

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Environmental Quality Board TITLE NUMBER: 46

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Requirements Governing Water Quality Standards

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

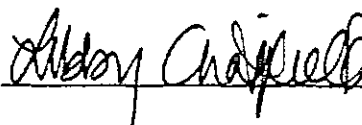
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) 4224

SECTION 64-3-2(a), PASSED ON March 9, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 6, 1996



Technical Advisor
Environmental Quality Board

AUTHORIZED SIGNATURE



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

(Plus all the volunteer
help we can get)

March 12, 1996

Libby Chatfield
DEP - Environmental Quality
Board
1615 Washington Street East
Suite 301
Charleston, WV 25311-2126

HB 4224 authorizing, Title 46, Series 01, Requirements Governing Water Quality Standards, passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4224** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4224 Section 64-3-2(a)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

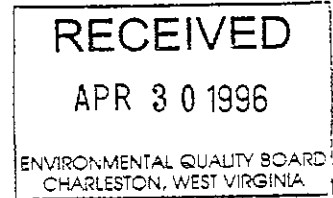


BUREAU OF ENVIRONMENT
10 McJunkin Road
Nitro, WV 25143-2506

GASTON CAPERTON
GOVERNOR

LAIDLEY ELI MCCOY, PH.D.
COMMISSIONER

April 29, 1996



Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

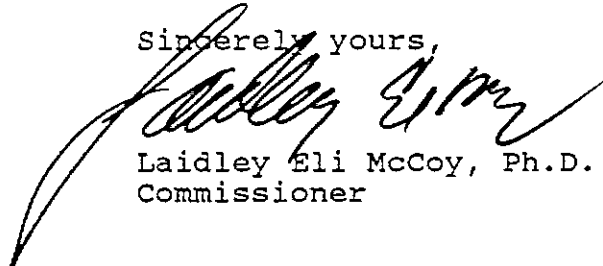
RE: 46CSR1 - "Requirements Governing Water
Quality Standards"

Dear Ms. Cooper:

This is to advise you that I am giving approval for filing with your office the above-captioned rule as final adoption of a legislative rule authorized by the West Virginia Legislature.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Roger T. Hall at 759-0515.

Sincerely yours,



Laidley Eli McCoy, Ph.D.
Commissioner

LEM:cc

Attachment

LEGISLATIVE HISTORY
46 CSR 1, Requirements Governing Water Quality Standards
1996 Legislative Session

- June 16, 1995: Notice of Public Hearing on Proposed Rule filed with the Office of the Secretary of State
- July 18, 1995: Public Hearing held at 7:00 p.m. at the Environmental Board Office at 1615 Washington Street East, Charleston, West Virginia.
- July 20, 1995: Last day of the public comment period on the rule.
- December 10, 1995: Legislative Rule-Making Review Committee considered the rule and voted to recommend that the rule be passed by the legislature as proposed by the Board.
- January 9, 1996: The Legislative Rule-Making Review Committee took up the rule again, and proposed the rule be amended to delete the prohibition on mixing zones for bioaccumulative pollutants.
- February 9, 1996: Senate Natural Resources Committee voted to amend the rule to limit Category A waters to the five mile zone above drinking water intakes.
- February 22, 1996: Senate Judiciary Committee voted to delete the amendment limiting Category A waters to the five mile zone above drinking water intakes and voted the bill out of committee. (LRMRCs amendment regarding bioaccumulative pollutants was retained)
- February 23, 1996: House Judiciary passed the bill (HB4224) out of committee with no further amendments. (LRMRCs amendment regarding bioaccumulative pollutants was retained.)
- March 9, 1996: HB 4224, authorizing changes to 46 CSR 1, passed the Legislature.
- April 2, 1996: Governor Caperton signed HB 4224.



ENVIRONMENTAL QUALITY BOARD

1615 Washington Street, East, Suite 301
Charleston, West Virginia 25311-2126
(304) 558-4002

Gaston Caperton
Governor

Fax: (304) 558-4116

Charles R. Jenkins
Chairman

April 30, 1996

Judy Cooper, Director
Administrative Law Division
Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0770

Dear Ms. *Judy* Cooper:

Enclosed for final filing is a copy of 46 CSR 1, Requirements Governing Water Quality Standards, as authorized by HB4224, section 64-3-2(a), on a 3 1/2 inch disk as requested in your letter of March 12, 1996. Also enclosed is a copy of the legislative history of the rule.

Note that the Board has set May 6, 1996 as the effective date for the rule.

If you have any questions regarding this filing, please do not hesitate to call me.

Sincerely,

Libby Charfield
Technical Advisor

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULES
ENVIRONMENTAL QUALITY BOARD
SERIES 1
REQUIREMENTS GOVERNING WATER
QUALITY STANDARDS

§46-1-1. 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, and other 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 § 22-11-2)

1.2. Authority. -- W. Va. Code §22B-3-4

1.3. Filing Date. --

1.4. Effective Date. --

§46-1-2. Definitions.

The following definitions in addition to those set forth in W. Va. Code §22-11-3, shall apply to these rules unless otherwise specified herein, or unless the context in which used clearly requires a different meaning:

2.1. "Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

2.2. "Board" is the Environmental Quality Board.

2.3. "Chief" is the Chief of the Office of Water Resources of the West Virginia Division of Environmental Protection.

~~2.1.~~ 2.4. "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.~~ 2.5. "Designated uses" are those uses specified in water quality standards for each water body or segment whether or not they are being attained. (See section 6.2)

~~2.4.~~ 2.6. "Existing uses" are those uses actually attained in a water body on or after November 28, 1975, whether or not they are included in the water quality standards.

~~2.5.~~ 2.7. 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 100-4, 33 U.S.C. 1251, et seq.

~~2.6.~~ 2.8. "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.

~~2.7.~~ 2.9. "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.

~~2.8.~~ 2.10. "Outstanding national resource waters" are those whose unique character, ecological or recreational value or pristine nature constitutes a valuable national or State resource.

~~2.9.~~ 2.11. "Natural" or "naturally occurring" values or "natural temperature" shall mean for all of the waters of the State:

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

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.

~~2.10.~~ 2.12. "Non-point source" shall mean any source other than a point source from which pollutants may reach the waters of the State.

~~2.11.~~ 2.13. "Persistent" shall mean a pollutant and its transformation products which under natural conditions degrade slowly in an aquatic environment.

~~2.12.~~ 2.14. "Point source" shall mean any discernible, confined and discrete conveyance, including, but not limited to, 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. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

~~2.13.~~ 2.15. "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.

~~2.14.~~ 2.16. The "State Act" or "State Law" shall mean the West Virginia Water Pollution Control Act, W. Va. Code §22-11-1.

~~2.15~~ 2.17 "Total recoverable" refers to the digestion procedure for certain heavy metals as referenced in 40 CFR 136, as amended June 15, 1990, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act.

~~2.16.~~ 2.18. "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.

~~2.17.~~ 2.19. "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.

~~2.18.~~ 2.20. "Water quality standards" means the combination of water uses to be protected and the water quality criteria to be maintained by these rules.

~~2.19.~~ 2.21. "Wetlands" are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

~~2.20.~~ 2.22. "Wet weather streams" are streams that flow only in direct response to precipitation or whose channels are at all times above the water table.

§46-1-3. 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 Environmental Quality Board does hereby proclaim that the following general conditions are not to be allowed in any of the waters of the State.

