

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

1992 JUN 30 2:11:00

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

Department of Commerce, Labor and
Environmental Resources
AGENCY: Water Resources Board TITLE NUMBER: 46
RULE TYPE: Legislative; CITE AUTHORITY WV Chapter 20-5-5 & 20-5M-4
AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 12

TITLE OF RULE BEING PROPOSED: Requirements Governing Groundwater
Standards

DATE OF PUBLIC HEARING: August 3, 1992 TIME: 7:00 P.M.

LOCATION OF PUBLIC HEARING: State Capitol Complex Bldg. # 5
Conference Room C
Charleston, WV 25305

COMMENTS LIMITED TO: ORAL ___ , WRITTEN ___ , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: State Water Resources Board
1615 Washington Street, East

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

Charleston, WV 25311

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Frances E. Hunter

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DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room R-151
Charleston, West Virginia 25305-0310
Telephone: (304) 558-3255
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

June 24, 1992

David E. Samuel, Ph.D.
Chairman, State Water Resources Board
1260 Greenbrier Street
Charleston, West Virginia 25311

FILED
JUN 24 3 30 AM '92
STATE OF WEST VIRGINIA
DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES

RE: Proposed Rules - Title 46, Series 12 (Requirements
Governing Groundwater Standards)

Dear Dr. Samuel:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby
consent to the proposal of the rules specified above.

You may attach a copy of this letter to your filing with the
Secretary of State as evidence of my consent.

Sincerely yours,

John M. Ranson
John M. Ranson
Cabinet Secretary

JMR:cjb
B:WRB.RUL

FISCAL NOTE FOR PROPOSED RULES

FILED
 JUN 30 AM 11:00
 DEPT. OF COMMERCE
 CHARLESTON, WEST VIRGINIA

Rule Title: Requirements Governing Groundwater Standards

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Commerce, Labor and Environmental Resources, State
 Water Resources Board

Address: 1615 Washington Street, East, Charleston, West Virginia 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL		YEAR
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services			N/A	N/A	N/A
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of Above Estimates: There will be no change to the budget relative to these groundwater quality standards because the cost has been covered under the groundwater fee (47 CSR 55).

3. Objectives of These Rules: To comply with Chapter 20-5M.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: See No. 2.

B. 1. Economic Impact on Political Subdivisions: There will be some impact by individuals, political subdivisions, industries, etc. complying with these standards but at this time it cannot be determined. There will be some cost associated but in no way can it be determined - it is an incalculatable economic impact to anyone complying with the standards.

2. Economic Impact on Specific Industries:

See B above.

3. Economic Impact on Specific Groups of Citizens:

See B above.

C. Economic Impact on Citizens/Public at Large:

See B above.

Date: June 24, 1992

Signature of Agency Head or Authorized Representative

Frances E. Hunter

NOTICE OF CHANGE IN PUBLIC HEARING DATE

The public hearing before the State Water Resources Board scheduled for 7:00 P.M. in Conference Room C located at the State Capitol Complex Bldg. 7 has been changed from July 23, 1992 to August 3, 1992 - same time. The subject of the public hearing in accordance with applicable State and Federal requirements is as follows:

Proposed changes/amendments and corrections to Title 46 Legislative Rules Underground Injection Control Rules, Series 9;

Proposed changes/amendments and corrections to Title 46 Legislative Rules - National Pollutant Discharge Elimination System (NPDES) Rules - Series 2; and

Proposed Title 46 Legislative Rules - Requirements Governing Groundwater Standards - Series 12.

People wishing to make comments on the proposed rules 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 received until August 7, 1992.

Copies of the proposed rules may be obtained by contacting the Board Office at 1615 Washington Street, East, Charleston, WV 25311 (304) 558-4002.

Public Notice Date: July 2, 1992

RECEIVED
JUL 30 11:00
STATE WATER RESOURCES BOARD

PROPOSED
Title 46 - Series 12
LEGISLATIVE RULES
STATE WATER RESOURCES BOARD
REQUIREMENTS GOVERNING GROUNDWATER STANDARDS
1992

State Water Resources Board
1615 Washington Street, East
Charleston, West Virginia 25311
(304) 558-4002

NOTE: This is a new series - underscoring has been omitted.

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Proposed Title 46 - Series 12

LEGISLATIVE RULES
STATE WATER RESOURCES BOARD

Requirements Governing Groundwater Standards

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3.	Groundwater Standards	2
4.	[Reserved]	
5.	[Reserved]	
6.	[Reserved]	

FILED
MAY 30 10:00

PROPOSED
TITLE 46
LEGISLATIVE RULES
WATER RESOURCES BOARD
REQUIREMENTS GOVERNING GROUNDWATER STANDARDS
Series 12
1992

46-12-1. General

1.1. Scope and Purpose - The purpose of this Legislative rule is to establish minimum standards of purity and quality for groundwater located within this State.

