

NOTICE OF RULE MODIFICATION

LEGISLATIVE RULE: Series I, Water Quality Standards

The above titled rule has been modified as a result of comments by the Legislative Rule-Making Review Committee and the attached modifications have been incorporated into the above titled rule and filed in the Secretary of State's office on January 8, 1987.

Frances E Hunter  
Executive Secretary

FILED  
1987 JAN -8 PM 3:35  
SECRETARY OF STATE



STATE OF WEST VIRGINIA  
STATE WATER RESOURCES BOARD

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January 8, 1987

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FILED  
1987 JAN -8 PM 3:33  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF WEST VIRGINIA

The Honorable Ken Hechler  
Secretary of State  
State Capitol Bldg. # 1 Room 157-K  
Charleston, West Virginia 25305

Re: Notice of Actions of Legislative  
Rule Making Review Committee  
October 9, 1986

Dear Mr. Secretary:

The Legislative Rule Making Review Committee has recommended that the West Virginia Legislature authorize the State Water Resources Board to promulgate Legislative Rules as originally filed or as modified by the Board. Specifically, the Legislative Rules recommended for authorization to the Legislature include:

1. Series I, Water Quality Standards
2. Series II, National Pollutant Discharge Elimination System
3. Series III, Special Rules
4. Series IX, Underground Injection Control

The above rules were filed as emergency rules on January 6, 1986 and have been in effect since that date.

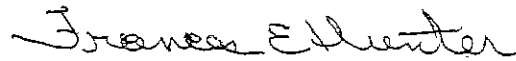
This letter transmits to you modified pages of the Series I and Series II Legislative Rules as recommended by the above referenced notice. These pages should be inserted in the appropriate Series of

The Honorable Ken Hechler  
Secretary of State  
January 8, 1987  
page 2

the rules as originally filed and the emergency rules.

The purpose of these modified pages is to correct certain editorial and word processor errors and omissions. These corrections do not alter the substantive content of the Legislative Rules.

Very truly yours,

  
Frances E. Hunter  
Executive Secretary

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1987 JAN -8 PM 3:35  
SECRETARY OF STATE

enclosures

1. Notice of Actions of Legislative Rule Making Review Committee
2. Notice of Rule Modification
3. Modified pages Series I and II

c Legislative Rule Making Review Committee

WEST VIRGINIA LEGISLATURE  
*Legislative Rule-Making Review Committee*



RECEIVED

OCT 14 1986

WATER RESOURCES BOARD

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 9, 1986

TO: Ken Hechler, Secretary of State, State Register

TO: John C. Ailes, Chairman  
State Water Resources Board  
1206 Greenbrier Street  
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Series I, Water Quality Standards  
Series II, National Pollutant Discharge Elimination System  
Series III, Special Rules  
Series IX, Underground Injection Control

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule as originally filed or as modified by the agency. X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

cc: Robert K. Parsons, Esquire  
Dr. Paul Hill

EMERGENCY

WQS

Leg. Rule, 20-5 & 20-5A  
Series I, Sec. 2.10

any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

2.11 "Representative important species of aquatic life" shall mean those species of aquatic life whose protection and propagation will assure the sustained presence of a balanced aquatic community. Such species are representative in the sense that maintenance of water quality criteria will assure both the natural completion of the species' life cycles and the overall protection and sustained propagation of the balanced aquatic community.

2.12 The "State Act" or "State Law" shall mean the West Virginia Water Pollution Control Act, West Virginia Code 20-5A-1, et seq.

2.13 "Total recoverable" refers to the digestion procedure for certain heavy metals as referenced in 40 CFR 136, October 26, 1984, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act.

2.14 "Trout waters" are streams or stream segments which sustain year-round trout populations. Excluded are those streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.

2.15 "Water quality criteria" shall mean levels of parameters or stream conditions that are required to be maintained by these regulations. Criteria may be expressed as a constituent concentration, levels, or narrative statement, representing a quality of water that supports a designated use or uses.

2.16 "Water quality standards" means the combination of water uses to be protected and the water quality criteria to be maintained by these rules.