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:

- a. Distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks;
- b. Deposits or sludge banks on the bottom;
- c. Odors in the vicinity of the waters;
- d. Taste or odor that would adversely affect the designated uses of the affected waters;
- e. Materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life;

f. Distinctly visible color;

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

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

i. Any other condition, including radiological exposure, which adversely alters the integrity of the waters of the State including wetlands; no significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems shall be allowed.

§46-1-4. Anti-Degradation Policy.

4.1. It is the policy of the State of West Virginia the waters of the state shall be maintained and protected as follows:

a. Existing water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. Existing uses are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included as designated uses within these water quality standards.

b. The existing high quality waters of the State must be maintained at their existing high quality unless it is determined after satisfaction of the intergovernmental coordination of the State's continuing planning process and 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.

In addition, 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.

A. High quality waters are those waters meeting the definition at section 2.6 herein.

B. High quality waters include but are not limited to the following:

(a) Streams designated by the West Virginia Legislature under the West Virginia Natural Stream Preservation Act, pursuant to W. Va. Code Section 22-13-5, and

(b) Streams listed in West Virginia High Quality Streams, Fifth Edition, prepared by the Wildlife Resources Division, Department of Natural Resources (1986).

(c) Streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.

c. In waters which constitute a water of special concern no activities which result in the reduction of ambient water quality shall be allowed. Waters of special concern include:

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

B. All naturally reproducing trout streams.

C. All streams and other bodies of water in State and National Forests and Recreation Areas.

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

d. In all cases, waters which constitute an outstanding national resource shall be maintained and protected and

improved where necessary. Outstanding national resource waters include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. 1131 et seq.) within the State.

Additional waters may be nominated for inclusion in that category by any interested party or by the Board on its own initiative. To designate a nominated water as an outstanding national resource water, the Board shall follow the public notice and hearing provisions as provided in 46 C.S.R. 6.

e. 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.

§46-1-5. 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 guidelines and conditions are applicable to all mixing zones:

a. The chief will assign, on a case-by-case basis, definable geometric limits for mixing zones for a discharge or a pollutant or pollutants within a discharge. Applicable limits shall include, but may not be limited to, the linear distances from the point of discharge, surface area involvement, volume of receiving water, and shall take into account other nearby mixing zones. Mixing zones shall take into account the mixing conditions in the receiving stream (i.e: whether complete or incomplete mixing conditions exist). Mixing zones will not be allowed until applicable limits are assigned by the chief in accordance with this section.

b. Concentrations of pollutants which exceed the acute criteria for protection of aquatic life set forth in Appendix E shall not exist at any point within an assigned mixing zone or in the discharge itself unless a zone of initial dilution is assigned. A zone of initial dilution may be assigned on a case-by-case basis at the discretion of the chief. The zone of initial dilution is the area within the mixing zone where initial dilution

of the effluent with the receiving water occurs, and where the concentration of the effluent will be its greatest in the water column. Where a zone of initial dilution is assigned by the Chief, the size of the zone shall be determined using one of the four alternatives outlined in Section 4.3.3 of EPAs Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001 PB91-127415, March 1991). Concentrations of pollutants shall not exceed the acute criteria at the edge of the assigned zone of initial dilution. ~~Chronic criteria for the protection of aquatic life and criteria for the protection of human health from the consumption of fish tissue~~ may be exceeded within the mixing zone but shall be met at the edge of the assigned mixing zone.

c. Concentrations of pollutants which exceed the criteria for the protection of human health set forth in Appendix E shall not be allowed at any point unless a mixing zone has been assigned by the Chief after consultation with the Commissioner of the West Virginia Bureau of Public Health. Human health criteria may be exceeded within an assigned mixing zone, but shall be met at the edge of the assigned mixing zone. Mixing zones for human health criteria shall be sized to prevent significant human health risks and shall be developed using reasonable assumptions about exposure pathways. In assessing the potential human health risks of establishing a mixing zone upstream from a drinking water intake, the Chief shall consider the cumulative effects of multiple discharges and mixing zones on the drinking water intake. No mixing zones for human health criteria shall be assigned for bioaccumulative pollutants. For the purposes of this section, bioaccumulative pollutants are those listed in 40 CFR 132, EPAs Final Water Quality Guidance for the Great Lakes System, Table 6.A., titled "Pollutants that are bioaccumulative chemicals of concern." No mixing zone for human health criteria shall be established on a stream which has a seven (7) day, ten (10) year return frequency of 5 cfs or less.

ed. Mixing zones, including zones of initial dilution, shall not interfere with fish spawning or nursery areas or fish migration routes; shall not overlap public water supply intakes or bathing areas; cause lethality to or preclude the free passage of fish or other aquatic life; nor harm any endangered species.

eg. The mixing zone shall not exceed one-third

(1/3) of the width of the receiving stream, and in no case shall the mixing zone exceed one-half ($\frac{1}{2}$) of the cross-sectional area of the receiving stream.

ef. In lakes and other surface impoundments, the volume of a mixing zone shall not affect in excess of ten (10) percent of the volume of that portion of the receiving waters available for mixing.

fg. A mixing zone shall be limited to an area or volume which will not adversely alter the existing or designated uses of the receiving water, nor be so large as to adversely affect the integrity of the water body.

gh. Mixing zones shall not:

A. Be used for, or considered as, a substitute for technology-based requirements of the Clean Water Act and other applicable State and Federal laws.

B. Extend downstream at any time a distance more than five times the width of the receiving watercourse at the point of discharge.

C. Cause or contribute to any of the conditions prohibited in Section 46-1-3.

D. Be granted where instream waste concentration of a discharge is greater than 80%.

E. Overlap one another.

hi. In the case of thermal discharges, a successful demonstration conducted under Section 316(a) of the Clean Water Act shall constitute compliance with all provisions of this section.

ij. The Chief may waive the requirements of subsections (d) and (g)(B) above if a discharger provides an acceptable demonstration of:

A. Information defining the actual boundaries of the mixing zone in question; and

B. Information and data proving no violation of subsection (c) and (f) above by the mixing zone in question.

jk. Upon implementation of a mixing zone in a permit, the permittee shall provide documentation that demonstrates to the satisfaction of the Chief that the mixing zone is in compliance with the provisions outlined in subsections (b), (d) and (g)(B).

kl. 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.

§46-1-6. Water Use Categories.

6.1. These rules establish general Water Use Categories and Water Quality Standards for the waters of the State. Unless otherwise designated by these rules, at a minimum all waters of the State are designated for the Propagation and maintenance of Fish and Other Aquatic Life (Category B) and for Water Contact Recreation (Category C) consistent with Clean Water Act goals. Incidental utilization for whatever purpose may or may not constitute a justification for assignment of a water use category to a particular stream segment.

a. 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 subsection 4.1.d.)

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

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:

A. 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

B. Naturally-occurring pollutant concentrations prevent the attainment of the use; or

C. Natural, ephemeral, intermittent or low flow conditions of 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

D. 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

E. 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

F. 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.

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.

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 requirements for revision of water quality standards as required by W. Va. Code §22B-3-4 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.

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 streams on which the following are located:

a. All community domestic water supply systems;

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

c. All private domestic water systems; and

d. All other surface water intakes where the water is used for human consumption; ~~and~~

~~e. Shall apply to the stream segment extending upstream from the intake for a distance as defined in subsection 7.2.a.B of this series. (See Appendix B for partial listing of category A waters; see section 7.2.a.B. for additional requirements for category A waters.)~~

6.3. Category B -- Propagation and maintenance of fish and other aquatic life. --- This category includes:

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.)

b. Category B2 -- Trout Waters. -- As defined in Section 2.16 (See Appendix A for a representative list.)

