



STATE OF WEST VIRGINIA
STATE WATER RESOURCES BOARD

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Executive Secretary

August 3, 1983

Mr. Earl M. Vickers, Director
Legislative Services
State Capitol Bldg. 1 - Room EW-132
Charleston, WV 25305

Attn: Mr. John R. Homburg

Dear Sir:

As recipient of regulations for the Legislative Rule-Making Review Committee the State Water Resources Board is herewith submitting fifteen (15) copies of their proposed Series VII - West Virginia Administrative Regulations - Chapter 20, Articles 5A and 5E (1983) - Groundwater Protection Standards for distribution to said Committee.

Sincerely,

Handwritten signature of John C. Ailes in cursive.
John C. Ailes
Board Chairman

JCA/feh

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✓ c The Honorable A. James Manchin

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE WATER RESOURCES BOARD

Chapter 20

Articles 5A and 5E
Series VII
(1983)

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PROMULGATION HISTORY

The Administrative Regulations - State Water Resources Board - Series VII - Groundwater Protection Standards - were adopted by the Board on April 20, 1983, and filed in the Office of the Secretary of State under an emergency basis on May 4, 1983, with a statement of facts and circumstances constituting the emergency and went to public notice on May 9, 1983. On this date the Board also filed these regulations as a proposal with the Office of the Secretary of State and the Legislative Rule Making Review Committee.

A public hearing was held on June 20, 1983, with the comment period closing on June 30, 1983.

After a review of comments/statements, the Board approved their final Groundwater Protection Standard on July 25, 1983, and filed same with the Secretary of State on August 3, 1983, as a final regulation, and with the Legislative Rule Making Review Committee as a proposed regulation as required under the State's Administrative Procedures Act.

Senate Bill 425 authorized the Board to adopt the above regulations and on April 10, 1984 by proper motion and vote the Board did adopt the Groundwater Protection Standard and filed as adopted regulations on April 12, 1984.

~~Section 1.~~ Groundwater Protection Standard

Section 1 General

1.01 ~~Scope and Purpose.~~

The purpose of these regulations is to provide a standard of protection for groundwater which shall apply to hazardous waste management facilities. The term "hazardous waste management facility" as used in this section shall have the same meaning as that term as defined under Section 2, Series ³⁵~~XV~~, Department of Natural Resources Administrative Regulations.

1.02 Authority.

These regulations are promulgated under the authority of the West Virginia Code, Chapter 20, Articles 5E and 5A.

1.03 Effective Date.

These regulations will become effective April 25, 1984.

1.04 Filing Date.

These regulations were filed in the Office of the Secretary of State on April 12, 1984.

1.05 Certification.

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

Section 2 ~~1.06~~ Groundwater Protection Standard.

2.1 The owner or operator must comply with conditions specified in the permit that are designed to ensure that hazardous constituents under Section 8.13.04, Series ³⁵~~XV~~, Department of Natural Resources Administrative

Regulations, entering the groundwater from a regulated unit do not exceed the background concentrations of those constituents in the groundwater in the uppermost aquifer underlying the hazardous waste management facility at or beyond the point of compliance under Section 8.13.05, Series ~~XV~~³⁵, Department of Natural Resources Administrative Regulations, during the compliance period under Section 8.13.06, Series ~~XV~~³⁵, Department of Natural Resources Administrative Regulations. These background concentrations will be determined as described under Section 8.13.08(b), Series ~~XV~~³⁵, Department of Natural Resources Administrative Regulations. When determining compliance with the groundwater standard, the statistical tests and procedures outlined in Sections 8.13.08(c) and 8.13.08(d) of Series ~~XV~~³⁵, Department of Natural Resources Administrative Regulations, shall be applied.