1.2. Authority - W. Va. Code 20-5M-4 and 20-5-5.

1.3. Filing Date -

1.4. Effective Date -

46-12-2. Definitions - As used in this rule:

2.1. "Act" means the Groundwater Protection Act.

2.2. "Board" means the State Water Resources Board.

2.3. "Constituent" means any chemical or biological substance found in groundwater due to either natural or man-made conditions.

2.4. "Groundwater" means the water occurring in the zone of saturation beneath the seasonal high water table, or any perched water zones.

2.5. "Person" means any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; State of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry; sanitary district; public service district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever.

46-12-3. Groundwater Standards

3.1. Except as provided in Sections 3.2 and 3.3, the standards of purity and quality for groundwater in the state shall be the constituent concentrations found in Appendix A.

3.2. Where the concentration of a constituent exceeds an otherwise applicable water quality standard as a result of natural conditions, the naturally occurring level of that constituent shall become the water quality standard for the affected area.

3.2.a. Where the concentration of a constituent exceeds an otherwise applicable water quality standard under this rule due to human-induced contamination, such concentration shall become the applicable water quality standard only where the appropriate groundwater regulatory agency has made the determination that the criteria set forth in the last sentence of W. Va. Code 20-5M-4 (b) have been satisfied.

3.3. Constituents in groundwater shall not cause a violation of the standards found at 46 CSR Series 1 in any surface water.

3.4. Groundwater quality standards do not apply:

3.4.a. Within areas of geologic formations which are site specific to site production or storage zones of crude oil or natural gas and which are utilized for the exploration, development or production of crude oil or natural gas permitted pursuant to W. Va. Code 22B; and

3.4.b. Within areas of geologic formations which are site specific to the injection zones of Class II or III or wells permitted pursuant to the statutes and regulations governing the underground injection control program.

3.4.c. To any person who has been granted a variance from groundwater quality standards by the Director pursuant to 20-5M-5(1) of the Code.

3.4.d. To coal extraction and earth disturbing activities directly involved in coal extraction that are subject to W. Va. Code Chapter 22A, Article 3 or Chapter 20, Article 5A.

3.5. Measurement of inorganic compounds. Compliance with inorganic groundwater protection standards shall be determined in terms of dissolved concentration rather than total concentration.

46-12-4. [Reserved]

46-12-5. [Reserved]

46-12-6. [Reserved]

APPENDIX A

<u>Contaminant</u>	<u>Not To Exceed (in mg/l, except where noted)</u>
Alachlor	0.002
Aldicarb	[Reserved]
Aldicarb sulfone	[Reserved]
Aldicarb sulfoxide	[Reserved]
Antimony	0.006
Asbestos (fibers/l less than 10 ug/l)	7MFL*
Atrazine	[Reserved]
Benzene	0.005
Benz(a)pyrene (PAH)	0.0002
Beryllium	0.004
Cadmium	0.005
Carbofuran	0.04
Carbon Tetrachloride	0.005
Chlordane	0.002
Chromium (total)	0.1
Cyanide	0.2
2,4-D	0.07
Dalapon	0.2
Di[2-ethylhexyl]adipate	0.4
Di[2-ethylhexyl]phthalate	0.006
Dibromochloropropane (DBCP)	0.0002
Dichlorobenzene p-	0.075
Dichlorobenzene o-,m-	0.6
Dichloroethane (1,2)	0.005

Dichloroethylene (1,1-)	0.007
Dichloroethylene (cis-1,2-)	0.07
Dichloroethylene (trans-1,2-)	0.1
Dichloromethane	0.005
Dichloropropane (1,2-)	0.005
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylbenzene	0.7
Ethylene dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Lead	.015
Lindane	0.0002
Mercury	0.002
Methoxychlor	0.04
Nickel	0.1
Nitrate (as N)	10
Nitrite (as N)	1
Total nitrate and nitrite (as N)	10
Oxamyl (Vydate)	0.2
Picloram	0.5
Selenium	0.05

Simazine	0.004
2,3,7,8-TCDD (Dioxin)	0.00000003
Tetrachlorethylene	0.005
Thallium	.002
Toluene	1
Toxaphene	0.003
2,4,5-TP (Silvex)	0.05
Trichlorobenzene (1,2,4-)	0.07
Trichloroethane (1,1,1-)	0.2
Trichloroethane (1,1,2-)	0.005
Trichloroethylene	0.005
Vinyl Chloride	0.002
Xylenes (total)	10

*MFL-million fibers per liter