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 populations of minnows, darters, aquatic invertebrates, etc.

d. Category B4 -- Wetlands. -- As defined in section 2.19; certain numeric stream criteria may not be appropriate for application to wetlands (see Appendix E).

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. See Appendix D for a representative list of category C waters.

6.5. Category D. -- Agriculture and wildlife uses.

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

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

c. Category D3 -- Wildlife. -- This category includes all stream segments and wetlands 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.

a. Category E1 -- Water Transport. --

This category includes all stream segments modified for water transport and having permanently maintained navigation aides.

b. Category E2 -- Cooling Water. -- This category includes all stream segments having one (1) or more users for industrial cooling.

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)

d. Category E4 -- Industrial. -- This category is used to describe all stream segments with one (1) or more industrial users. It does not include water for cooling.

§46-1-7. West Virginia Waters.

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

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

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:

A. S - Shenandoah River and all its tributaries arising in West Virginia to the West Virginia - Virginia State line.

B. PC - Cacapon River and all its tributaries.

C. PSB - South Branch and all its tributaries.

D. PNB - North Branch and all tributaries to the North Branch arising in West Virginia.

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:

A. MC - Cheat River and all its tributaries except those listed below:

(a) MCB - Blackwater River and all its tributaries.

B. MW - West Fork River and all its tributaries.

C. MT - Tygart River and all its tributaries except those listed below:

(a) MTB - Buckhannon River and all its tributaries.

(b) MTM - Middle Fork River and all its tributaries.

D. MY - Youghieny River and all its tributaries to the West Virginia - Maryland State line.

d. O Zone 1 - 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.

e. O Zone 2 - Ohio River - Tributaries. All tributaries of the Ohio River excluding the following major tributaries:

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

(a) LKH - Hughes River and all its tributaries.

B. 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.

C. 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:

(a) KP - Pocatalico River and all its tributaries.

(b) KC - Coal River and all its tributaries.

(c) KE - Elk River and all its tributaries.

(d) KG - Gauley River. The Gauley River and all its tributaries excluding the following major tributaries which are designated as follows:

(A) KG-19 - Meadow River and all its tributaries.

(B) KG-34 - Cherry River and all its tributaries.

(C) KGC - Cranberry River and all its tributaries.

(D) KGW - Williams River and all its tributaries.

(e) 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:

(A) KNG - Greenbrier River and all its tributaries.

(B) KNB - Bluestone River and all its tributaries.

(C) KN-60 - East River and all its tributaries.

(D) K(L)-81-(1) - Bluestone Lake.

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

(a) OGM - Mud River and all its tributaries.

E. 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:

(a) BST - Tug Fork and all its tributaries.

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

a. Water Use Categories as described in Section 6.

A. 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.

B. Each segment extending upstream from the intake of a water supply public (Water Use Category A), for a distance of ~~five (5) miles~~ one half (1/2) mile 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~~ In addition, within a that one half (1/2) mile zone ~~extending one half (1/2) mile above the~~

intake, the Chief, Office of Water Resources Section, Division of ~~Natural Resources~~ Environmental Protection, may establish for any discharge, effluent limitations for the protection of human health that require additional removal of those pollutants than would otherwise be provided by this rule. (If a watershed is not significantly larger than ~~either of the two (2)~~ this zones above the intake, the water supply section may include the entire upstream watershed to its headwaters.

b. 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 seven (7) consecutive day drought flow with a ten (10) year return frequency (7Q10). NOTE: Exceptions do not apply to trout waters nor the requirements of Section 3.

c. Exceptions: Numeric water quality standards shall not apply: (See section 7.2.d for site specific revisions)

A. When the flow is less than 7Q10;

B. In wet weather streams (or intermittent streams, when they are dry or have no measurable flow): Provided, That the existing and designated uses of downstream waters are not adversely affected;

~~C. In the zone of initial dilution of any mixing zones which are established pursuant to Section 5 of these rules;~~ In any assigned zone of initial dilution of any mixing zone where a zone of initial dilution is required by section 5.2.b herein, or in any assigned mixing zone for human health criteria or aquatic life criteria for which a zone of initial dilution is not assigned;

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

d. Site-specific applicability of water use categories and water quality criteria - State-wide water quality standards shall apply except where site-specific numeric criteria, variances or use removals have been approved following application and hearing, as provided in 46 C.S.R. 6. (See §8.3 and §8.4) The

following are approved site-specific criteria, variances and use removals:

A. James River - (Reserved)

B. Potomac River

(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 fluoride not to exceed 2.0 mg/l.

(b) Except that a site-specific numeric criterion for aluminum, not to exceed 500 ug/l, shall apply to the section of Opequon Creek from Turkey Run to the Potomac River.

C. Shenandoah River - (Reserved)

D. Cacapon River - (Reserved)

E. South Branch - (Reserved)

F. North Branch

(a) 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 exceed 73°F at any time during the months of December through April.

G. Monongahela River

(a) 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.

(b) Except that site-specific numeric criteria shall apply to an unnamed tributary to the Monongahela River mainstem at approximately 3700 feet upstream of mile point 125, which may contain suspended solids not to exceed 60 mg/l, oil and grease not to exceed 15 mg/l, Ammonia-Nitrogen not to exceed 30 mg/l, total phenols not to exceed .10 mg/l, total cyanide not to exceed .05 mg/l, total manganese not to exceed 4 mg/l, total zinc not to exceed 1.5 mg/l, total copper not to exceed 1.0 mg/l, Benzene not to exceed .05 mg/l, Napthalene not to exceed .05 mg/l and Benzo (a) Pyrene not to exceed .05 mg/l and iron not to exceed 4 mg/l for the months June through November and 7 mg/l for the months of December through May.

H. Cheat River - (Reserved)

I. Blackwater River - (Reserved)

J. West Fork River - (Reserved)

K. Tygart River - (Reserved)

L. Buckhannon River - (Reserved)

M. Middle Fork River - (Reserved)

N. Youghiogheny River

(a) Water Use Categories A and E are excluded from the tributaries of the Youghiogheny River in West Virginia which flow into Maryland.

O. Ohio River Main Stem - (Reserved)

P. Ohio River Tributaries.

(a) Except that site-specific numeric criteria shall apply to the stretch of Conners Run (0-77-A), a tributary of Fish Creek, from its mouth to the discharge from Conner Run impoundment, which 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.

(b) Except that site-specific numeric criteria shall apply to that segment of Harmon Creek (0-97) from its confluence with the Ohio River to a point 2.2 miles upstream, which 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.

(c) Except in the stretch of Cow Creek (0-55) from its mouth to a point approximately 2,300 feet upstream, the Water Use Category A shall not apply.

Q. Little Kanawha River. - (Reserved)

R. Hughes River - (Reserved)

S. Kanawha River Zone 1 - Main Stem

(a) For the Kanawha River main stem, Zone 1, Water Use Category A shall not apply; and

(b) The minimum flow shall be 1,960 cfs at the Charleston gauge.

T. Kanawha River Zone 2 and Tributaries.

(a) For the main stem of the Kanawha River only, the minimum flow shall be 1,896 cfs at mile point 72.

