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SECRETARY OF STATE

NOTICE OF APPROVAL AND ADOPTION


BY: State Water Resources Board

EMERGENCY LEGISLATIVE RULE:

West Virginia Administrative Rules
State Water Resources Board
Chapter § 20-5 and § 20-5A (1985)
Series I, Water Quality Standards

The attached amendments to the abovetitled Legislative rule constitutes the official emergency rule approved and adopted by the State Water Resources Board on the 9th day of December 1985 and filed pursuant to law in the Office of the Secretary of State, State of West Virginia.

Entered



John C. Ailes, Chairman

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Water Resources Board
Series I, Water Quality Standards

FACTS AND CIRCUMSTANCES

W. Va. Code § 20-5 and 20-5A et seq. authorize the State Water Resources Board to promulgate rules and regulations and to establish water quality standards to protect the State's surface waters. In promulgating these rules the Board must adhere not only to the above statutes but must consider the declared public policy of the State of West Virginia under the State Water Pollution Control Act:

20-5A-1. Declaration of Policy

It is declared to be the public policy of the State of West Virginia to maintain reasonable standards of purity and quality of the water of the State consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture and the provision of a permanent foundation for healthy industrial development.

In addition, the Board must comply with EPA promulgated federal regulations for water quality standards.

The Federal Clean Water Act and federal regulations (40- CFR § 131.20) require that the State (W. Va.) shall from time to time, but at least once every three years, review and revise water quality standards. These revisions are subject to EPA approval. EPA has certain time periods to either approve, or disapprove the State's revision. If the State does not adopt the changes specified by EPA within 90 days, then EPA shall propose and promulgate such water quality standards. EPA may also promulgate a federal regulation applicable to a specific State to bring it into compliance with the Federal Clean Water Act.

The Board has filed the Series I, Water Quality Standards, Legislative Rule in toto as an emergency rule, although, arguably, only specific sections meet the requirements of W. Va. Code § 29A-3-15. The Board feels this action is justified to be in the public interest because the Series I legislative Rule must be read and complied with as a whole rule to achieve its purpose; plus the new format for Legislative rules is not compatible nor in context with the format of the existing Series I, Administrative Regulations.

The Board revised the water quality standards in 1983 and the Legislature authorized the Board to promulgate Series I,

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Water Quality Standards, as an administrative regulation in 1984. In August 1984 EPA advised the Board that it could not approve certain water quality criteria contained in the 1983 revision and that the revision did not incorporate the latest federal regulation changes, pertaining to water quality standards of September 1984. The Board also received many requests for clarification of certain sections of the regulations.

In addition, in mid 1984, the Board received five requests for revisions to water quality standards for specific stream segments. After duly complying with appropriate regulations, the Board approved these revisions. Specifically, two requests (American Cyanamid and the New River Co.) were under a court ordered consent decree which contained time limits. The other three revisions (Weirton Steel, Corning Glass and Howes leather Co.) were necessary for the immediate health, safety, welfare and to prevent substantial harm to the public interest.

In summary, it is the Board's opinion that there is sufficient justification, (enumerated above), to support the filing of Series I, Water Quality Standards as emergency rules for the following reasons:

1. American Cyanamid and New River Company are under court orders to obtain a revision to water quality standards within a certain time period. The Board has approved these revisions. This rule needs to be effective now to prevent substantial harm to the public interest and for the immediate preservation of the public's health, safety and welfare.
2. Weirton Steel, Corning Glass and Howes Leather Co. have each submitted a water quality standard's revision request which have been approved by the Board. These revisions need to be effective now for the immediate preservation of the public's health, safety and welfare and to prevent substantial harm to the public interest.
3. This Legislative Rule must be revised immediately to comply with the intent of federal regulation (40 CFR § 131.20) to incorporate EPA's direction to revise certain water quality criteria and update the rule to contain the revised federal regulations of September 1984. If EPA's directions are not complied with, then EPA will establish specific federal regulations for West Virginia.
4. The approved Series I, Legislative Rule is in the new format and has been clarified in several areas which should immediately enhance the public health, safety and welfare. Any delay in filing of this Legislative Rule, Series I, Water Quality

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Standards as an emergency rule could cause an adverse impact on the environment and the social and economic well-being of the State.

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WEST VIRGINIA LEGISLATIVE RULES

STATE WATER RESOURCES BOARD

Chapter 20-5 and 20-5A

Series I
(1985)

Mailing Address: State Water Resources Board
1205 Greenbrier Street
Charleston, W. Va. 25311

Office Location: 1260 Greenbrier Street
Charleston, W. Va. 25311

Phone: (304) 348-4002

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STATE WATER RESOURCES BOARD
Chapter 20-5 and 20-5A
Series I
(1985)

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STATE WATER RESOURCES BOARD
Chapter 20-5 and 20-5A
Series I
1985

Title: Requirements Governing Water Quality
Standards

Section 1. General

1.1 Scope - These rules establish requirements governing the discharge or deposit of sewage, industrial wastes and other wastes into the waters of the State and establish water quality standards for the waters of the State standing or flowing over the surface of the State. It is declared to be the public policy of the State of West Virginia to maintain reasonable standards of purity and quality of the water of the State consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture and the provision of a permanent foundation for healthy industrial development. (See W. Va. Code 20-5A-1.)

1.2 Authority - W. Va. Code 20-5A-3.

1.3 Filing Date - January 6, 1986.

1.4 Effective Date - January 6, 1986.

1.5 Repeal of Former Rule - This legislative rule repeals West Virginia Administrative Regulations, State Water Resources Board, Chapter 20-5 and 5A, Series I (1983), "Requirements Governing Water Quality Standards", filed April 11, 1984.

Section 2. Definitions

The following definitions in addition to those set forth in Chapter 20, Article 5A, Section 2, shall apply to these rules unless otherwise specified herein, or unless the context in which used clearly requires a different meaning:

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Series I, Sec. 2.1

2.1 "Conventional treatment" is the treatment of water as approved by the State Health Department to assure that the Water is safe for human consumption.

2.2 "Cumulative" means a pollutant which increases in concentration in an organism by successive additions at different times or in different ways (bio-accumulation).

2.3 The "Federal Act" means the Clean Water Act (also known as the Federal Water Pollution Control Act) Public Law 92-500, as amended by Public Law 95-217, 33 U.S.C. 1251, et seq.

2.4 "High quality waters" are those waters whose quality is equal to or better than the minimum levels necessary to achieve the national water quality goal uses. Included are those streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.

2.5 "Intermittent streams" are streams which have no flow during sustained periods of no precipitation and which do not support aquatic life whose life history requires residence in flowing waters for a continuous period of at least six (6) months.

2.6 "National resource waters" are those whose unique character, ecological or recreational value or pristine nature constitutes a valuable national or State resource. (See Section 7.3.)

2.7 "Natural" or "naturally occurring" values or "natural temperature" shall mean for all of the waters of the State:

2.7.a Those water quality values which exist unaffected by -- or unaffected as a consequence of -- any water use by any person; and

2.7.b Those water quality values which exist unaffected by the discharge, or direct or indirect deposit of, any solid, liquid or gaseous substance by any person.

2.8 "Non-point source" shall mean any source other than a point source from which pollutants may reach the waters of the State.

2.9 "Persistent" shall mean a pollutant and its transformation products which under natural conditions degrades slowly in an aquatic environment.

2.10 "Point source" shall mean any discernible, confined and discrete conveyance, including, but not limited to,

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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.

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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

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Series I, Sec. 4.1.d

requirements for revision of water quality standards as required by W. Va. Code 20-5A-3a and Section 303 of the Federal Act and the regulations thereunder. Any revision of water quality standards shall be made with the concurrence of EPA. The Board's administrative procedural regulations for applying for less restrictive uses or criteria shall be followed.

4.1.e With the exception of the provisions of Section 7.1.a of this series, the existing trout and other high quality waters of the State must be maintained at their existing high quality unless it is determined after opportunity for public comment and hearing that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. If limited degradation is allowed, it shall not result in injury or interference with existing stream water uses or in violation of State or Federal water quality criteria that describe the base levels necessary to sustain the national water quality goal uses of protection and propagation of fish, shellfish and wildlife and recreating in and on the water.

4.1.f The Board and the Chief shall assure that all new and existing point sources shall achieve the highest established statutory and regulatory requirements applicable to them and shall assure the achievement of cost-effective and reasonable best management practices for non point source control.

4.1.g In all cases, waters which constitute an outstanding national resource as designated in Section 7.3.b shall be maintained and protected and improved where necessary.

4.1.h All applicable requirements of Section 316 (a) of the Federal Act shall apply to modifications of the temperature water quality criteria provided for in these rules.

Section 5. Mixing Zones

5.1 In the permit review and planning process or upon the request of a permit applicant or permittee the Chief may establish on a case-by-case basis an appropriate mixing zone.

5.2 The following criteria shall be applied to the establishment of mixing zones:

5.2.a Mixing zones shall:

5.2.a.1 Be kept as small as practical in area and length;

5.2.a.2 Not be used for, or considered as, a substitute for waste treatment;

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

Series I, Sec. 5.2.a.2

- 5.2.a.3 Provide for as rapid a mixing as practical;
- 5.2.a.4 Not prevent the free passage of aquatic species or include spawning or nursery areas;
- 5.2.a.5 Not overlap a public water supply intake;
- 5.2.a.6 Not cause or contribute to any of the conditions prohibited in Section 3; and
- 5.2.a.7 Not interfere with any designated water use category.
- 5.3 The boundaries of the mixing zone shall reflect:
 - 5.3.a Receiving water body characteristics such as:
 - 5.3.a.1 Water quality,
 - 5.3.a.2 Local meteorology,
 - 5.3.a.3 Flow regime (including low-flow records),
 - 5.3.a.4 Magnitude of water exchange at point of discharge,
 - 5.3.a.5 Stratification phenomena,
 - 5.3.a.6 Waste capacity of the receiving system including retention time,
 - 5.3.a.7 Turbulence and speed of flow,
 - 5.3.a.8 Morphology of the receiving system as related to plume behavior, and biological phenomena;
 - 5.3.a.9 Designated water use categories; and
 - 5.3.b Discharge characteristics such as:
 - 5.3.b.1 Flow regime,
 - 5.3.b.2 Volume,
 - 5.3.b.3 Design,
 - 5.3.b.4 Location,
 - 5.3.b.5 Rate of mixing and dilution, and

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Leg. Rule, 20-5 & 20-5A
Series I, Sec. 5.3.b.6

5.3.b.6 Plume behavior and mass-emission rates of constituents including knowledge of their persistence, toxicity, and chemical or physical behavior with time.

5.4 Where the 7-day, 10-year return frequency is 5 cfs or less, no mixing zone may be established.

5.5 In order to facilitate a determination or assessment of a mixing zone pursuant to this section, the Chief may require a permit applicant or permittee to submit such information as deemed necessary.

Section 6. Water Use Categories

6.1 These rules establish general Water Use Categories and Water Quality Standards for the waters of the State. Incidental utilization for whatever purpose may or may not constitute a justification for assignment of a Water Use Category to a particular stream segment.

6.2 Category A - Water Supply, Public - This category is used to describe waters which, after conventional treatment are used for human consumption. This category includes:

6.2.a All community domestic water supply systems;

6.2.b All non-community domestic water supply systems, (i.e. hospitals, schools, etc.);

6.2.c All private domestic water systems; and

6.2.d All other surface water intakes where the water is used for human consumption, and

6.2.e Shall apply to the stream segment extending upstream from the intake for a distance as defined in Section 7.1.b.2 of this series - see Appendix B for partial listing).

6.3 Category B - Propagation and maintenance of Fish and Other Aquatic Life. This category includes:

6.3.a Category B1 - Warm Water Fishery Streams. Streams or stream segments which contain a fish population composed overwhelmingly of warm water species. (These are primarily sport fisheries and may be stocked with trout seasonally.)