2.17 "Wet weather streams" are streams that flow only in direct response to precipitation or whose channels are at all times above the water table.

Section 3. Conditions Not Allowable in State Waters

3.1 Certain characteristics of sewage, industrial wastes and other wastes cause pollution and are objectionable in all waters of the State. Therefore, the State Water Resources Board does hereby proclaim that the following general conditions are not to be allowed in any of the waters of the State.

EMERGENCY

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Leg. Rule, 20-5 & 20-5A

Series I, Sec. 3.2

3.2 No sewage, industrial wastes or other wastes present in any of the waters of the State shall cause therein or materially contribute to any of the following conditions thereof:

3.2.a Distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks;

3.2.b Deposits or sludge banks on the bottom.

3.2.c Odors in the vicinity of the waters;

3.2.d Taste or odor that would adversely affect the designated uses of the affected waters;

3.2.e Materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life;

3.2.f Distinctively visible color;

3.2.g Concentrations of bacteria which may impair or interfere with the designated uses of the affected waters;

3.2.h Requiring an unreasonable degree of treatment for the production of potable water by modern water treatment processes as commonly employed; and

3.2.i Any other condition, including radiological exposure, which alters the chemical, physical or biological integrity of the waters of the State.

Section 4. Anti-degradation Policy.

4.1 It is the policy of the State of West Virginia that instream water uses shall be maintained and protected as follows:

4.1.a Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. Waste assimilation and transport are not recognized as designated uses. The classification of the waters must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Subcategories of a use may be adopted and appropriate criteria set to reflect varying needs of such subcategories of uses, for example to differentiate between trout water and other waters. (See 4.1.d).

4.1.b At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under Sections 301(b) and 306 of the Federal Clean Water Act and

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Leg. Rule, 20-5 & 20-5A

Series I, Sec. 4.1.b

use of cost-effective and reasonable best management practices for non point source control. Seasonal uses may be adopted as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria will be adjusted to reflect the seasonal uses; however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season. A designated use which is not an existing use may be removed, or subcategories of a use may be established if it can be demonstrated that attaining the designated use is not feasible because:

4.1.b.1 Application of effluent limitations for existing sources more stringent than those required pursuant to Section 301(b) and Section 306 of the Federal Act in order to attain the existing designated use would result in substantial and widespread adverse economic and social impact; or

4.1.b.2 Naturally occurring pollutant concentrations prevent the attainment of the use; or

4.1.b.3 Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges to enable uses to be met; or

4.1.b.4 Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

4.1.b.5 Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or

4.1.b.6 Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses.

4.1.c The State shall take into consideration the quality of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters.

4.1.d In establishing a less restrictive use or uses, or subcategory of use or uses, and the water quality criteria based upon such uses, the Board shall follow the

## Section 8

### SPECIFIC WATER QUALITY CRITERIA

#### USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B1,3	Troutwater B2	Recreation C	Public A	All Other Uses
8.1 ALUMINUM: Not to exceed 0.5 mg/l.	mg/l	—	0.5	—	—	—
8.2 AMMONIA: The concentration of un-ionized ammonia (NH <sub>3</sub> ) shall not exceed 50 ug/l. Un-ionized ammonia shall be determined from values of total ammonia-N, pH and temperature according to the following equation:  $\text{Un-ionized ammonia} = \frac{1.2(\text{total ammonia-N})}{-1 + 10^{(\text{pk}_a - \text{pH})}}$ where $\text{pk}_a = 0.0902 + 2730/(273.2 + T)$ and T = temperature in degrees C.	ug/l	50	—	—	50	—
8.2.1 The concentration of un-ionized ammonia shall not exceed 20 ug/l.	ug/l	—	20	—	—	—
8.3 ARSENIC: Not to exceed 50 ug/l.	ug/l	—	—	—	50	—
8.3.1 Not to exceed 100 ug/l (Category D Uses).	ug/l	—	—	—	—	100
8.3.2 Not to exceed 440 ug/l trivalent arsenic.	ug/l	440	440	440	—	—
8.4 BARIUM: Not to exceed 1.0 mg/l.	mg/l	—	—	—	1	—
8.5 CADMIUM: Hardness mg/l as CaCO <sub>3</sub> 0-35 36-75  Soluble Cadmium (ug/l) 1 2						