(b) Except the stretch between the mouth of Little Scary Creek (K-31) and the Little Scary impoundment shall not have Water Use Category A or B1 and shall have Water Use Category B3. The following site-specific numeric criterion shall apply to that section: arsenic not to exceed 200 ug/l and selenium not to exceed 62 ug/l; and copper not to exceed 105 ug/l as a daily maximum nor 49 ug/l as a 4-day average.

(c) Except for Ward Hollow (K-39-A), a small tributary of Davis Creek which may contain chlorides not to exceed 540 mg/l.

(d) Except for Simmons Creek (K-54) from its

mouth to a point 1200 feet upstream to which the following site-specific numeric criterion shall apply: a maximum daily temperature not to exceed 38 C (100 F) nor a monthly average temperature to exceed 34 C.

- U. Pocatamico River - (Reserved)
- V. Coal River - (Reserved)
- W. Elk River - (Reserved)
- X. Gauley River - (Reserved)
- Y. Meadow River - (Reserved)
- Z. Cherry River - (Reserved)
- AA. Cranberry River - (Reserved)
- BB. Williams River - (Reserved)
- CC. New River

(a) 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 site-specific numeric criterion for iron shall be 2.0 mg/l total iron, and from that point to the confluence of Laurel Creek and the New River, the site-specific numeric criterion for iron shall be 1.0 mg/l total iron.

DD. Greenbrier River

(a) Water Use Category A and B2 shall not apply to that segment of the East Fork of the Greenbrier River (KNG-78) from the reservoir located at the tannery to the confluence with the West Fork; Provided that all trout water (B2) standards shall not be violated in the mainstem Greenbrier River.

- EE. Bluestone River - (Reserved)
- FF. Bluestone Lake

(a) Category E Water Uses are deleted in Bluestone Lake and temperature rise shall be limited to no more than 3 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.

GG. East River - (Reserved)

HH. Guyandotte River - (Reserved)

II. Mud River - (Reserved)

JJ. Big Sandy River - (Reserved)

KK. Tug Fork River - (Reserved)

§46-1-8. Specific Water Quality Criteria.

8.1. Charts of specific water quality criteria are included in Appendix E.

a. Specific state (i.e. total, total recoverable, valence, 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, as amended, June 15, 1990. (See also Series II, Section 7.3 of these regulations)

b. An "X" or numerical value in the use columns of Appendix E shall represent the applicable criteria.

c. Charts of water quality criteria in Appendix E shall be applied in accordance with major stream and use applications, Sections 6 and 7.

8.2. Criteria for Toxicants.

a. Toxicants which are carcinogenic have human health criteria (Water Use Categories A and C) based upon an estimated risk level of one additional cancer case per one million persons (10^{-6}) and are indicated in Appendix E with an endnote (').

c. A final determination on the critical design flow for carcinogens is not made in this rule, in order to permit further review and study of that issue. Following the conclusion of such review and study, the Legislature may again take up the authorization of this rule for purposes of addressing the critical design flow for carcinogens: Provided, That until such time as the review and study of the issue is concluded or until such time as the Legislature may again take up the authorization of this rule, the regulatory requirements for determining effluent limits for carcinogens shall remain as they were on the date this rule was proposed.

8.3. Variances from Specific Water Quality Criteria. A variance from numeric criteria may be granted to a discharger if it can be demonstrated that the conditions outlined in subsections 6.1.b.A - F limit the attainment of one or more specific water quality criteria. Variances shall apply only to the discharger to whom they are granted and shall be reviewed by the Board at least every three years. In granting a variance, the requirements for revision of water quality standards in 46 CSR Series 6 shall be followed.

8.4. Site-specific numeric criteria. The Board may establish numeric criteria different from those set forth in Appendix E for a stream or stream segment upon a demonstration that existing numeric criteria are either over-protective or under-protective of the aquatic life residing in the stream or stream segment. A site-specific numeric criterion will be established only where the numeric criterion will be fully protective of the aquatic life and the existing and designated uses in the stream or stream segment. The site-specific numeric criterion may be established by conducting a Water Effects Ratio study pursuant to the procedures outlined in EPAs "Interim Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994); other methods may be used with prior approval by the Board. In adopting site-specific numeric criteria, the requirements for revision of water quality standards set forth in 46 CSR 6 shall be followed.

§46-1-9. 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 a Category B1, B2, B3 or B4, 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 (1) 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:

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.

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:

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

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

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 methodologies outlined in the following documents: U.S. EPA Office of Research and Development Series Publication, Methods for Measuring the Acute Toxicity (EPA/600/4-90/027F, August 1993, 4th Edition) or Short Term Methods for Estimating Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/600/4-89/001), March 1989; Standard Methods for the Examination of Water and Wastewater (18th Edition); or ASTM Practice E 729-88 for Conducting Acute Toxicity Tests with Fishes, Macroinvertebrates and Amphibians as published in Volume 11.04 of the 1988 Annual Book of ASTM Standards. Test waters shall be reconstituted according to recommendations and methodologies specified in the previously cited references or methodologies approved in writing by the chief.

APPENDIX A
CATEGORY B-2. - TROUT WATERS

This list contains known trout waters and is not intended to exclude any waters which meet the definition in Section 2.16.

<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 10 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	"	Cattail Run
PS	"	Evitt's Run
PS	"	Big Bullskin Run
PS	"	Long Marsh Run
PC	Hampshire	Cold Stream
PC	"	Edwards Run and Impoundment
PC	"	Dillons Run
PC	Hardy	Lost River
PC	"	Camp Branch
PC	"	Lower Cove Run
PC	"	Moore's Run
PC	"	North River (Above Rice)
PC	"	Walters Run
PC	"	Trout Run
PC	"	Trout Pond (Impoundment)
PC	"	Warden Lake (Impoundment)
PC	"	Rock Cliff Lake (Impoundment)
PSS	Hampshire	Mill Creek
PSS	"	Mill Run
PSS	Hardy	Dumpling Creek
PSS	Grant-Pendleton	North Fork South Branch
PSS	Grant	North Fork Lunice Creek
PSS	"	South Fork Lunice Creek
PSS	"	South Mill Creek (Above Hiser)
PSS	"	Spring Run
PSS	Pendleton	Hawes Run (Impoundment)
PSS	"	Little Fork
PSS	"	South Branch (Above North Fork)
PSS	"	Senena Creek
PSS	"	Laurel Fork
PSS	"	Big Run
PNB	Mineral	North Fork Patterson Creek
PNB	"	Fort Ashby (Impoundment)
PNB	"	New Creek
PNB	"	New Creek Dam 14 (Impoundment)
PNB	"	Mill Creek (Above Markwood)

Monongahela River

M	Monongalia-Marton	Whitecay Creek (Above Jaintown)
MC	Monongalia	Morgan Run
MC	"	Coopers Rock (Impoundment)
MC	"	Slaney Hollow
MC	Preston	Laurel Run
MC	"	Slasy Run
MC	"	Saltlick Creek
MC	"	Buffalo Creek
MC	"	Wolf Creek
MC	Tucker	Clover Run
MC	"	Bickick 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 Whittier)
MC	"	East Fork Glady Fork (Above J. S. P. Compressor Station)
MC	Randolph	Shavers Fork (Above Little Black Fork)
MC	"	Three Spring Run
MC	"	Spice Knob Lake (Impoundment)
MC	Harrison	Dog Run (Pond)
MC	Lewis	Stonewood
MC	Barbour	Brushy Fork (Above Valley Furnace)
MC	"	Peter Creek Lake (Impoundment)
MC	"	Mill Run
MC	Taylor-Barbour	Tygart Lake Tailwaters (Above Route 119 Bridge)
MC	Preston	Roaring Creek (Above Little Lick Branch)
MC	Randolph	Tygart River (Above Huttonsville)
MC	"	Elkwater Fork
MC	"	Big Run
MC	Upshur-Randolph-Lewis	Right Fork Buckhannon River
MC	Upshur	Buckhannon River (Above Beans Mill)
MC	Upshur	French Creek
MC	Upshur-Randolph	Left Fork Right Fork
MC	Upshur	Right Fork Middle Fork River
MC	Randolph	Middle Fork River (Above Cassidy)
MC	Preston	Rhine Creek