6.3.b Category B2 - Trout Waters - See Section 2 and Appendix A for a representative list.

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Leg. Rule, 20-5 & 20-5A
Series I, Sec. 6.3.c

6.3.c. Category B3 - Small Non Fishable Streams. Streams or stream segments which because of their size or flow patterns do not offer sport fishing; they generally contain only minnows, darters, etc.

6.4 Category C - Water Contact Recreation. This category includes swimming, fishing, water skiing and certain types of pleasure boating such as sailing in very small craft and outboard motor boats.

6.5 Category D - Agriculture and Wildlife Uses.

6.5.a Category D1 - Irrigation. This category includes all stream segments used for irrigation.

6.5.b Category D2 - Livestock Watering. This category includes all stream segments used for livestock watering.

6.5.c Category D3 - Wildlife. This category includes all stream segments used by wildlife.

6.6 Category E - Water Supply Industrial, Water Transport, Cooling and Power. This category includes cooling water, industrial water supply, power production, commercial and pleasure vessel activity, except those small craft included in Category C.

6.6.a Category E1 - Water Transport. This category includes all stream segments modified for water transport and having permanently maintained navigation aides.

6.6.b Category E2 - Cooling Water. This category includes all stream segments having one or more users for industrial cooling.

6.6.c Category E3 - Power Production. This category includes all stream segments extending from a point 500 feet upstream from the intake to a point one-half (1/2) mile below the wastewater discharge point. (See Appendix C for representative list.)

6.6.d Category E4 - Industrial. This category is used to describe all stream segments with one or more industrial users. It does not include water for cooling.

Section 7. WEST VIRGINIA WATERS

7.1 Applicability of Water Quality Standards. The following shall apply at all times unless a specific exception is granted in this section:

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

Series I, Sec. 7.1.a

7.1.a In the absence of any special application or contrary provision, water quality standards shall apply at all times when flows are equal to or greater than the minimum mean 7-consecutive-day drought flow with a 10-year return frequency (7Q10). NOTE: Exceptions do not apply to Trout Waters.

7.1.a.1 Exceptions: Water quality standards shall not apply: (See Section 7.2 for site specific revisions.)

7.1.a.1.i When the flow is less than 7Q10;

7.1.a.1.ii In wet weather streams (or intermittent streams, when they are dry or have no measurable flow) provided that the designated uses of downstream waters are not adversely affected;

7.1.a.1.iii In any mixing zones which are established pursuant to Section 5 of these rules;

7.1.a.1.iv Where lesser quality is due to natural conditions. In such cases the naturally occurring values shall be the applicable criteria.

7.1.b Water Use Categories as described in Section 6.

7.1.b.1 Based on meeting those Section 6 definitions, tributaries or stream segments may be classified for one or more Water Use Categories. When more than one use exists, they shall be protected by criteria for the use category requiring the most stringent protection.

7.1.b.2 Each segment extending upstream from the intake of a water supply public (Water Use Category A), for a distance of (5) miles or to the headwater, must be protected by prohibiting the discharge of any pollutants in excess of the concentrations designated for this Water Use Category in Section 8. Provided, however, that within a zone extending one half (1/2) mile above the intake, the Chief, Division of Water Resources, Department of Natural Resources, may establish for any discharge, effluent limitations for the protection of human health that require additional removal of those pollutants. (If a watershed is not significantly larger than either of the two (2) zones above the intake the water supply section may include the entire upstream watershed to its headwaters.)

7.2 Major River Basins and Their Alphanumeric System. All streams and their tributaries in West Virginia shall be individually identified using an alphanumeric system as identified in the "Key to West Virginia Stream Systems and Major Tributaries" (1956) as published by the Conservation Commission of

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

West Virginia and revised by the West Virginia Department of Natural Resources, Division of Wildlife (1985).

7.2.a J - James River Basin. All tributaries to the West Virginia-Virginia State line.

7.2.b P - Potomac River Basin. All tributaries of the main stem of the Potomac River to the West Virginia-Maryland-Virginia State line to the confluence of the North Branch and the South Branch of the Potomac River and all tributaries arising in West Virginia excluding the major tributaries hereinafter designated:

7.2.b.1 PS - Shenandoah River and all its tributaries arising in West Virginia to the West Virginia-Virginia State line.

7.2.b.2 PC - Cacapon River and all its tributaries.

7.2.b.3 PSB - South Branch and all its tributaries.

7.2.b.4 PNB - North Branch. All tributaries to the North Branch arising in West Virginia.

7.2.b.4.i Exceptions; to 7.2.b:

7.2.b.4.i.A Except for the unnamed tributary of the South Branch of Buzzard Run above and below Prather Pond shall not have Water Use Category A; therefore may contain chlorides not to exceed 250 mg/l and fluoride not to exceed 2.0 mg/l.

7.2.b.4.i.B Except for Turkey Run a small tributary of Opequon Creek (P-4) of the Potomac River shall not have Water Use Category A; and therefore may contain fluoride not to exceed 8 mg/l, ammonia not to exceed 4 mg/l, chlorides not to exceed 530 mg/l, cyanide (as free cyanide HCN + CN) not to exceed 50 ug/l and hexavalent chromium (total) not to exceed 100 ug/l.

7.2.b.4.ii Exception; to 7.2.b.4. Except that the Stony River downstream from the limit of the thermal mixing zone (as established by Board Order of 11/20/75) for the Mount Storm Lake wastewater treatment facility to its confluence with the North Branch of the Potomac River is exempt from the 5°F above natural temperature rise; however, the maximum temperature outside the mixing zone shall not exceed 87°F at any time during the months of May through November and not to exceed 73°F at any time during the months of December through April.

7.2.c M - Monongahela River Basin. The Monongahela River Basin main stem and all its tributaries excluding the following major tributaries which are designated as follows:

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

7.2.c.1 MC - Cheat River and all its tributaries
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 Youghiogheny
River in West Virginia which flow into Maryland.

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.d.2 O2 - Ohio River - tributaries. All
tributaries of the Ohio River excluding the following major
tributaries:

7.2.d.2.i Exceptions; to 7.2.d.2:

7.2.d.2.i.A Except the stretch of Connors Run (O-77-A) (a
tributary of Fish Creek), shall not have the Water Use Category A;
therefore may contain arsenic not to exceed 200 ug/l and selenium
not to exceed 62 ug/l.

EMERGENCY

WQS

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 7.2.d.2.i.B

7.2.d.2.i.B Except for that segment of Harmon Creek (O-97) from its confluence with the Ohio River to a point 2.2 miles upstream shall not have the Water Use Category A designation. Therefore, at any time the temperature shall not exceed 100°F, total iron shall not exceed 4.0 mg/l and total fluoride shall not exceed 2.0 mg/l, each as thirty (30) day average values to be determined from four (4) weekly samples.

7.2.d.2.i.C Except in the stretch of Cow Creek (O-55) from its mouth to a point approximately 2,300 feet upstream, the Water Use Category A shall not apply.

7.2.e LK - Little Kanawha River. The Little Kanawha River and all its tributaries excluding the following major tributary which is designated as follows:

7.2.e.1 LKH - Hughes River and all its tributaries.

7.2.f K - Kanawha River Zone 1. The main stem of the Kanawha River from mile point 0, at its confluence with the Ohio River to mile point 72 near Diamond, West Virginia.

7.2.f.1 K - Kanawha River Zone 2. The main stem of the Kanawha River from mile point 72 near Diamond, West Virginia and all its tributaries from mile point 0 to the headwaters excluding the following major tributaries which are designated as follows:

7.2.f.2 KP - Pocatalico River and all its tributaries.

7.2.f.3 KC - Coal River and all its tributaries.

7.2.f.4 KE - Elk River and all its tributaries.

7.2.f.5.i Exceptions; to 7.2.f:

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

EMERGENCY

WQS

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 7.2.f.5.ii.B

not have Water Use Category A; therefore may contain arsenic not to exceed 200 ug/l and selenium not to exceed 62 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 and the New River, the specific criterion for iron shall be 1.0 mg/l total iron.

7.2.f.9 Exception; to 7.2.f.7.i: Water Use Category A shall not apply to that segment of the East Fork of the Greenbrier River from the reservoir located at the tannery to the confluence with the West Fork. That segment of the East Fork therefore may contain chlorides not to exceed 1,500 mg/l maximum daily.

7.2.f.10 Exception; to 7.2.f.7.iv: Category E Water Uses are deleted in Bluestone Lake and temperature rise shall be limited to no more than 30°F above natural not to exceed 81°F at any time during the months of May through November and not to exceed 73°F at any time during December through April.

EMERGENCY

WQS

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

Series I, Sec. 7.2.g

7.2.g OG - Guyandotte River. The Guyandotte River and all its tributaries excluding the following major tributary which is designated as follows:

7.2.g.i OGM - Mud River and all its tributaries.

7.2.h BS - Big Sandy River. The Big Sandy River to the Kentucky-Virginia-West Virginia State lines and all its tributaries arising in West Virginia excluding the following major tributary which is designated as follows:

7.2.h.i BST - Tug Fork and all its tributaries.

7.3 Special Waters of the State

7.3.a High Quality Waters. High quality waters shall include but are not limited to:

7.3.a.1 All streams designated by the West Virginia Legislature under the West Virginia Natural Streams Preservation Act, West Virginia Code 25-5B-1, et seq.

7.3.a.2 West Virginia High Quality Streams Fourth Edition, prepared by the Wildlife Resources Division, Department of Natural Resources (1979).

7.3.b National Resource Waters. National Resource Waters shall include but are not limited to the following waters of the State:

7.3.b.1 All Federally designated rivers under the "Wild and Scenic Rivers Act", Public Law 95-542, as amended, 16 U.S.C. 1271, et seq.

7.3.b.2 All naturally reproducing trout streams.

7.3.b.3 All streams and other bodies of water in State and National Forests and Recreation Areas.

7.3.c National Rivers. "National Parks and Recreation Act of 1978." Public Law 95-625, as amended, 16 U.S.C. 1, et seq.

Section 8. Charts of Specific Water Quality Criteria

Specific state (i.e. total, total recoverable, valent, etc.) of any parameter to be analyzed shall follow 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act, October 26, 1984 (see also Series II, Section 7.3).

EMERGENCY

WQS

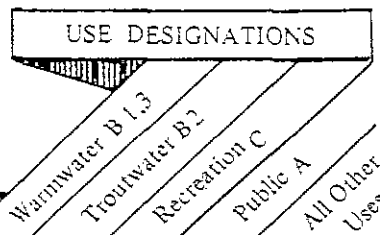
Leg. Rule, 20-5 & 20-5A
Series I, Sec. 8

An "X" or numerical value in the use columns of this section shall represent the applicable criteria.

Charts and use of this section shall be applied in accordance with major stream and use applications, Sections 6 and 7.