EMERGENCY  
 WRB  
 Leg. Rule, 20-5 & 20-5A  
 Series I, Appendix A

APPENDIX A  
 CATEGORY B-2 - TROUT WATERS

<u>River Basin</u>	<u>County</u>	<u>Stream</u>
James River J	Monroe	South Fork Potts Creek
Potomac River P	Jefferson	Town Run
P "	Rocky Marsh	Run
P	Berkeley	Opequon Creek
P	"	Tuscarora Creek (Above Martinsburg)
P	"	Middle Creek (Above Route 30 Bridge)
P	"	Mill Creek
P	"	Hartland Run
P	"	Mill Run
P	"	Tillance Creek
P	Morgan	Meadow Branch
PS	Jefferson	Flowing Springs Run (Above Halltown)
PS	Jefferson	Cattail Run
PS	"	Evitt's Run
PS	"	Big Bullskin Run
PS	"	Long Marsh Run
PC	Hampshire	Cold Stream
PC	"	Edwards Run and Impoundment
PC	"	Dillons Run
PC	Hardy	Lost River
PC	"	Camp Branch
PC	"	Lower Cove Run
PC	"	Moore's Run
PC	"	North River (Above Rio)
PC	"	Waites Run
PC	"	Trout Run
PC	"	Trout Pond (Impoundment)
PC	"	Warden Lake (Impoundment)
PC	"	Rock Cliff Lake (Impoundment)
PSB	Hampshire	Mill Creek
PSB	"	Mill Run
PSB	Hardy	Dumpling Creek
PSB	Grant-	North Fork South Branch

APPENDIX B  
 CATEGORY A - WATER SUPPLY PUBLIC

<u>River Basin</u>	<u>County</u>	<u>Operating Company</u>	<u>Source</u>
Potomac River			
P	Jefferson	3-M Company	Turkey Run
P	"	Shepardstown Water	Potomac River
P	Jefferson	Harpers Ferry Water	Elk Run
P	Berkeley	DuPont Potomac River Works	Potomac River
P	Berkeley	Berkeley County PSD.	Le Feure Spring
P	"	Opequon PSD	Quarry, Spring
P	"	Hedgesville PSD	Speck Spring
P	Morgan	Paw Paw Water	Potomac River
PS	Jefferson	Charlestown Water	Evitt's Run
PSB	Hampshire	Romney Water	South Branch Potomac River
PSB	Hampshire	Peterkin Conference Center	Mill Run
PSB	Hardy	Moorfield Municipal Water	South Fork River
PSB	Pendleton	U.S. Naval Radio Sta.	South Fork River
PSB	"	Circilville Water Inc.	North Fork of South Branch, Potomac River
PSB	Grant	Mountain Top PSD	Mill Creek, Imp.
PSB	"	Petersburg Municipal Water	South Branch, Potomac River
PNB	Grant	Island Creek Coal	Impoundment
PNB	Mineral	Piedmont Municipal Water	Savage River, Maryland
PNB	Mineral	Keyser Water	New Creek
PNB	"	Fort Ashby PSD	Lake
Monongahela River			
M	Monongalia	Morgantown Water Comm.	Colburn Creek & Monongahela R.
M	Monongalia	Morgantown Ordinance Works	Monongahela R.
M	Preston	Preston County PSD	Deckers Creek
M	Monongalia	Blacksville # 1 Mine	Impoundment
M	"	Loveridge Mine	Impoundment
M	"	Consolidation Coal Co.	Impoundment
M	Preston	Mason Town Water	Block Run

WEST VIRGINIA LEGISLATURE  
*Legislative Rule-Making Review Committee*



FILED  
OCT 10 1986

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 9, 1986

TO: Ken Hechler, Secretary of State, State Register

TO: John C. Ailes, Chairman  
State Water Resources Board  
1206 Greenbrier Street  
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

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cc: Robert K, Parsons, Esquire  
Dr. Paul Hill