Little Kanawha River

LK	Upshur	Left Fork-Right Fork Little Kanawha River
LK	Upsnur-Lewis	Little Kanawha River (Above Wildcat)

Kanawha river

KE	Braxton	Sutton Reservoir
KE	"	Sutton Lake Tailwaters (Above Route 18/1 Bridge)
KE	Webster	Back Fork
KE	"	Desert Fork

KE	"	Fall Run
KE	"	Laurel Fork
KE	"	Left Fork Holly River
KE	"	Sugar Creek
KE	"	Elk River (Above Webster Springs)
KC	Raleigh	Stephens Lake (Impoundment)
KC	"	Mason Fork (Above Sundial)
KG	Nicholas	Summersville Reservoir (Impoundment)
KG	"	Summersville Tailwaters (Above Collison Creek)
KG	Nicholas	Deer Creek
KG	Randolph-Webster	Gauley River (Above Mount Coal Tipples)
KG	Fayette	Glade Creek
KG	Nicholas	Romney Creek
KG	"	Anglins Creek
KG	Greenbrier	Big Clear Creek
KG	"	Little Clear Creek and Laurel Run
KG	"	Meadow Creek
KG	Fayette	Wolf Creek
KG	Nicholas	Cherry River
KG	Greenbrier-Nicholas	Laurel Creek
KG	"	North Fork Cherry River
KG	Greenbrier	Summit Lake (Impoundment)
KG	Greenbrier-Nicholas	South Fork Cherry River
KGC	Pocahontas-Webster	Cransberry River
KGC	Nicholas	
KGC	Pocahontas	South Fork Cransberry 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	Rice Creek
KN	"	Turkey Creek
KN	Fayette	Dunkloup 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	"	Sittington Creek
KNG	"	Stoney Creek
KNG	"	Swago Creek
KNG	"	Buffalo Fork (Impoundment)
KNG	"	Seneca (Impoundment)
KNG	"	Greenbrier River (Above Hosterman)
KNG	"	West Fork-Greenbrier River (Above the

			impoundment to the Pinnacle
KNG	"		Castle River-East Fork
KNG	"		Castle River West Fork
KNG	"		Five Mile Run
KNG	"		Mullenax Run
KNG	"		Abes Run
KVB	Merced		Marsh Fork
KVB	"		Jump Creek
OG	Wyoming		Pinnacle Creek
BST	McDowell		Dry Fork (Above Lanebrake)

INDEX B

This list contains known waters used as public water supplies and is not intended to exclude any waters as described in Section 6.2.

<u>River Basin</u>	<u>County</u>	<u>Operating Company</u>	<u>Source</u>
Shenandoan River			
S	Jefferson	Charlestown Water	Shenandoan River
Potomac River			
P	Jefferson	I-M Company	Turkey Run
P	"	Shepherdstown Water	Potomac River
P	"	Harpers Ferry Water	Elk Run
P	Berkeley	DuPont Potomac River Works	Potomac River
P	"	Berkeley County PSD	La Feure Spring
P	"	Opequon PSD	Quarry Spring
P	"	Hedgesville PSD	Speck Spring
P	Morgan	Paw Paw Water	Potomac River
PSB	Hampshire	Romney Water	South Branch Potomac River
PSB	"	Peterkin Conference Center	Mill Run
PSB	Hardy	Moorefield Municipal Water	South Fork River
PSB	Pendleton	U.S. Naval Radio Sta.	South Fork River
PSB	"	Circleville Water Inc.	North Fork of South Branch, Potomac River
PSB	Grant	Mountain Top PSD	Mill Creek, Impoundment
PSB	"	Petersburg Municipal Water	South Branch, Potomac River
PNB	Grant	Island Creek Coal	Impoundment
PNB	Mineral	Piedmont Municipal Water	Savage River, Maryland
PNB	"	Keyser Water	New Creek
PNB	"	Fort Asby PSD	Lake
Monongahela River			
M	Monongalia	Morgantown Water Comm.	Colburn Creek & Monongahela River
M	"	Morgantown Ordinance Works	Monongahela River
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
MC	Preston	Fibair Inc.	Impoundment
MC	Monongalia	Cheat Neck PSD	Cheat Lake
MC	"	Lakeview County Club	Cheat Lake-Lake Lynn
MC	"	Union Districk PSD	Cheat Lake-Lake Lynn
MC	"	Cooper's Rock State Park	Impoundment
MC	Preston	Kingwood Water	Cheat River
MC	"	Hopemount State Hosp.	Snowy Creek
MC	"	Rowlesburg Water	Keyser Run & Cheat River
MC	"	Albright	Cheat River
MC	Tucker	Parsons Water	Shavers & Elk Dick Fork
MC	"	Thomas Municipal	Thomas Reservoir
MC	"	Harrick PSD	Dry Fork
MC	"	Douglas Water System	Long Run

MC		Tucker	Dat.	Blackwater River
MC		"	Hambledon Water System	Roaring Creek
MC		"	Canaan Valley State Park	Blackwater River
MC		Pocanontas	Chest 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		"	Salem Water Board	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		"	West Fork River PSD	West Fork River
MW		"	Kennedy Compressor Station	West Fork River
MW		"	Jane Lew Water Com.	Hackers Creek
MW		Harrison	Bel-Meadow Country Club	Lake
MW		"	Harrison Power Station	West Fork River
MW		"	Caxdale Portal	Impoundment
MW		"	Robinson Port	Impoundment
ME		Marion	Fairmont Water Comm.	Tygart River
ME		"	Mannington Water	Impoundment
ME		"	Monongah Water Works	Tygart River
ME		"	Eastern Assoc. Coal Corp.	Impoundment
ME		"	Four States Water	Impoundment
ME		Harrison	Shinnston Water Dept.	Tygart River
ME		Taylor	Grافت Water	Tygart River-Lake
ME		Barbour	Phillippi Water	Tygart River
ME		"	Bethlehem Mines Corp.	Impoundment
ME		"	Bellington Water Works	Tygart River & Mill Run Lake
ME		Randolph	Elkins Municipal Water	Tygart River
ME		"	Beverly Water	Tygart River
ME		"	Valley Water	Tygart River
ME		"	Huttonsville Medium Security Prison	Tygart River
ME		"	Mill Creek Water	Mill Creek
MEB		Upshur	Buckhannon Water Board	Buckhannon River