Section 8

SPECIFIC WATER QUALITY CRITERIA



PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B 1,3	Troutwater B,2	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 ₃) 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 ₃ 0-35 36-75 Soluble Cadmium (ug/l) 1 2						

EMERGENCY

WRB

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 8.5

Section 8

SPECIFIC WATER
QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Watershed B 1.3	Treatwater B 2	Recreation C	Public A	All Use
8.5 CADMIUM (Cont'd)						
76-150	5					
greater than 150	10				X	
.....						
8.5.1						
Not to exceed 10 ug/l in the Ohio River (01) main stem (See Section 7.2.d.1)	ug/l				10	
.....						
8.5.2						
Not to exceed 0.4 ug/l where hardness is less than 75 mg/l as CaCO ₃ and 1.2 ug/l in water where hardness is greater than 75 mg/l as CaCO ₃ .	ug/l		X			
.....						
8.5.3						
Hardness	Total Recoverable					
mg/l as CaCO ₃	Cadmium (ug/l)					
0-25	3					
26-50	6					
51-75	8					
76-100	11					
101-150	17					
151-200	23					
201-300	36					
301-400	49	ug/l	X		X	
.....						
8.6 CHLORIDE:						
Not to exceed 250 mg/l.	mg/l	250	250	250	250	
.....						
8.7 COPPER:						
Not to exceed 1000 ug/l.	ug/l				1000	
.....						
8.7.1						
Hardness	Total recoverable					
mg/l as CaCO ₃	Copper ug/l					
50	6					
100	11					
200	20					
300	29					

EMERGENCY
 WRB
 Leg. Rule, 20-5 & 20-5A
 Series I, Sec. 8.10.1

Section 8

SPECIFIC WATER
 QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B1.3	Troutwater B2	Recreation C	Public A	All Other Use
8.10.1 FECAL COLIFORM (Cont'd) For the Ohio River main stem (0-1). For the non-recreational season November through April only, the maximum allowable level of fecal coliform for the Ohio River (either MPN or MF) shall not exceed 2000/100 ml as a monthly geometric mean based on not less than 5 samples per month.	counts			X		
8.11 FLUORIDE: Not to exceed 1.4 mg/l.	mg/l				1.4	
8.11.1 Not to exceed 2.0 mg/l for D Uses.	mg/l					2.0
8.12 HEXAVALENT CHROMIUM: Not to exceed 50 ug/l.	ug/l				50	
8.12.1 Not to exceed 10 ug/l.	ug/l	10				
8.12.2 Not to exceed 7.2 ug/l.	ug/l		7.2			
8.13 IRON: Not to exceed 1.5 mg/l. Effluent limitations which may result in a concentration of up to 3.5 mg/l total iron in	mg/l	1.5				1.5

Section 8

SPECIFIC WATER
 QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B-1,3	Freshwater B-2	Recreation C	Public A	All Other
8.15.1 MANGANESE (Cont'd) Effluent limitations which may result in a concentration up to 2.0 mg/l manganese in the stream are allowable upon a demonstration to the Chief by the applicant that such concentration will not have an adverse impact upon designated stream uses. This demonstration is subject to EPA approval and must show either: (1) the stream is supporting designated uses while containing manganese concentrations higher than the applicable criteria, or (2) the stream does not have an aquatic life use to protect. Notwithstanding Series I, Section 4 of the Board's rules, this demonstration shall be the only demonstration required before the Chief and the Board with respect to water quality related effluent limitations. This exception does not apply to trout waters.	mg/l	X	---	---	---	---
8.16 MERCURY: (total) The total organism body burden of any aquatic species shall not exceed 0.5 ug/g as total mercury.	ug/g	0.5	0.5	---	---	---
8.16.1 Total mercury concentration in any unfiltered water sample shall not exceed 0.2 ug/l	ug/l	0.2	0.2	0.2	0.2	---
8.17 NICKEL: Not to exceed 50 ug/l.	ug/l	---	50	---	---	---
8.18 NITRATE: (as Nitrate - N) Not to exceed 10 mg/l.	mg/l	---	---	---	10	---
8.19 NITRITE: (as Nitrite - N) Not to exceed 1.0 mg/l.	mg/l	1.0	---	---	---	---

EMERGENCY
 WRB
 Leg. Rule, 20-5 & 20-5A
 Series I, Sec. 8.19.1

Section 8

SPECIFIC WATER QUALITY CRITERIA

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B.1.3	Troutwater B.2	Recreation C	Public A	Alt.
8.19.1 NITRITE (as Nitrite - N) Cont'd						
Not to exceed 60 ug/l	ug/l	60				
8.20 ORGANICS:						
<u>Criteria ug/l</u>	<u>Body Burden ug/g</u>					
Chlordane .0043	1.0					
DDT .001	0.1					
Aldrin-Dieldrin .0019	0.3					
Endrin .0023	0.3					
Toxaphene .005	1.0					
PBC .001	2.0					
Methoxychlor .03						
The organic chemicals listed above shall not exceed the specified water quality criteria. When the specified criteria is less than the practical laboratory quantification level in-stream values will be calculated from discharge concentrations and flow rates and from fish body burden.		ug/g	X	X	X	X
		ug/l	X	X	X	X
8.21 pH:						
No values below 6.0 nor above 9.0. Higher values due to photosynthetic activity may be tolerated.	unit	X	X	X	X	X
8.22 PHENOLIC MATERIALS:						
Not to exceed 5 ug/l.	ug/l	5	5		5	
8.23 RADIOACTIVITY:						
Gross Beta activity not to exceed 1000 picocuries per liter (pCi/l), nor shall activity from dissolved strontium-90 exceed 10 pCi/l, nor shall activity from dissolved alpha emitters exceed 3 pCi/l.	pCi/l	X	X	X	X	X

Section 8

SPECIFIC WATER
 QUALITY CRITERIA

USE DESIGNATIONS					
Warmwater B-1.3	Trotwater B-2	Recreation C	Public A	All Other	

PARAMETER	UNITS	Warmwater B-1.3	Trotwater B-2	Recreation C	Public A	All Other																																										
8.23.1 RADIOACTIVITY (Cont'd) Gross total alpha particle activity (including radium-226 but excluding radon and uranium) shall not exceed 15 pCi/l and combined radium-226 and radium-228 shall not exceed 5 pCi/l; provided that the specific determination of radium-226 and radium-228 are not required if dissolved particle activity does not exceed 5 pCi/l; the concentration of tritium shall not exceed 20,000 pCi/l; the concentration of total strontium-90 shall not exceed 8 pCi/l in the Ohio River main stem.	pCi/l	X	X	X	X	X																																										
8.24 SELENIUM: Not to exceed 10 ug/l.	ug/l				10																																											
8.24.1 Not to exceed 35 ug/l Selenite.	ug/l	35	35																																													
8.25 SILVER: <table border="0" style="width: 100%;"> <tr> <td style="text-align: left;"><u>Hardness</u></td> <td style="text-align: right;"><u>Silver ug/l</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>0-50</td> <td style="text-align: right;">1</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>51-100</td> <td style="text-align: right;">4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>101-200</td> <td style="text-align: right;">12</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>greater than 201</td> <td style="text-align: right;">24</td> <td></td> <td>X</td> <td></td> <td>X</td> <td></td> </tr> </table>	<u>Hardness</u>	<u>Silver ug/l</u>						0-50	1						51-100	4						101-200	12						greater than 201	24		X		X		ug/l		X		X								
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EMERGENCY

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Leg. Rule, 20-5 & 20-5A
Series I, Sec. 8.26

Section 8

SPECIFIC WATER
QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B1.3	Troutwater B2	Recreation C	Public A	All Other Uses
<p>8.26 TEMPERATURE:</p> <p>Temperature rise shall be limited to no more than 5°F above natural temperature, not to exceed 87°F at any time during months of May through November and not to exceed 73°F at any time during the months of December through April. During any month of the year, heat should not be added to a stream in excess of the amount that will raise the temperature of the water more than 5°F above natural temperature. In lakes and reservoirs, the temperature of the epilimnion should not be raised more than 3°F by the addition of heat of artificial origin. The normal daily and seasonable temperature fluctuations that existed before the addition of heat due to other than natural causes should be maintained.</p>	°F	X				
<p>8.26.1 For the Kanawha River Main Stem (K-1).</p> <p>Temperature rise shall be limited to no more than 5°F above natural temperature, not to exceed 90°F in any case.</p>		X				
<p>8.26.2 For the Bluestone R. (KVB), Bluestone Lake (KN-60), East River (KVE), New River (KN), Gauley R. (KG), and Greenbrier River (KNG).</p> <p>Temperature rise shall be limited to no more than 5°F above natural temperature, not to exceed 81°F at any time during the months of May through November and not to exceed 73°F at any time during December through April.</p>		X				
<p>8.26.3</p> <p>No heated effluents will be discharged in the vicinity of spawning areas. The maximum temperatures for cold waters are expressed in</p>						

EMERGENCY
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 Leg. Rule, 20-5 & 20-5A
 Series I, Sec. 8.26.3

Section 8

SPECIFIC WATER QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	Warmwater B1.3	Troutwater B2	Recreation C	Public A	All Other Uses																																																									
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8.26.4 For Ohio River Main Stem(OL) (Section 7.2.d.1)																																																															
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8.27 THRESHOLD ODOR:																																																															
Not to exceed a threshold odor number of 8 at 104°F as a daily average.																																																															
	c.o.n.	X	X	X	X																																																										
8.28 TOTAL RESIDUAL CHLORINE:																																																															
Not to exceed 10 ug/l as measured by the amperometric or equivalent method.																																																															
	ug/l	10	10	10	10																																																										

EMERGENCY

WRB

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 8.28.1

Section 8

SPECIFIC WATER
QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS				
		Warmwater B1,3	Trouwater B2	Recreation C	Public A	All O
8.28.1 TOTAL RESIDUAL CHLORINE (Cont'd) No chlorinated discharge allowed.				X		
.....						
8.28.2 The following chart may be used to derive the criteria instead of the above fixed (10 ug/l) figure:						
<p>MATTICE AND ZITTEL SCALE</p>						
8.29 TURBIDITY: No point or non-point source to West Virginia's waters shall contribute a net load of suspended matter such that the turbidity exceeds 10 NTU's over background turbidity when the background is 50 NTU's or less, or have more than a 10 percent increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTU's. This limitation shall apply to all earth disturbance activities and shall be determined						

EMERGENCY

WRB

Leg. Rule, 20-5 & 20-5A
Series I, Sec. 8.29

Section 8

SPECIFIC WATER
QUALITY CRITERIA

USE DESIGNATIONS

PARAMETER	UNITS	USE DESIGNATIONS																																																																																								
		Warmwater B1.3	Troutwater B2	Recreation C	Public A	All Other																																																																																				
<p>8.29 TURBIDITY (Cont'd)</p> <p>by measuring stream quality directly above and below the area where drainage from such activity enters the affected stream. Any earth disturbance activity continuously or intermittently carried on by the same or associated persons on the same stream or tributary segment shall be allowed a single net loading increase.</p>	NTU's	X	X	X	X																																																																																					
<p>8.29.1</p> <p>This rule shall not apply to those activities at which Best Management Practices in accordance with the State's adopted 208 Water Quality Management Plan are being utilized, maintained and completed on a site specific basis as determined by the appropriate 208 cooperative or an approved Federal or State Surface Mining Permit is in effect. This exemption shall not apply to Trout Waters.</p>	NTU's	X		X	X																																																																																					
<p>8.30 ZINC</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Hardness</td> <td style="width: 50%; text-align: center;">Zinc</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>mg/l as CaCO₃</u></td> <td style="text-align: center;"><u>ug/l</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">0-150</td> <td style="text-align: center;">50</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">151-300</td> <td style="text-align: center;">100</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">301-400</td> <td style="text-align: center;">300</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">greater than 401</td> <td style="text-align: center;">600</td> <td></td> <td></td> <td></td> <td>X</td> <td></td> </tr> </table>	Hardness	Zinc						<u>mg/l as CaCO₃</u>	<u>ug/l</u>						0-150	50						151-300	100						301-400	300						greater than 401	600				X		ug/l				X																																											
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greater than 401	600	X																																																																																								
<p>8.30.2</p> <p>Not to exceed 47 ug/l.</p>	ug/l		X																																																																																							

Section 9. Establishment of Safe Concentration Values.
When a specific water quality standard has not been established by these rules and there is a discharge or proposed discharge into waters of the State, the use of which has been designated as Category B and B2, such discharge may be regulated by the Chief where necessary to protect State water through establishment of a safe concentration value as follows:

9.1 Establishment of a safe concentration value shall be based upon data obtained from relevant aquatic field studies, standard bioassay test data which exists in substantial available scientific literature, or data obtained from specific tests utilizing one or more representative important species of aquatic life designated on a case-by-case basis by the Chief and conducted in a water environment which is equal to or closely approximates that of the natural quality of the receiving waters.

