

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: Water Resources Board TITLE NUMBER: 46

CITE AUTHORITY: 20-5A

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: I

TITLE OF RULE BEING AMENDED: Requirements Governing Water Quality
Standards

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY:

TITLE OF RULE BEING FILED AS AN EMERGENCY: Section 7.2.c.6 of above
Series I

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

In the opinion of the State Water Resources Board there is sufficient justification to support the filing of Series I, Section 7.2.c.6, as an emergency rule for the following reasons:

1. If this water quality standard revision is not implemented immediately then Sharon Steel Corporation will be in violation of their permit as of July 1, 1987 and could be subject to civil and criminal liability.
2. If Sharon Steel is required to comply with these terms of their existing permit, which based upon these revisions, then the Corporation would have to spend a large amount of money for a temporary treatment facility and might rather file for bankruptcy.
3. Both the Chief of the Division of Water Resources of W. Va. DNR and the Water Quality Standards Coordinator for Region III of the U.S. Environmental Protection Agency have reviewed and approved this variance request.

Use Additional Sheets If Necessary.

Frances E. Hunter

WQS

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 7.2.c.1

except those listed below:

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

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 Youghigheny 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.