Ohio River

O	Zone 1	Hancock	Chester Water & Sewer	Ohio River
O	"	Brooke	City of Weirton	Ohio River
O	"	"	Weirton Steel Division	Ohio River
O	"	Ohio	Wheeling Water	Ohio River
O	"	Tyler	Sistersville Mun. Water	Ohio River
O	"	Pleasants	Pleasants Power Station	Ohio River
O	"	Cabel	Huntington Water Corp.	Ohio River
O	"	Marshall	Mobay Chemical Co.	Ohio River
O	"	Wood	E. I. DuPont	Ohio River
O	Zone 2	Marshall	Cameron Water	Glass House Hollow
O	"	"	New Urindahana Water System	Wheeling Creek
O	"	Wetzel	Pine Grove Water	North Fork, Fishing Creek
O	"	Marshall	Consolidated Coal Co.	Impoundment
O	"	Tyler	Middlecourne Water	Middle Island Creek
O	"	Doddridge	West Union Mun. Water	Middle Island Creek
O	"	Mason	Hidden Valley Country	Lake/Impoundment
O	"	Jackson	Ripley Water	Mill Creek

LC	"	Wayne	Way, ... Water	Twelve Pole Creek
J	"	"	East Lynn Lake	East Lynn Lake
J	Jone I	Wayne	Monterey Coal Co.	Impoundment.
Little Kanawna				
LK		Wood	Claywood Park PSD	Little Kanawna River
LK		Calhoun	Grantsville Mun. Water	Little Kanawna River
LK		Gilmer	Jienville Utility	Little Kanawna River
LK		"	Consolidated Gas Compressor	Steer Creek
LK		Braxton	Burnsville Water Works	Little Kanawna river
LK		Roane	Spencer Water	Spring Creek & Mile Tree Reservoir
LK		Wirt	Elizabeth Water	Little Kanawna River
LKH		Ritchie	Cairo Water	North Fork Hughes River
LKH		"	Harrisville Water	North Fork Hughes River
LKH		"	Pennsboro Water	North Fork Hughes River
Kanawha River				
K		Putnam	Buffalo Water	Cross Creek
K		"	Winfield Water	Poplar Fork & Crooked Creek
K		"	South Putnam PSD	Poplar Fork & Crooked Creek
K		Kanawha	Cedar Grove Water	Kanawha River
K		"	Pratt Water	Kanawha River
K		Fayette	Armstrong PSD PO-KI-CO-EL	Kanawha River & Gum Hollow
K		"	Kanawha Water Co. - Beards Fork	Unnamed Tributary Kanawha River
K		Kanawha	Madison Trail School	Impoundment
K		"	Cedar Coal Co.	Impoundment
K		Fayette	ELKEM Metals Co.	Kanawha River
K		"	Deepwater PSD	Kanawha River
K		"	Kanawha Falls PSD	Kanawha River
K		"	W.V. Water-Montgomery	Kanawha River
Potomac river				
KP		Kanawha	Sissonville PSD	Potomac River
KP		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-Montg. 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		"	Van PSD	Pond Fork
KC		Raleigh	Consol. Coal Co.	Workmans Creek
KC		Boone	Water Ways Park	Coal River
Elk River				
KE		Kanawha	Clendenin Water	Elk River
KE		"	W.V. Water-Kanawha Valley District	Elk River
KE		Kanawha	Pinch PSD	Elk River
KE		Clay	Clay Waterworks	Elk River
KE		"	Proccious PSD	Elk River
KE		Braxton	Flatwoods-Cance Run PSD	Elk River

KE	"	Sug...	Elk River
KE	"	W.V. Water-Jassaway Dist.	Elk River
KE	"	W.V. Water-Sutton Dist.	Elk River
KE	Webster	W.V. Water-Webster Springs	Elk River
KE	"	Holly River State Park	Holly River

Gauley River

KG	Nicholas	Craigsville PSD	Gauley River
KG	"	Summersville Water	Impoundment/Muddlers Creek
KG	"	Nettie-Leavasy PSD	Jim Branch
KG	Webster	Down PSD	Gauley River
KG	Nicholas	Wilderness PSD	Angins 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	"	Ansted Municipal Water	Mill Creek
KN	"	Fayette Co. Park	Impoundment
KN	"	New River Gorge Campground	Impoundment
KN	"	Fayetteville Water	Wolfe Creek
KN	Raleigh	Beckley Water	Glade Creek
KN	"	Westmoreland Coal Co.	Parley 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	"	Strawwell Water	Impoundment
KNB	"	Green Valley-Glenwood PSD	Bailey Reservoir
KNB	"	Kelly's Tank	Spring
KNB	"	W.V. Water Princeton	Impoundment/Bruson Creek
KNB	"	Lashmeat 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	"	Big Bend PSD	Greenbrier River
KNG	Greenbrier	Alderson Water Dept.	Greenbrier River
KNG	"	Rondeverte Water	Greenbrier River
KNG	"	Lewisburg Water	Greenbrier river
KNG	Pocahontas	Denmar State Hospital Water	Greenbrier River
KNG	"	City of Marlinton Water	Knapp Creek
KNG	"	Cass Scenic Railroad	Leatherbark Creek
KNG	"	Upper Greenbrier PSD	Greenbrier River
KNG	"	The Hermitage	Greenbrier

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	"	Bud. 1971 PSD	Buffalo Creek Mine Wells
OG	Logan	Chapmanville	Guyandotte River
OG	"	Logan PSD	Whisman Creek
OG	Mingo	Gilbert Water	Guyandotte River
OG	Wyoming	Osborn Water	Guyandotte River
OG	"	Glen Rogers PSD	Laurel Fork Impoundment
OG	"	Pineville Water	Pinnacle Creek
OG	Raleigh	Raleigh Co. PSD-Amigo	Guyandotte River Tommy Creek
CMG	Cabell	Milton Water Works	Guyandotte River
CMG	"	Culloden PSD	Indian Fork Creek
CMG	Putnam	Hurricane Municipal Water	Impoundment
CMG	"	Lake Washington PSD	Lake Washington

Big Sandy River

BS	Wayne	Kenova Municipal Water	Big Sandy River
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
BST	"	City of Gary	Impoundment Mine

APPENDIX C
 CATEGORY I - POWER PRODUCTION

This list contains known power production facilities and is not intended to exclude any waters as described in Section 8.6.c.

River Basin	County	Station Name	Operating Company
Monongahela River			
M	Monongalia	Fort Martin Power Station	Monongahela Power
M	Marion	Rivesville Station	Monongahela Power
MC	Preston	Albright Station	Monongahela Power
Potomac	Grant	Mt. Stern Power Station	Virginia Electric & Power Company
Ohio River			
O - Zone 1	Wetzel	Hannibal (Hydro)	Ohio Power
O " "	Marshall	Namer	Ohio Power
O " "	"	Mitchell	Ohio Power
O " "	Pleasants	Pleasants Station	Monongahela Power
O " "	"	Willow Island Station	Monongahela Power
O " "	Mason	Phillip Sporn Plant	Central Operating (AEP)
O " "	"	Racine (Hydro)	Ohio Power
O " "	"	Mountaineer	Appalachian Power Co.
X	Futnam	Winfield (Hydro)	Appalachian Power Co.
X	Kanawha	Warner (Hydro)	Appalachian Power Co.
X	"	London (Hydro)	Appalachian Power Co.
X	"	Kanawha River	Appalachian Power Co.
X	"	John E. Ames	Appalachian Power Co.

APPENDIX D
CATEGORY C - WATER CONTACT RECREATION

This list contains waters known to be used for water contact recreation and is not intended to exclude any waters as described in Section 6.4.