9.2 In those cases where it has been determined that there is insufficient available data to establish a safe concentration value for a pollutant, the safe concentration value shall be determined by applying the appropriate application factor as set forth below to the 96-hour LC 50 value. Except where the Chief determines, based upon substantial available scientific data that an alternate application factor exists for a pollutant, the following appropriate application factors shall be used in the determination of safe concentration values:

9.2.a Concentrations of pollutants or combinations of pollutants that are not persistent and not cumulative shall not exceed 0.10 (1/10) of the 96-hour LC 50.

9.2.b Concentrations of pollutants or combinations of pollutants that are persistent or cumulative shall not exceed 0.01 (1/100) of the 96-hour LC 50.

9.3 Persons seeking issuance of a permit pursuant to these rules authorizing the discharge of a pollutant for which a safe concentration value is to be established using special bioassay tests pursuant to subsection 9.1 of this section shall perform such testing as approved by the Chief and shall submit all of the following in writing to the Chief:

9.3.a A plan proposing the bioassay testing to be performed.

9.3.b Such periodic progress reports of the testing as may be required by the Chief.

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Leg. Rule, 20-5 & 20-5A
Series I, Sec. 9.3.c

9.3.c A report of the completed results of such testing including, but not limited to all data obtained during the course of testing, and all calculations made in the recording, collection, interpretation, and evaluation of such data.

9.4 Bioassay testing shall be conducted in accordance with the methodologies outlined in the following documents: EPA Ecological Research Series Publication, EPA-660/3/75/009; Methods of Acute Toxicity Tests With Fish, Macroinvertebrates, and Amphibians (April, 1975); Standard Methods of the Examination of Water and Wastewater (16th Edition); or Standard Method of Test for ASTM D1345-59 (Reapproved 1970) and published in the 1975 Annual Book of ASTM Standards - part 31 - Water; or EPA Environmental Monitoring Series Publication, EPA-600/4-78-013, Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (600/4-013) (3rd Edition February 1985). Test waters shall be reconstituted according to recommendations and methodologies specified in the previously cited references or methodologies approved in writing by the Chief.

EMERGENCY

WRB

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

Series I, Appendix A

	Pendleton	
PSB	Grant	North Fork Lunice Creek
PSB	"	South Fork Lunice Creek
PSB	"	South Mill Creek (Above Hiser)
PSB	"	Spring Run
PSB	Pendleton	Hawes Run (Impoundment)
PSB	"	Little Fork
PSB	"	South Branch (Above North Fork)
PSB	"	Senaca Creek
PSB	"	Laurel Fork
PSB	"	Big Run
PNB	Mineral	North Fork Patterson Creek
PNB	"	Fork Ashby (Impoundment)
PNB	"	New Creek
PNB	"	New Creek Dam 14 (Impoundment)
PNB	"	Mill Creek (Above Markwood)

Monongahela River.

M	Monongalia- Marion	Whiteday Creek (Above Smithtown)
MC	Monongalia	Morgan Run
MC	"	Coopers Rock (Impoundment)
MC	"	Blaney Hollow
MC	Preston	Laurel Run
MC	"	Elsey Run
MC	"	Saltlick Creek
MC	"	Buffalo Creek
MC	"	Wolf Creek
MC	Tucker	Clover Run
MC	"	Elklick Run
MC	"	Horseshoe Run
MC	"	Maxwell Run
MC	"	Red Creek
MC	"	Slip Hill Mill Branch
MC	"	Thomas Park (Impoundment)
MC	"	Blackwater River (Above Davis)
MC	Randolph	Camp Five Run
MC	"	Dry Fork (Above Otter Creek)
MC	"	Glady Fork
MC	"	Laurel Fork
MC	"	Gandy Creek (Above Whitmer)
MC	"	East Fork Glady Fork (Above C & P Compressor Station)
MC	Randolph	Shavers Fork (Above Little Black Fork)

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	"	Moores 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

EMERGENCY _____

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

Series I, Appendix A

MC	"	Three Spring Run
MC	"	Spruce Knob Lake (Impoundment)
MW	Harrison	Dog Run (Pond)
MW	Lewis	Stonecoal
MT	Barbour	Brushy Fork (Above Valley Furnace)
MT	"	Teter Creek Lake (Impoundment)
MT	"	Mill Run
MT	Taylor-	Tygart Lake Tailwaters (Above
	Barbour	Route 119 Bridge)
MT	Preston	Roaring Creek (Above Little Lick
		Branch)
MT	Randolph	Tygart River (Above Huttonsville)
MT	"	Elkwater Fork
MT	"	Big Run
MTB	Upshur-	Right Fork Buckhannon River
	Randolph	
MTB	Upshur	Buckhannon River (Above Beans
		Mill)
MTB	Upshur	French Creek
MTB	Upshur-	Left Fork Right Fork
	Randolph	
MTM	Upshur	Right Fork Middle Fork River
MTM	Randolph	Middle Fork River (Above
		Cassity)
MY	Preston	Rhine Creek
Little Kanawha		
River		
LK	Upshur	Left Fork-Right Fork Little
		Kanawha River
LK	Upshur-Lewis	Little Kanawha River (Above
		Wildcat)
Kanawha River		
KE	Braxton	Sutton Reservoir
KE	"	Sutton Lake Tailwaters (Above
		Route 38/5 Bridge)
KE	Webster	Back Fork
KE	"	Desert Fork
KE	"	Fall Run

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

Series I, Appendix A

KE	"	Laurel Fork
KE	Pocahontas	Luarel Run
KE	Webster	Left Fork Holly River
KE	"	Sugar Creek
KE	"	Elk River (Above Webster Springs)
KC	Raleigh	Stephens Lake (Impoundment)
KC	"	Marsh Fork (Above Sundial)
KG	Nicholas	Summersville Reservoir (Impoundment)
KG	"	Summersville Tailwaters (Above Collison Creek)
KG	Nicholas	Deer Creek
KG	Randolph- Webster	Gauley River (Above Moust Coal Tipple)
KG	Fayette	Glade Creek
KG	Nicholas	Hominy Creek
KG	"	Anglins Creek
KG	Greenbrier	Big Clear Creek
KG	"	Little Clear Creek and Laurel Run
KG	Greenbrier	Meadow Creek
KG	Fayette	Wolf Creek
KG	Nicholas	Cherry River
KG	Greenbrier- Nicholas	Laurel Creek
KG	Greenbrier- Nicholas	North Fork Cherry River
KG	Greenbrier	Summit Lake (Impoundment)
KG	Greenbrier- Nicholas	South Fork Cherry River
KGC	Pocahontas- Webster- Nicholas	Cranberry River
KGC	Pocahontas	South Fork Cranberry River
KGW	Pocahontas	Tea Creek
KGW	Pocahontas- Webster	Williams River (Above Dyer)
KN	Raleigh	Glade Creek
KN	Summers	Meadow Creek
KN	Fayette	Mill Creek
KN	"	Laurel Creek (Above Cotton Hill)
KN	Raleigh	Pinch Creek
KN	Monroe	Rich Creek

EMERGENCY

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

Series I, Appendix A

KN	"	Turkey Creek
KN	Fayette	Dunloup Creek (Downstream from Harvey Sewage Treatment Plant)
KN	Mercer	East River (Above Kelleysville)
KN	"	Pigeon Creek
KN	Monroe	Laurel Creek
KNG	Monroe	Kitchen Creek (Above Gap Mills)
KNG	Greenbrier	Culverson Creek
KNG	"	Milligan Creek
KNG	Greenbrier- Monroe	Second Creek (Rt. 219 Bridge to Nickell's Mill)
KNG	Greenbrier	North Fork Anthony Creek
KNG	"	Spring Creek
KNG	"	Anthony Creek (Above Big Draft)
KNG	Pocahontas	Watoga Lake
KNG	"	Beaver Creek
KNG	"	Knapp's Creek
KNG	"	Hills Creek
KNG	"	North Fork Deer Creek (Above Route 28/5)
KNG	"	Deer Creek
KNG	"	Sitlington Creek
KNG	"	Stoney Creek
KNG	"	Swago Creek
KNG	"	Buffalo Fork (Impoundment)
KNG	"	Seneca (Impoundment)
KNG	"	Greenbrier River (Above Hosterman)
KNG	"	West Fork Greenbrier River
KNG	"	Little River-East Fork
KNG	"	Little River-West Fork
KNG	"	East Fork, Greenbrier River
KNG	"	Five Mile Run
KNG	"	Mullenax Run
KNG	"	Abes Run
KNB	Mercer	Marsh Fork
KNB	"	Camp Creek
OG	Wyoming	Pinnacle Creek
BST	McDowell	Dry Fork (Above Canebrake)

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

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

MC	Preston	Fibair Inc.	Impoundment
MC	Monongalia	Cheat Neck PSD	Cheat Lake
MC	"	Lakeview Country Club	Cheat Lake- Lake Lynn
MC	Monongalia	Union District PSD	Cheat Lake- Lake Lynn
MC	Monongalia	Cooper's Rock State Park	Impoundment
MC	Preston	Kingwood Water	Cheat River
MC	"	Hopemount State Hospital	Snowy Creek
MC	Preston	Rowlesburg Water	Keyser Run & Cheat River
MC	Preston	Albright	Cheat River
MC	Tucker	Parsons Water	Shavers & Elk Lick Fork
MC	Tucker	Thomas Municipal	Thomas Reservoir
MC	"	Hamrick PSD	Dry Fork
MC	"	Douglas Water System	Long Run
MC	"	Davis Water	Blackwater River
MC	"	Hambleton Water System	Roaring Creek
MC	Tucker	Canaan Valley State Park	Blackwater River
MC	Pocahontas	Cheat Mt. Sewer	Shavers Lake
MC	"	Snowshoe Co. Water	Shavers Fork
MC	Randolph	Womelsdorf Water	Yokum Run
MW	Harrison	Lumberport Water	Jones Run
MW	"	Clarksburg Water Bd.	West Fork River
MW	"	Bridgeport Mun. Water	Deacons & Hinkle Creek
MW	Harrison	Salem Water Bd.	Dog Run
MW	"	West Milford Water	West Fork River
MW	Lewis	W.V. Water-Weston District	West Fork River
MW	"	Jackson's Mill Camp	Impoundment
MW	"	Weston State Hospital	West Fork River
MW	"	Kenndy Comprssor Station	West Fork River
MW	Lewis	Jane Lew Water Comm.	Hackers Creek
MW	Harrison	Bel-Meadow Country Club	Lake
MW	Harrison	Harrison Power Station	West Fork River
MW	Harrison	Oakdale Portal	Impoundment
MW	"	Robinson Port	Impoundment
MT	Marion	Fairmont Water Comm.	Tygart River
MT	"	Manningtyon Water	Impoundment

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 Series I, Appendix B

MT	"	Monongah Water Works	Tygart River
MT	"	Eastern Assoc. Coal Corp.	Impoundment
MT	Marion	Four States Water	Impoundment
MT	Harrison	Shinnston Water Dept.	Tygart River
MT	Taylor	Grafton Water	Tygart River-Lake
MT	Barbour	Phillippi Water	Tygart River
MT	"	Bethlehem Mines Corp.	Impoundment
MT	Barbour	Belington Water Works	Tygart River & Mill Run Lake
MT	Randolph	Elkins Municipal Water	Tygart River
MT	"	Beverly Water	Tygart River
MT	"	Valley Water	Tygart River
MT	"	Huttonsville Medium Security Prison	Tygart River
MT	Randolph	Mill Creek Water	Mill Creek
MTB	Upshur	Buckhannon Water Board	Buckhannon River

