f.6 KG - Gauley River. The Gauley River and all its tributaries excluding the following major tributaries which are designated as follows:

7.2.f.6.i KGM - Meadow River and all its tributaries.

7.2.f.6.ii KG34 - Cherry River and all its tributaries.

7.2.f.6.iii KGCR - Cranberry River and all its tributaries.

7.2.f.6.iv KGW - Williams River and all its tributaries.

7.2.f.7 KN - New River. The New River from its confluence with the Gauley River to the Virginia-West Virginia State line and all tributaries excluding the following major tributaries which are designated as follows:

7.2.f.7.i KNG - Greenbrier River and all its tributaries.

7.2.f.7.ii KNB - Bluestone River and all its tributaries.

7.2.f.7.iii KNE - East River and all its tributaries.

7.2.f.7.iv KN-60 - Bluestone Lake.

7.2.f.8 Exception; to 7.2.f.7: Except the stretch of Laurel Creek (KN-5) (a tributary of the New River) from the confluence of Dempsey Branch and Laurel Creek to a point 1.7 miles below, where the specific criterion for iron shall be 3.0 mg/l total iron, and from that point to the confluence of Laurel Creek



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

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June 30, 1987

WILLIAM PLASS
21 Grandview Drive
Princeton, West Virginia

The Honorable Ken Hechler
Secretary of State
State Capitol
Charleston, West Virginia 25305

Attn: Mr. Rich Hartman, Administrative
Law Division

Dear Mr. Secretary:

Enclosed for filing in your office are copies of the following actions of the State Water Resources Board:

1. Notice of final filing and adoption of Legislative Rules authorized by the West Virginia Legislature (Form #6);
2. Notice of filing of an Emergency Rule (Form #7);
3. Notice of agency approval of a proposed rule filing with the Legislative Rule-Making Review Committee (Form #3); and
4. Page 1 with changes in Sections 1.3, 1.4 and 1.5; Page 12, Section 7.2.c.6 as an Emergency and Proposed Rule; and Page 14, Section 7.2.f.5.ii.B - Proposed Rule of the Board's Series I Legislative Rules "Requirements Governing Water Quality Standards."

We respectfully submit the above documents for inclusion in your State Agency Rules and request concurrence with the emergency rule filing.

If you have any question do not hesitate to contact this office.

Very truly yours,

STATE WATER RESOURCES BOARD

Frances E. Hunter, Executive Secretary

enclosures

c Mr. Mike Mowery, Legislative Rule-
Making Review Committee



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STATE WATER RESOURCES BOARD

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Mr. Mike Mowery, Esq.
Counsel
Legislative Rule Making Review Committee
State Capitol Bldg. # 1 Room 436
Charleston, West Virginia 25305

Dear Mr. Mowery:

Enclosed find 17 copies of pages 12 and 14 only of the Water Resources Board's Series I Requirements Governing Water Quality Standards rules that having gone to a public hearing, public comment period, and approval by the promulgating agency are hereby submitted for filing with your office and the Office of the Secretary of State.

If you have any question do not hesitate to contact this office.

Respectfully submitted,

STATE WATER RESOURCES BOARD

Frances E. Hunter
Frances E. Hunter
Executive Secretary

enclosures

c The Honorable Ken Hechler ✓