<u>River Basin</u>	<u>Stream Code</u>	<u>Stream</u>	<u>County</u>
Shenandoan	S	Shenandoan River	Jefferson
Potomac	P	Potomac River	Jefferson
	P	" "	Hampshire
	P	" "	Berkeley
	P	" "	Morgan
	P-9	Sleepy Creek & Meadow Branch	Berkeley
	P-9-0-1	North Fork of Indian Run	Morgan
South Branch	PSB	South Branch of Potomac River	Hampshire
	PSB	" "	Hardy
	PSB	" "	Grant
	PSB-01-X	Hawes Run	Bendleton
	PSB-15-0-1	Spring Run	Grant
	PSB-18	North Fork South Branch Potomac River	Grant
North Branch	PNB	North Branch of Potomac River	Mineral
	PNB-4-EE	North Fork Patterson Creek	Grant
	PNB-7-F	Linton Creek	Grant
	PNB-17	Stoney River-Mt. Storm Lake	Grant
	PC	Cacapon River	Hampshire
Monongalia			
Cheat	MC	Cheat Lake/Cheat River	Monongalia/Preston
	MC	Alpine Lake	Preston
	MC-6	Coopers Rock Lake/Quarry Run	Monongalia
	MC-12	Big Sandy Creek	Preston
	MSC	Shavers Fork	Randolph
	MTN	Middle Fork River	Barbour/Randolph/Upshur
	MW	West Fork River	Harrison
	MW-18	Stonecoal Creek/Stonecoal Lake	Lewis
Ohio	O	Ohio River	Brooke/Cabell/ Hancock/Jackson/ Marshall/Mason/ Ohio/Pleasants/ Tyler/Wayne/Wood/ Wetzel
	O-2-H	Beech Fork of Twelvepole Creek/Beech Fork Lake	Wayne
	O-2-Q	East Fork of Twelvepole Creek/East Lynn Lake	Wayne
	O-3	Fourpole Creek	Cabell

	2-01	Old ... Mason Mediantic Ponds	Mason
	OM1	Middle Island Creek, Crystal Lake	Donnstoge
	OG	Guyandotte River	Cabell
	OG	Guyandotte River/ R. D. Bailey Lake	Wyoming
	OGM	Mud River	Cabell
Little Kanawha	LK	Little Kanawha River/ Burnsville Lake	Braxton
Kanawha	K	Kanawha River	Fayette/Kanawha/ Mason/Putnam
	K-1	Unnamed Tributary Krodel Lake	Mason
	KC	Coal River	Kanawha
	KC-48-2	Stephens Branch/ Lake Steppers	Raleigh
	KE	Elk River	Kanawha/Clay/ Braxton/Webster
	KE	Sutton Lake	Randolph Braxton
	KN	New River	Fayette/Raleigh/ Summers
	KN-05-F	Little Beaver Creek	Raleigh
	KNG	Greenbrier River	Greenbrier/Pocahontas/ Summers
	KNG-03-8-1	Little "Devil" Creek/ Mondova Lake	Monroe
	KNG-28	Anthony Creek	Greenbrier
	KNG-09-2	Meadow Creek/ Lake Sherwood	Greenbrier
	KNB	Bluestone River/ Bluestone Lake	Summers
	KG	Gauley River	Webster
	KG	Gauley River/ Summersville Lake	Nicholas
	KGW	Williams River	Webster

PARAMETER	USE DESIGNATION					
	AQUATIC LIFE			HUMAN HEALTH		ALL OTHER USES
	B1, B3, B4	B2	C ³	A ⁴	CHRON ²	
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²		

8.1 Aluminum (ug/l) Not to exceed: (See 7.1.d.B(b))	750	87	750	87		
8.2 Ammonia (ug/l): Un-ionized ammonia (UA) shall be determined from values of total ammonia-N, pH and temperature according to the following equation: $UA = \frac{1.2(\text{total ammonia-N})}{1 + 10^{(pKa - pH)}}$ where pKa = 0.0902 + 2730 / (273.2 + T) and T = temperature (°C) The concentration of un-ionized ammonia (NH3) shall not exceed 50 ug/l.						50

PARAMETER	USE DESIGNATION							ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		CHRON ²	A ⁴	
	B1, B3, B4	B2	C ³	A ⁴				
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²				

8.2.1 Acute and chronic aquatic life criteria for ammonia shall be determined using the tables and formulae in the National Criteria section of USEPAs Ambient Water Quality Criteria for Ammonia - 1984 (EPA 440/5-85-001, January 1985)	X	X	X	X				
8.3 Antimony (ug/l) Not to exceed:						4300	14	
8.4 Arsenic ^b (ug/l) Not to exceed:						50	50	100
8.4.1 Trivalent Arsenic Not to exceed:	360	190	360	190				
8.5 Barium (mg/l) Not to exceed:							1.0	
8.6 Beryllium (ug/l)		130		130			.0077	

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B3, B4		B2	C ³	A ⁴		
	ACUTE ¹	CHRON ²	ACUTE ¹				CHRON ²

8.7 Cadmium (ug/l) <u>Hardness Soluble Cd</u> (mg/l CaCO ₃)												
0 - 35 1.0												
36 - 75 2.0												
76 - 150 5.0												
> 150 10.0												
8.7.1 Not to exceed 10 ug/l in the Ohio River (0 Zone 1) main stem (see Section 7.1.d)												X
8.7.3 The four-day average concentration of total recoverable cadmium shall not exceed the value determined by the following equation: $Cd = e^{(0.7852(\ln(\text{hardness}))) - 3.490}$												X
8.7.4 The one-hour average concentration of total recoverable cadmium shall not exceed the value determined by the following equation: $Cd = e^{(1.124(\ln(\text{hardness}))) - 3.825}$												X

PARAMETER	USE DESIGNATION							
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES	
	B1, B3, B4		B2		C ³	A ⁴		
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²				
8.8 Chloride (mg/l) Not to exceed:	860	230	860	230	250	250		
8.9 Copper (ug/l) Not to exceed:						1000		
8.9.1 The four-day average concentration of total recoverable copper shall not exceed the value determined by the following equation: $Cu = e^{(0.0545 \ln(\text{hardness}) - 1.465)}$		X		X				
8.9.2 The one-hour average concentration of total recoverable copper shall not exceed the value determined by the following equation: $Cu = e^{(0.9422 \ln(\text{hardness}) - 1.464)}$	X						X	
8.10 Cyanide (ug/l) (As free cyanide HCN/CN) Not to exceed:	22	5.0	22	5.0	5.0	5.0		

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B3, B4		B2	C1	A1		
	ACUTE ¹	CHIRON ²	ACUTE ¹				CHIRON ²

8.11 Dissolved Oxygen: not less than 5 mg/l at any time.	X				X		X
8.11.1 Kanawha River main stem, Zone 1 - Not less than 4.0 mg/l at any time.	X						
8.11.2 Ohio River main stem - the average concentration shall not be less than 5.0 mg/l per calendar day and shall not be less than 4.0 mg/l at any time or place outside any established mixing zone - provided that a minimum of 5.0 mg/l at any time is maintained during the April 15-June 15 spawning season.	X						
8.11.3. Not less than 7.0 mg/l in spawning areas and in no case less than 6.0 mg/l at any time.						X	

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE			HUMAN HEALTH		ALL OTHER USES	
	B1, B3, B4		B2	C ¹	A ⁴		
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²			

8.13 Fluoride (mg/l) Not to exceed:							1.4	
8.13.1 Not to exceed 2.0 for category D uses								X
8.14 Hexavalent chromium (ug/l) Not to exceed:	16	11	16	7.2			50	
8.15 Iron ^c (mg/l) Not to exceed:		1.5		0.5			1.5	