Ohio River

O-1	Hancock	Chester Water & Sewer	Ohio River
O-1	Brooke	Mason Steel Division	Ohio River
O-1	Ohio	Wheeling Water	Ohio River
O-1	Mason	Philip Sporn Plant	Ohio River
O-1	Tyler	Sistersville Municipal Water	Ohio River
O-1	Pleasants	Pleasants Power Station	Ohio River
O-1	Cabell	Huntington Water Corp.	Ohio River
O-1	Marshall	Mobay Chemical Co.	Ohio River
O-2	Marshall	Cameron Water	Glass House Hollow
O-2	Marshall	New Urindahana Water System	Wheeling Creek
O-2	Wetzel	Pine Grove Water	North Fork, Fishing Creek
O-2	Marshall	Consolidated Coal Co.	Impoundment
O-2	Tyler	Middlebourne Water	Middle Island Creek
O-2	Doddridge	West Union Municipal Water	Middle island Creek
O-2	Mason	Hidden Valley Country	Lake/Impoundment
O-2	Jackson	Ripley Water	Mill Creek
O-2	"	WV-FAA-FFA Camp	Cedar Lake
O-2	Wayne	Wayne Municipal Water	Twelve Pole

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

O-2	Wayne	East Lynn Lake	Creek
O-2	"	Monterey Coal Co.	East Lynn Lake Impoundment
Little Kanawha			
LK	Wood	Claywood Park PSD	Little Kanawha River
LK	Wood	Mineral Wells PSD	Little Kanawha River
LK	Calhoun	Grantsville Municipal Water	Little Kanawha River
LK	Gilmer	Glenville Utility	Little Kanawha River
LK	Gilmer	Consolidated Gas Compressor	Steer Creek
LK	Braxton	Burnsville Water Works	Little Kanawha River
LK	Roane	Spencer Water	Spring Creek & Mile Tree Reservoir
LK	Wirt	Elizabeth Water	Little Kanawha River
LKH	Ritchie	Cairo Water	North Fork Hughes River
LKH	Ritchie	Harrisville Water	North Fork Hughes River
LKH	Ritchie	Pennsboro Water	North Fork Hughes Fork
Kanawha River			
K	Putnam	Buffalo Water	Cross Creek
K	"	Winfield Water	Poplar Fork & Crooked Creek
K	Putnam	South Putnam PSD	Poplar Fork & Ceoked Creek
K	Kanawha	Cedar Grove Water	Kanawha River
K	"	Kanawha River Plant	Kanawha River
K	"	Pratt Water	Kanawha River
K	"	Community Water- Chelyan	Kanawha River
K	Fayette	Armstrong PSD EC- K1-CO-EL	Kanawha River & Gum Hollow
K	Fayette	Kanawha Water Co.- Beards Fork	Unnamed Tributary Kanawha River
K	Kanawha	Midland Trail School	Impoundment
K	"	Rita's Motel	Kanawha River

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K	"	Cedar Coal Co.	Impoundment
K	Fayette	Elkem Metals Co.	Kanawha River
K	"	Deepwater PSD	Kanawha River
K	"	Kanawha Falls PSD	Kanawha River
K	"	Glen Ferris	Kanawha River
K	"	Boomer	Kanawha River
K	"	Charlton Heights	Kanawha River
K	"	W.V. Water-Montgomery	Kanawha River
K	"	Community Water Co.	Kanawha River

Pocatalico River

KP	Kanawha	Sissonville PSD	Pocatalico River
KF	Roane	Walton PSD	Silcott Fork Dam

Coal River

KC	Kanawha	St. Albans Water	Coal River
KC	"	Washington PSD	Coal River
KC	Lincoln	Lincoln PSD	Coal River
KC	Boone	Coal River PSD	Coal River
KC	"	Whitesville PSD	Coal River
KC	Raleigh	Armco Mine 10	Marsh Fork
KC	"	Armco Steel-Montc. Stickney	Coal River
KC	Raleigh	Peabody Coal	Coal River
KC	"	Stephens Lake Park	Lake Stephens
KC	Boone	W.V. Water-Madison Dist.	Little Coal River
KC	Boone	Van PSD	Pond Fork
KC	Raleigh	Consol. Coal Co.	Workmans Creek

Elk River

KE	Kanawha	Clendenin Water	Elk River
KE	"	W.V. Water-Kanawha Valley Dist.	Elk River
KE	Kanawha	Pinch PSD	Elk River
KE	Clay	Clay Waterworks	Elk River
KE	"	Prociuous PSD	Elk River
KE	"	Clinchfield Coal Co.	Fitzwater Run
KE	Braxton	Flatwoods-Canoe Run PSD	Elk River
KE	Braxton	Sugar Creek PSD	Elk River
KE	"	W.V. Water-Cassaway Dist.	Elk River
KE	Braxton	W.V. Water-Sutton District	Elk River
KE	Webster	W.V. Water-Webster	Elk River

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

		Springs	
KE	Webster	Holly River State Park	Holly River
Gauley River			
KG	Nicholas	Craigsville PSD	Gauley River
KG	"	Summersville Water	Impoundment/ Muddlety Creek
KG	Nicholas	Nettie-Leivasy PSD	Jim Branch
KG	Webster	Cowen PSD	Gauley River
KG	Nicholas	Wilderness PSD	Anglins Creek & Meadow River
KG	"	Richwood Water	North Fork Cherry River
New River			
KN	Fayette	Ames Heights Water	Mill Creek
KN	"	Mt. Hope Water	Impounded Mine (Surface)
KN	Fayette	Ansted Municipal Water	Mill Creek
KN	"	Fayette Co. Park	Impoundments
KN	"	New River Gorge Campground	Impoundment
KN	Fayette	Fayetteville Water	Wolfe Creek
KN	Raleigh	Beckley Water	Glade Creek
KN	"	Westmoreland Coal Co.	Farley Branch
Bluestone River			
KNB	Summers	Jumping Branch-Nimitz	Mt. Valley Lake
KNB	"	Bluestone Conf. Center	Bluestone Lake
KNB	"	Pipestem State Park	Impoundment
KNB	Mercer	Town of Athens	Impoundment
KNB	"	Bluewell PSD	Impoundment
KNB	"	Bramwell Water	Impoundment
KNB	"	Green Valley-Glenwood PSD	Bakley Reservoir
KNB	Mercer	Kelly's Tank	Spring
KNB	"	W.V. Water Princeton	Impoundment- Brush Creek
KNB	Mercer	Lashmeet PSD	Impoundment
KNB	"	Pinnacle Water Assoc.	Mine
KNB	"	W.V. Water Bluefield	Impoundment
Greenbrier River			
KNG	Summers	W.V. Water Hinton	Greenbrier River & New River
KNG	Summers	W.V. Prison for Women	Greenbrier River

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

KNG	"	Big Bend PSD	Greenbrier River
KNG	Greenbrier	Alderson Water Dept.	Greenbrier River
KNG	"	Ronceverte Water	Greenbrier River
KNG	"	Lewisburg Water	Greenbrier River
KNG	Pocahontas	Denmar State Hospital Water	Greenbrier River
KNG	Pocahontas	City of Marlinton Water	Knapp Creek
KNG	Pocahontas	Cass Scenic Railroad	Leatherbark Creek
KNG	Pocahontas	Upper Greenbrier PSD	Greenbrier River
KNG	"	The Hermitage	Greenbrier River

Guyandotte River

OG	Cabell	Salt Rock PSD	Guyandotte River
OG	Lincoln	West Hamlin Water	Guyandotte River
OG	Logan	Logan Water Board	Guyandotte River
OG	"	Man Water Works	Guyandotte River
OG	"	Buffalo Creek PSD	Buffalo Creek/ Mine/Wells
OG	Logan	Logan PSD	Whitman Creek
OG	Mingo	Gilbert Water	Guyandotte River
OG	Wyoming	Oceana Water	Laurel Fork
OG	"	Glen Rogers PSD	Impoundment
OG	"	Pineville Water	Pinnacle Creek/ Guyandotte River
OG	Wyoming	Mullens Water Works	Slab Fork Creek
OG	Raleigh	Raleigh Co. PSD-Amigo	Tommy Creek
OGM	Cabell	Milton Water Works	Guyandotte River
OGM	"	Culloden PSD	Indian Fork Creek
OGM	Putnam	Hurricane Municipal Water	Mud River
OGM	Putnam	Lake Washington PSD	Lake Washington

Big Sandy River

BS	Wayne	Fenova Municipal Water	Big Sandy River
BS	"	Bisor Grill	Impoundment
BS	"	Fort Gay Water	Tug Fork
BST	Mingo	Kermit Water	Tug Fork
BST	"	Matewan Water	Tug Fork
BST	"	A & H Coal Co., Inc.	Impoundment
BST	"	Williamson Water	Impoundment
BST	McDowell	City of Welch	Impoundment/ Wells

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

BST

McDowell

City of Gary

Impoundment/
Mine

EMERGENCY

WRB

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

APPENDIX C

CATEGORY E-3 - POWER PRODUCTION

<u>River Basin</u>	<u>County</u>	<u>Station Name</u>	<u>Operating Company</u>
Monongahela River			
M	Monongalia	Fort Martin Sta.	Monongahela Power
M	Marion	Rivesville Sta.	Monongahela Power
MC	Preston	Albright Sta.	Monongahela Power
MW	Harrison	Harrison Sta.	Monongahela Power
Potomac	Grant	Mt. Storm Power Station	Virginia Electric & Power Company
Ohio River			
O-1	Marshall	Kamer	Ohio Power
O-1	"	Mitchell	" "
O-1	Pleasants	Pleasants Sta.	Monongahela Power
O-1	Pleasants	Willow Island Station	Monongahela Power
O-1	Mason	Phillip Sporn Plant	Central Operating (AEP)
O-1	Mason	Mountaineer	Appalachian Power Company
K	Putnam	Winfield (Hydro)	Appalachian Power Company
K	Kanawha	Marmet (Hydro)	Appalachian Power Company
K	Kanawha	London (Hydro)	Appalachian Power Company
K	Kanawha	Kanawha River	Appalachian Power Company
K	Kanawha	John E. Amos	Appalachian Power Company



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

1206 Greenbrier Street
Charleston, West Virginia 25311
(304) 348-4002

March 28, 1986

JOHN C. AILES
P.O. Box 1036
Romney, West Virginia
DR. DAVID E. SAMUEL
Box 16 R.L. 6
Morgantown, West Virginia

ROBERT B. SCOTT
601 David Avenue
Elkins, West Virginia

WILLIAM PLASS
21 Grandview Drive
Princeton, West Virginia

FILED
1986 MAR 28 PM 2:07
FRANCES E. HUNTER
Executive Secretary
PAUL L. HILL, JR., PH.D.
Technical Assistant

ROBERT K. PARSONS
ASSISTANT ATTORNEY GENERAL
Legal Advisor

OFFICE LOCATION
1260 Greenbrier Street

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

Re: Filing of Emergency Rule
West Virginia Code § Chapter 20,
Article 5 and 5A; Series I,
Water Quality Standards; Section
7.2.d.2.i.A

Dear Mr. Secretary:

The West Virginia State Water Resources Board herewith submits for filing as an Emergency Rule the Board's approved Legislative Rule, Series I, Water Quality Standards; Section 7.2.d.2.i.A.

Attached please find one copy of the Emergency Rule; the statement of Facts and Circumstances, and notice of the approval and adoption of the emergency rule by the Board. The public hearing requirement, pursuant to W. Va. Code § 29A-3-1 et seq., was held on January 13, 1986.

Very truly yours,

John C. Ailes
John C. Ailes, Chairman
State Water Resources Board

JCA/rph

attachments

1. Emergency Rule
2. Facts & Circumstances
3. Notice of Approval by Board

NOTICE OF APPROVAL AND ADOPTION


BY: State Water Resources Board

EMERGENCY LEGISLATIVE RULE:

West Virginia Administrative Rule
State Water Resources Board
Chapter 20-5A (1985)
Series I, Water Quality Standards

The attached amendment to the above titled Legislative rule constitutes the official emergency rule approved and adopted by the State Water Resources Board on the 13th day of January 1986 and filed pursuant to law in the Office of the Secretary of State, State of West Virginia.

Entered


John C. Ailes, Chairman

1986 MAR 28 PM 2:07
OFFICE OF THE SECRETARY OF STATE

FILED

FACTS AND CIRCUMSTANCES

W. Va. Code 20-5A-1 et seq. authorizes and directs the State Water Resources Board to promulgate rules and regulations establishing water quality standards and for implementing the National Pollutant Discharge Elimination System (NPDES) of the Federal Clean Water Act. On May 10, 1982, West Virginia received authority from EPA to operate the State NPDES permit program. In September 1983, the Board approved extensive revisions to the Series II (NPDES) administrative regulations and in March, 1984, the West Virginia Legislature authorized the Board to promulgate these regulations.

Many WV/NPDES permits involving major industrial and power generating facilities are in the process of being renewed at this time and it is imperative that the latest federal regulations be reflected in the West Virginia NPDES program to prevent any adverse impact on the social and economic well-being of the State, and to prevent environmental harm.

In summary, it is the board's opinion that there is sufficient justification (enumerated above) to support the filing of Series I, Section 7.2.d.2.i.A, as an emergency rule for the following reasons:

1. If this water quality standard revision is not implemented immediately there will be a delay in the issuance of Ohio Power Company's WV/NPDES permit which could subject them to civil and criminal actions. And, in the alternative, if Ohio Power is required to comply with the terms of a permit which does not contain this revision there is the distinct possibility that the company will cease operations.

2. EPA approved this site specific revision to the water quality standards for Connor Run.

EMERGENCY

WQS

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

Series I, Sec.

7.2.c.1 MC - Cheat River and all its tributaries 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 Youghiogheny River in West Virginia which flow into Maryland.

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.d.2 O2 - Ohio River - tributaries. All tributaries of the Ohio River excluding the following major tributaries:

7.2.d.2.i Exceptions; to 7.2.d.2:

7.2.d.2.i.A Except the stretch of Conners Run (O-77-A) (a tributary of Fish Creek), from its mouth to the discharge from Conner Run impoundment, shall not have the Water Use Category A and, may contain arsenic not to exceed 200 ug/l; selenium not to exceed 62 ug/l; and, iron not to exceed 3.5 mg/l as a monthly average and 7 mg/l as a daily maximum.

page

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1986 MAR 28 PM 2:01



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

April 17, 1986

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: State Water Resources Board

RULE: Series 1 Requirements Governing Water Quality Standards;
Amendment to Section 7.2.d.2.i.A.

DATE FILED AS AN EMERGENCY RULE: March 28, 1986

DECISION NO. 1-86

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.

KEN HECHLER
Secretary of State

SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE

1986 APR 18 AM 8:45

FILED

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000

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1986 APR 18 AM 8 45



OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

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VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

DECISION

Emergency Rule Decision
(ERD 1-86)

AGENCY: State Water Resources Board
RULE: Series 1 Requirements Governing Water Quality Standards; Amendment to Section 7.2.d.2.i.A.
DATE FILED AS AN EMERGENCY RULE: March 28, 1986

- par. 1 The State Water Resources Board has filed as an emergency rule an amendment to their Series 1 rule titled Requirements Governing Water Quality Standards. The amendment is to Section 7, "West Virginia Waters"; subsection 7.2.d.2.i.A. which establishes the water quality standards for Conner Run, a tributary of Fish Creek, located in Marshall County.
- par. 2 The amendment allows an increase in the permissible iron content of the Conner Run stream from its mouth to its discharge into the Conner Run impoundment. This amendment is the result of an application for a revision to Series 1 by the Ohio Power Company for its Mitchell Plant located near Moundsville, West Virginia. Conner Run is a small creek through which the Mitchell Plant fly ash pond discharge is routed.
- par. 3 SB 434, passed March 8, 1986, in effect from passage, amended Chapter 29A, Article 3 by adding a new section, 15a, requiring the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 4 Following review, the Secretary of State shall issue a decision as to whether or not such emergency rule should be disapproved [29A-3-15a(a)].
- par. 5 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the

circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).

par. 6 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the ERD is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

par. 7 The State Water Resources Board has filed this emergency rule with supporting documents with the Secretary of State on March 28, 1986 and with the LRMRC prior to the issuance of this decision. It is, therefore, the determination of the Secretary of State that the State Water Resource Board has complied with the procedural requirements of WV Code 29A-3-15.

par. 8 (B) Statutory Authority: WV Code 20-5A-1 states:

§20-5A-1. Declaration of policy.

It is declared to be the public policy of the State of West Virginia to maintain reasonable standards of purity and quality of the water of the State consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture and the provision of a permanent foundation for healthy industrial development.

WV Code 20-5A-3(b) (2). General powers and duties of chief and board with respect to pollution states in part:

(2) To adopt, modify, repeal and enforce rules and regulations, in accordance with the provisions of Chapter twenty-nine-A [§29A-1-1 et seq.] of this Code, (A) implementing and making effective the declaration of policy contained in section one [§20-5A-1] of this article and the powers, duties and responsibilities vested in the board and the chief by the provisions of this article and otherwise by law; (B) preventing, controlling and abating pollution; (C) establishing standards of quality for the waters of the State under such conditions as the board may prescribe for the prevention, control and abatement of pollution; and (D) to facilitate the State's participation in the "National Pollutant Discharge Elimination System" pursuant to the "Federal Water Pollution Control Act," as amended.

WV Code 20-5A-3a(a) states:

§20-5A-3a. Standards of water quality and effluent limitations.

(a) In order to carry out the purposes of this article, the board shall promulgate rules and regulations setting standards of water quality and effluent limitations to be applicable to the waters of this State, which standards of quality and effluent limitations shall be such as to protect the public health and welfare, wildlife, fish and aquatic life, and the present

and prospective future uses of such water for domestic, agricultural, industrial, recreational, scenic and other legitimate beneficial uses thereof.

- par. 9 It is clear that under the above statutory provisions the State Water Resources Board is required to not only establish water quality standards, but to do so in light of often conflicting uses.
- par. 10 It is the determination of the State Water Resources Board that the amendment to Series 1 does not alter the designated uses previously adopted for Conner Run. (See attached Information Sheet - C. Designated Uses)
- par. 11 The Secretary of State, under its authority in WV Code 29A-3-15a, will not substitute its judgment for that of the WRB's technical expertise in carrying out its mandated responsibility to balance the various uses to which West Virginia's rivers and streams are designated.
- par. 12 It is likewise not the responsibility of the Secretary of State to declare if the WRB's proposal is of value in carrying out the Water Pollution Control Act.
- par. 13 It is the responsibility of the Secretary of State to determine if the agency has exceeded its statutory authority with the proposal filed as an emergency rule.
- par. 14 It is the determination of the Secretary of State that the State Water Resources Board has not exceeded its statutory authority by amending its Series 1 Water Quality Standards rule.
- par. 15 (C) Emergency: WV Code 25A-3-15(g) defines "emergency" as follows:
- (g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.*
- par. 16 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.
- par. 17 The State Water Resources Board claims that this proposal is to "prevent substantial harm to the public interest."

- par. 18 The circumstances and facts as presented by the State Water Resources Board as follows:
- A. Previous iron content standard for Conner Run was 1.5 mg/l total.
 - B. Ohio Power could not meet this standard without substantial outlays of capital (\$30 million expressed by Ohio Power) or cessation of operation.
 - C. Ohio Power is under state and federal pollution permits which would be violated by discharge above the 1.5 mg/l standard.
 - D. Such violation would open Ohio Power to state and federal civil penalties for non-compliance with permit conditions.
 - E. Capital expenditures needed to comply would require application to increase and pass along service rates to the public.
 - F. Cessation of operation would result in personnel layoffs grievously impacting the local economy.
- par. 19 There exists no specific judicial review of nor legislative guidance for the terms or conditions creating "substantial harm" or elucidating the range of "public interest." Should the harm exist statewide to be substantial or merely encompass one area? The Secretary of State concludes that "harm" to one area of the state would result in a substantial ripple throughout.
- par. 20 It is also concluded that the economic health of any area of West Virginia is of "interest" to the public and to the Secretary of State.
- par. 21 It is also important that the State Water Resources Board has conducted a public hearing on the proposal and the Secretary of State is disinclined to hold an additional hearing on a proposal without a clear need to solicit additional information, which could only be gained at a public hearing.
- par. 22 The Secretary of State determines that the State Water Resources Board has demonstrated the need to make effective this proposal in order to prevent substantial harm to the public interest.
- par. 23 It is the decision of the Secretary of State that this proposal by the State Water Resources Board is in procedural compliance with WV Code 29A-3-15; does not exceed the statutory authority of the State Water Resource Board; and that the facts and circumstances presented constitute an emergency. Therefore, the Secretary of State decides that this emergency rule should not be disapproved.

par. 24 This decision shall be cited as Emergency Rule Decision 1-86 or ERD 1-86 and may be cited as precedent. This decision is available from the Secretary of State's office and has been filed with the Water Resources Board, the Attorney General and the Legislative Rule Making Review Committee.



KEN HECHLER
Secretary of State

Entered April 18, 1986

PROCEDURAL REGULATION FOR REVISION OF WATER QUALITY
STANDARDS

Information Sheet

A. Applicant's Name: Ohio Power Company
P. O. Box 400
Canton, Ohio 44701

Facility: Mitchell Plant
Fly Ash Pond (Outfall 004)
(Near Moundsville, W. Va.)

B. Water Body Proposed For Revision

Name: Conner Run

Stream Code: (O-77-A)

Brief Description: Conner Run is a small creek through which the Mitchell Plant fly ash pond discharge is routed. The pond was formed by impounding a portion of the hollow drained by Conner Run. The majority of flow (93%) consists of the pond's discharge.

Conner Run has a rather steep upstream gradient (above the pond) compared with a much flatter, uniform gradient near the mouth where it empties into Fish Creek (O-77), a tributary of the Ohio River (O1). The stream is approximately one half foot to one foot in depth and about six feet wide downstream of the fly ash pond. *Also see attached map including location of existing discharge point(s).

C. Designated Uses:

Existing: B (Aquatic Life), C (Water Contact Recreation), D (Agriculture & Wildlife), E (Industrial).

*NOTE - Certain existing designated uses may not actually apply in accordance with the Board's revised regulations (e.g. NO current stream use is known to meet the Category E definition and requirements, therefore this classification would not apply).

Proposed: No change.

D. Changes in Water Quality Criteria for Segment.

Based on current designated uses and standards.

Iron: Current = 1.5 mg/l total.
 Proposed = not to exceed 3.5 mg/l
 as a monthly average
 and 7 mg/l as a daily
 maximum.

E. Appropriateness of Revision. The Company has submitted a 53 page support document along with extensive field/survey data which may be reviewed at the Board's Office. This report goes into great detail to explain reasons for the request, impact to the company and local economy, the present ecology of Conner Run and the occurrence of different yet viable assemblages of organisms in the stream.

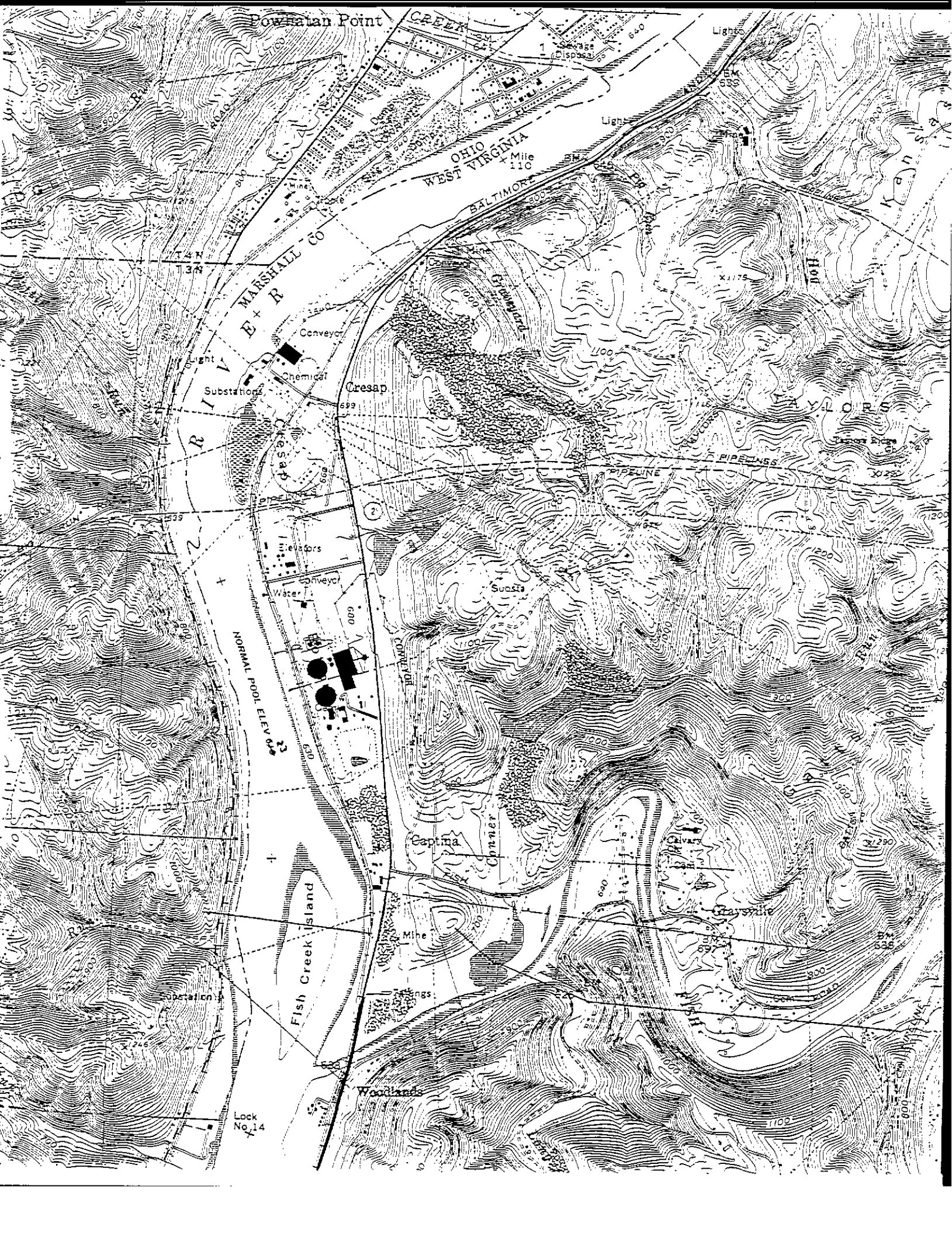
F. Summary of Implications of Revision. There should be no noticeable impact to the aquatic community of Conner Run, its present uses or future uses.

If revision were disallowed, unnecessary expenditure of capital and possible detrimental impact to the local economy would occur with no noticeable benefit to the environment.

G. The Chief's Recommendation. The Chief, having reviewed the support document and having conducted field studies, surveys, etc. of his own, concurs with the findings and has recommended that the Board grant Ohio Power's request.

H. Other Information Deemed Necessary.

Public comments.



Powhatan Point

CREEK

OHIO
WEST VIRGINIA
Baltimore 110 Miles

MARSHALL CO
E + R

RIVER

Cresap

NORMAL POOL ELEVATION 609

Fish Creek Island

Captina

Woodlands

Lock No. 14

Lights

Light

Substation

Chemical

Gas

Elevators

Water

Susah

Conner

FISH

Mine

Grayville

HOLD

VALOERS

PIPELINE

STEEL

BECKMAN

BECKMAN

BECKMAN

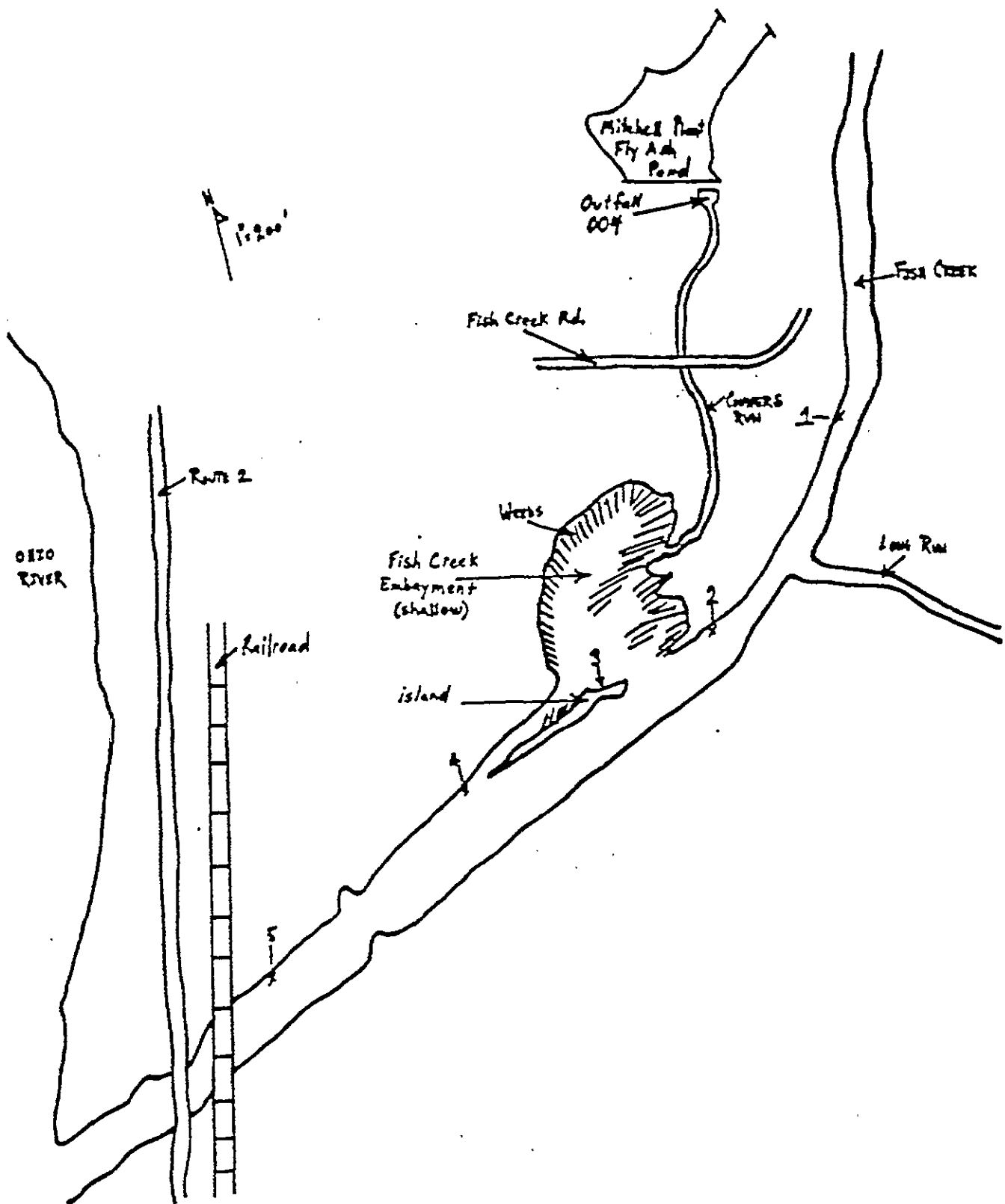


Figure 2. Location of Sampling Sites on Fish Creek and Conners Run During Macroinvertebrate Colonization Study, August 1985 Through September 1985. Replicate Hester-Dendy Biological Samplers Were Placed in Fish Creek (Sites 1-5); Water Samples Were Taken from Mitchell Plant NPDES Outfall 004 and Conners Run at Fish Creek Road.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE WATER RESOURCES BOARD

CHAPTER 20 - 5A
SERIES VI
(1984)

FILLED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 8-9-84
Administrative Law Division

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE WATER RESOURCES BOARD

Chapter 20
Article 5A

Series VI
(1984)

SUBJECT: **Procedural Regulations for the Revision of Water Quality Standards

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**Procedural Rule

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE WATER RESOURCES BOARD

Chapter 20
Article 5A

Series VI
(1984)

PROCEDURAL REGULATIONS FOR THE REVISION OF WATER QUALITY STANDARDS

Section 1.00 General

1.01 Scope

The rules of procedure provided herein shall govern and apply to proceedings before the Board on the Revision of Water Quality Standards under Chapter 20-5A-1 et seq. of the West Virginia Code.

1.02 Authority

These rules are promulgated pursuant to the Authority of Chapter 29A-3-3 of the West Virginia Code and Chapter 20-5A-1, et seq. of the West Virginia Code.

1.03 Effective Date

These rules were adopted by the Board on August 6, 1984 and become effective on September 8, 1984.

1.04 Filing Date

These rules were filed in the Office of the Secretary of State on August 9, 1984.

Section 2.00 Revision of Water Quality Standards

2.01 Who May Revise a Water Quality Standard

The Board may revise a water quality standard upon the application of any person, including the Chief, or upon its own initiative.

2.02 Contents of Application

Any application for a revision of standards shall be filed in six (6) copies and shall contain the following:

- (a) A U.S.G.S. 7.5 minute map showing those stream segments for which the standard is to be revised and showing existing and proposed discharge points.
- (b) The existing and proposed designated uses for the stream segment(s) in question.
- (c) The existing and proposed water quality criteria for the stream segment(s) in question.
- (d) Existing uses and water quality data for the stream segment(s) in question. Where adequate data are unavailable, additional studies may be required by the Board.
- (e) General land uses (e.g., mining, agricultural, recreation, residential, commercial, industrial, etc.) as well as specific land uses adjacent to the waters for the length of the segment(s) proposed to be revised.
- (f) The existing and designated uses of the receiving waters into

which the segment in question discharges and the location where those downstream uses begin to occur.

(g) General physical characteristics of the stream segment including but not limited to width, depth, bottom composition and slope.

(h) The average amount of flow in the segment and the amount of flow at a designated control point.

(i) An assessment of aquatic life in the stream segment in question and in the adjacent upstream and downstream segments.

(j) In addition, for establishing a less restrictive use, information must be supplied as follows:

(i) An explanation of the irretrievable person-induced or natural conditions which preclude attainment of a higher use designation; or

(ii) An assessment of the adverse social and economic impacts of additional controls beyond the effluent limitations required pursuant to Section 301(b)(2)(A) and (B) of the Federal Act.

(k) The Board may require any additional information or data it deems necessary to make a decision.

(ℓ) Alphanumeric Code if known.

2.03 Board Review

The Board shall review any application prepared and submitted pursuant to the above and the recommendation of the Chief and then, shall decide

whether to tentatively approve the requested revision to the standards. The recommendation of the Chief shall be based upon all available information.

2.04 Decision on Application

If the Board decides to tentatively approve a revision, including one on its own initiative, it shall prepare or cause to be prepared an information sheet containing at least the following where applicable:

- (a) The name and address of the applicant.
- (b) The name and sketch or description of the waters proposed for revision of standards, including the location of existing and proposed discharge points and the Alphanumeric designation.
- (c) The existing and proposed designated use(s).
- (d) The proposed changes in water quality criteria for the segment(s) based on the proposed designated use(s).
- (e) A brief abstract of the supportive documentation which demonstrates that the revision is appropriate.
- (f) A summary of the implications of such designation for the community and other users or potential users of the waters in question.
- (g) The Chief's recommendations and any relevant Division reports, etc.
- (h) Any other information deemed necessary.

2.05 Proposal of Revision

In proposing said revision(s), the Board shall follow the applicable

procedures in Chapter 29A-3-1, et seq., with the following added for clarification:

(a) In addition to filing notice of the proposed rule(s) in the State Register, the Board shall publish notice of a public hearing on the proposed rule(s) as a Class I legal advertisement in a publication area determined by the Board.

(b) The said notice of public hearing shall include the following information:

- (i) Time and location of hearing;
- (ii) Hearing agenda;
- (iii) Notification of the availability of an information sheet as required under Section 2.04; and
- (iv) The location where reports, documents, and data pertaining to the hearing agenda are available for public inspection.

(c) Any such notice of public hearing shall also be mailed to any person who has filed with the Board a request for notices of proposed rules revising water quality standards. Such notices shall also be mailed to affected downstream States and Federal, State and interstate agencies which may be affected by the proposed revision(s).

(d) The Board shall cause to be prepared a transcript of any public hearing held pursuant to these rules and shall make such transcript available for public inspection.

2.06 Multiple Applications

In consideration of limited time and resources, the Board may, within its discretion, consider several applications for revised standards at one time and may defer all such considerations to its triennial review required under Section 303 of the Federal Act.

PROMULGATION HISTORY

The proposed procedural regulation for the revision of water quality standards was filed with the Secretary of State on June 29, 1981 with an effective date of July 29, 1981.

The Board then went to public notice on October 28, 1982 with a combined procedural regulation for the revision of water quality standards and petitions for rule making under Chapter 20, Articles 5A and 5E and adopted the combined regulations designated Series VI on the 20th day of January 1983, with an effective date of February 19, 1983.

On June 14, 1984 the Board filed in the Office of the Secretary of State proposed changes/additions/amendments/deletions to these regulations with the comment period closing July 14, 1984. In this proposed regulation all reference to Petitions for Rule Making under Chapter 20, Article 5E had been deleted as the Board no longer has this authority (reference Memorandum to Members of the State Water Resources Board dated March 10, 1983 from David C. Callaghan, Director - Department of Natural Resources).

On August 6, 1984 by proper motion and vote the Board adopted the proposed changes to Series VI Administrative Regulations and they were duly filed with the Secretary of State on August 9, 1984 with an effective date of September 8, 1984.

WRB
Adm. Reg. 20-5A
Series VI

FISCAL NOTE

The proposed changes/additions/amendments/deletions to Series VI of the Administrative Regulations of the State Water Resources Board are not expected to require any additional fiscal impact on the public or the State.



Ohio Power
Conner Run

STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

1205 Greenbrier Street
Charleston, West Virginia 25311
(304) 348-4002

December 4, 1985

STAFF
FRANCES E. HUNTER
Executive Secretary

PAUL L. HILL, JR., PH.D.
Technical Assistant

ROBERT K. PARSONS
ASSISTANT ATTORNEY GENERAL
Legal Advisor

OFFICE LOCATION
1260 Greenbrier Street

JOHN C. AILES
P.O. Box 1036
Romney, West Virginia
DR. DAVID E. SAMUEL
Box 16 Rt. 6
Morgantown, West Virginia
ROBERT B. SCOTT
601 David Avenue
Elkins, West Virginia
DR. ALLEN HAMNER
3 Lincoln Way
Buckhannon, West Virginia
WILLIAM PLASS
21 Grandview Drive
Princeton, West Virginia

Dolores Messer, Legal Ad. Dept.
Charleston Newspapers
1201 Virginia Street, East
Charleston, W. Va. 25301

Dear Ms. Messer:

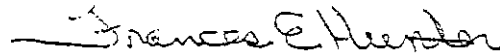
Please run the attached Public Notice in the Legal Advertising section of the Charleston Gazette and the Charleston Daily Mail - release date is December 9, 1985.

Send the affidavit of publication and the original invoice to the above address.

Thank you for your cooperation.

Very truly yours,

STATE WATER RESOURCES BOARD


Frances E. Hunter
Executive Secretary

attachment

NOTICE OF PUBLIC HEARING ON REVISION (VARIANCE) OF WATER QUALITY STANDARDS

Public Notice Date: December 9, 1985

The West Virginia State Water Resources Board will hold a public hearing on the Ohio Power Company's, Mitchell Plant, near Moundsville, W. Va. request for revision of water quality standards to Conner Run tributary of the Ohio River.

The hearing will be held on January 13, 1986 at 9:00 a. m. in conference room located at 1260 Greenbrier Street, Charleston, W. Va.

People wishing to make comments on the above are invited to be present or represented at the hearing. Although oral statements will be accepted, written statements are encouraged for the accuracy of the record. Comments will be accepted until January 13, 1986.

Copies of the Information Sheet prepared by the Board on this request may be reviewed at the Department of Natural Resources' District Offices in Fairmont, W. Va. or may be obtained by contacting the State Water Resources Board at 1205 Greenbrier Street, Charleston, W. Va. 25311 or by calling area code 304-348-4002.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE
— Charleston 25305

REVIEW OF EMERGENCY RULE

AGENCY: Water Resources Board

RULE TITLE: Requirements Governing Water Quality Standards
Amending Section 7.2.d.2.i.A.

DATE FILED AS AN EMERGENCY RULE: 3-28-86

LAST DATE TO ISSUE DECISION: 5-9-86 DATE OF DECISION 4-18-86

PROCEDURAL COMPLIANCE:

FILED WITH SECRETARY OF STATE: yes

FILED WITH LEGISLATIVE RULE-MAKING REVIEW COMMITTEE: yes

ALL REQUIRED INFORMATION FILED: yes

STATUTORY AUTHORITY:

CODE GRANTING AUTHORITY: _____

RELATED CODE CITATIONS: _____

NOTES:

NATURE OF EMERGENCY:

NOTES:

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE WATER RESOURCES BOARD

Chapter 20-5 and 20-5A

Series I
1983

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 4-11-84
Administrative Law Division

Subject: Requirements Governing Water Quality Standards

The State Water Resources Board and the Chief, Division of Water Resources, West Virginia Department of Natural Resources, under Chapter 20, Article 5, and Article 5A, Code of West Virginia, have been vested with the power and authority to determine whether any person, firm, municipality or corporation is polluting any of the waters of the State of West Virginia and to prevent, control, eliminate or reduce such pollution. In making such determination, due consideration shall be given to the public policy of the State of West Virginia, as expressed in the Code (Chapter 20-5A-1).

The Board is also charged with responsibility for promulgating rules and regulations establishing water quality standards and effluent limitations as applicable for the protection of the waters of the State.

These regulations establish general water use categories and water quality criteria applicable to the waters of the State. Water quality criteria project concentrations of water constituents which, if not exceeded, will protect the waters of the State for specific uses. These water quality criteria may form the basis for determining effluent limitations.

The water quality criteria contained herein are not to be interpreted as representing all constituents which affect water quality.

Effective April 15, 1984 to ~~Jan. 6, 1986~~
April 27, 1985

Section 1: General

1.01 Scope - These regulations establish requirements governing the discharge or deposit of sewage, industrial wastes and other wastes into the waters of the State and establish water quality standards for the waters of the State.

1.02 Authority - These regulations are promulgated under authority of West Virginia Code (Chapter 20, Article 5A, Section 3).

1.03 Filing Date - These regulations were filed in the Office of the Secretary of State on April 11, 1984.

1.04 Effective Date - These regulations become effective April 15, 1984.

1.05 These regulations are certified authentic by the Executive Secretary of the State Water Resources Board.

7.51 Ohio River Basin - Main Stem - 0

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

Exceptions:

No exceptions specified.

7.52 Ohio River Basin - Tributaries - LK, LKH, LKW, LKS and OMI

All tributaries to the Ohio River, excluding the Big Sandy, Guyandotte and Kanawha Rivers.

Exceptions:

(a) Except the stretch of Conners Run (O-77-A) (a tributary of Fish Creek), from its mouth to the discharge from Conners Run impoundment, shall not have the use B1; therefore may contain arsenic not to exceed 200 ug/l and selenium not to exceed 62 ug/l.

(b) Except the stretch of Harmon Creek (a tributary of the Ohio River) from its mouth to a point 2.2 miles upstream shall be exempt from the specific criteria limitation for temperature.

EMERGENCY
WRB
Leg. Rule, 20-5A
Series II, Sec. 7.5.2

FILED
1985 APR 22 PM 2:53

7.5.1 Ohio River Basin - Main Stem - O

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

Exceptions:

No exceptions specified.

7.5.2 Ohio River Basin - Tributaries - LK, LKH, LKW, LKS and OMi

All tributaries to the Ohio River, excluding the Big Sandy, Guyandotte and Kanawha Rivers.

Exceptions:

(a) Except the stretch of Conners Run (O-77-A) (a tributary of Fish Creek), from its mouth to the discharge from Conners Run impoundment, shall not have the use B1; therefore may contain arsenic not to exceed 200 ug/l and selenium not to exceed 62 ug/l.

(b) Except the stretch of Harmon Creek (a tributary of the Ohio River) from its mouth to a point 2.2 miles upstream shall be exempt from the specific criteria limitation for temperature.

(c) Except in the stretch of Cow Creek (O-55) from its mouth to a point approximately 2,300 feet upstream, the water use category B-1 shall not apply.

Effective April 22, 1985 to Jan 5, 1986

EMERGENCY

WQS

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

7.2.c.1 MC - Cheat River and all its tributaries
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 Youghiogheny
River in West Virginia which flow into Maryland.

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.d.2 O2 - Ohio River - tributaries. All
tributaries of the Ohio River excluding the following major
tributaries:

7.2.d.2.i Exceptions; to 7.2.d.2:

7.2.d.2.i.A Except the stretch of Connors Run (O-77-A) (a
tributary of Fish Creek), shall not have the Water Use Category A;
therefore may contain arsenic not to exceed 200 ug/l and selenium
not to exceed 62 ug/l.

Effective Jan 6, 1986 to March

page 12

27, 1986

20-5 + 20-5A

20-5A-1

20-5A-3(4)

EPA approved the revision

Ohio exposed to criminal & civil fines from
date to

30 million for upgrade which would be passed
on to customers

North portable areas

No impact on Fish Creek

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

April 6, 1987

NOTICE OF THE EXPIRATION OF EMERGENCY RULES

THE EMERGENCY RULES LISTED BELOW FILED BY THE WEST VIRGINIA WATER RESOURCES BOARD ON JANUARY 6, 1986 WILL EXPIRE ON APRIL 6, 1987. THE FIFTEEN MONTHS ALLOWED UNDER CHAPTER 29A-3-15 FOR AN EMERGENCY RULE TO BE EFFECTIVE EXPIRES ON THIS DATE.

THE FOLLOWING WATER RESOURCES EMERGENCY RULES HAVE EXPIRED.

1. Series 1, Water Quality Standards-Filed January 6, 1986, Emergency amendment filed March 28, 1986.
2. Series 2, NPDES Rules-Filed January 6, 1986
3. Series 3, Special Rules-Filed January 6, 1986
4. Series 9, Underground Injection Control-Filed January 6, 1986

THE 1987 LEGISLATURE IN S.B. 748 HAS AUTHORIZED THE ABOVE RULES BUT S. B. 748 WILL NOT BECOME EFFECTIVE UNTIL JUNE 12, 1987. UNTIL SUCH TIME THE PRIOR RULES OF THE WATER RESOURCES BOARD FOR SERIES 1, 2, 3 AND 9 RETURN AS EFFECTIVE RULES.

A handwritten signature in cursive script, appearing to read "Rich O. Hartman".

Rich O. Hartman, Director
Administrative Law Division

SECRETARY OF STATE

1987 APR -6 AM 10:28

FILED