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE			HUMAN HEALTH		ALL OTHER USES	
	B1, B3, B4	B2	C ¹	A ⁴			
					ACUTE ¹	CHRON ²	ACUTE ¹

<p>8.15.1 Effluent limitations which may result in a concentration of up to 3.5 mg/l total iron 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) that the stream is supporting designated uses while containing total iron concentrations higher than the applicable criteria or (2) the stream does not have an aquatic life use to protect. Notwithstanding Section 4 herein, this demonstration shall be the only demonstration required before the Chief and the Board with respect to</p>							
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PARAMETER	USE DESIGNATION							ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		CHIRON ²	A ⁴	
	B1, B3, B4		B2	C ³	A ⁴			
	ACUTE ¹	CHIRON ²	ACUTE ¹					

water quality related effluent limitations. This exception does not apply to trout waters.			X						
8.16 Lead (ug/l) Not to exceed:							50		
8.16.1 The four-day average concentration of total recoverable lead shall not exceed the value determined by the following equation ^a : $Pb = e^{(1.273(\ln(hardness)) - 4.705)}$			X		X				
8.16.2 The one-hour average concentration of total recoverable lead shall not exceed the value determined by the following equation ^a : $Pb = e^{(1.273(\ln(hardness)) - 1.46)}$		X				X			
8.17 Manganese (mg/l) Not to exceed:			1.0			1.0		1.0	

PARAMETER	USE DESIGNATION						ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH			
	B1, B3, B4	B2	CHRON ²	C ³	A ⁴	CHRON ²	
	ACUTE ¹	ACUTE ¹					

<p>8.17.1 Effluent limitations which may result in a concentration up to 2.0 mg/l Mn 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 Mn concentrations higher than the applicable criteria, or (2) the stream does not have an aquatic life use to protect. Notwithstanding § 4 herein this demonstration shall be the only one required before the Chief and Board regarding water quality related effluent limitations.</p>							
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PARAMETER	USE DESIGNATION					
	AQUATIC LIFE			HUMAN HEALTH		ALL, OTHER USES
	B1, B3, B4	B2	C ¹	A ⁴	C ¹	
	ACUTE ¹	CHIRON ²	ACUTE ¹	CHIRON ²		

8.18 Mercury The total organism body burden of any aquatic species shall not exceed 0.5 ug/g as methylmercury.					0.5	0.5	
8.18.1 Total mercury in any unfiltered water sample shall not exceed (ug/l):	2.4		2.4		0.15	0.14	
8.18.2 Methylmercury (water column) Not to exceed (ug/l):		.012		.012			
8.19 Nickel (ug/l) Not to exceed:				50	4600	510	
8.19.1 The four-day average concentration of nickel shall not exceed the value determined by the following equation ² : $Ni = e^{(0.846(\ln(\text{hardness}))) - 1.1645}$				X			

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE			HUMAN HEALTH		ALL OTHER USES	
	B1, B3, B4	B2	C ³	A ⁴			
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²			

8.19.2 The one-hour average concentration of total recoverable nickel shall not exceed the value determined by the following equation ^a : $Ni = e^{(0.046[\ln(\text{hardness})] - 3.361)}$							
8.20 Nitrate (as Nitrate-N) (mg/l)	X						10
8.21 Nitrite (as Nitrite-N) (mg/l) Not to exceed:		1.0			0.060		
8.22 Organics							
Chlordane ^b (ng/l)	2400	4.3	2400		4.3	0.46	0.46
DDT ^b (ng/l)	1100	1.0	1100		1.0	0.024	0.024
Aldrin ^b (ng/l)	3.0	0.071	3.0		0.071	0.071	0.071
Dieldrin ^b (ng/l)	2500	1.9	2500		1.9	0.071	0.071
Endrin (ng/l)	180	2.3	180		2.3	2.3	2.3
Toxaphene ^b (ng/l)	730	0.2	730		0.2	0.73	0.73
PCB ^b (ng/l)		14.0			14.0	0.045	0.045

PARAMETER	USE DESIGNATION							ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		C ³	A ⁴	
	B1, B3, B4	B2	CHRON ²	ACUTE ¹	CHRON ²			
	ACUTE ¹	CHRON ²						

Methoxychlor (ug/l)		0.03			0.03	0.03	0.03	0.03
Dioxin (2,3,7,8-TCDD) ^b (pg/l)						0.014	0.013	0.014
Acrylonitrile ^b (ug/l)						0.66	0.059	
Benzene ^b (ug/l)						71	0.66	
1,2-dichlorobenzene (mg/l)						17	2.7	
1,3-dichlorobenzene (mg/l)						2.6	0.4	
1,4-dichlorobenzene (mg/l)						2.6	0.4	
2,4-dinitrotoluene ^b (ug/l)						9.1	0.11	
Hexachlorobenzene ^b (ng/l)						0.77	0.72	
Carbon tetrachloride ^b (ug/l)						4.4	0.25	
Chloroform ^b (ug/l)		15.7			15.7	470	0.19	
Halomethanes (ug/l)						15.7	0.19	

PARAMETER	USE DESIGNATION							ALL, OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		C ³	A ⁴	
	B1, B3, B4	B2	CHRON ²	ACUTE ¹	CHRON ²			
	ACUTE ¹	CHRON ²						

1,2-dichloroethane ^b (ug/l)						99	0.035	
1,1,1-trichloroethane ^b (mg/l)							12	
1,1,2,2-tetrachloroethane (ug/l)	10.7		10.7			11	0.17	
1,1-dichloroethylene ^b (ug/l)						3.2	0.03	
Trichloroethylene ^b (ug/l)						81	2.7	
Tetrachloroethylene ^b (ug/l)						8.85	0.8	
Toluene ^b (mg/l)						200	6.8	
Polynuclear Aromatic Hydrocarbons (PAH) ^b (ug/l)						0.031	.0028	
Phthalate esters (ug/l)	3.0		3.0					

PARAMETER	USE DESIGNATION							
	AQUATIC LIFE				HUMAN HEALTH			
	B1, B3, B4		B2		C ³		A ⁴	
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²				ALL OTHER USES
Vinyl chloride ^b (chloroethene) (ug/l)						525	2.0	
alpha-BHC (alpha-Hexachloro-cyclohexane) ^b (ug/l)						0.013	.0039	
beta-BHC(beta-Hexachloro-cyclohexane) ^b (ug/l)						0.046	0.014	
gamma-BHC (gamma-Hexachloro-cyclohexane) ^b (ug/l)	2.0	0.08	2.0	0.08		0.063	0.019	
Chlorobenzene (mg/l)						21	0.68	
Ethylbenzene (mg/l)						29	3.1	
Heptachlor ^b (ng/l)	520	3.8	520	3.8		0.21	0.21	
2-methyl-4,6-Dinitrophenol (ug/l)						765	13.4	
Fluoranthene (ug/l)						370	300	

PARAMETER	USE DESIGNATION					
	AQUATIC LIFE			HUMAN HEALTH		ALL, OTHER USES
	B1, B3, B4	B2	C ¹	A ³		
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²		

8.22.1
 The organic chemicals listed in §8.22 shall not exceed the specified water quality criteria. When the specified criteria are less than the practical laboratory quantification level, instream values will be calculated from discharge concentrations and flow rates and from fish body burden, where applicable.

PARAMETER	USE DESIGNATION						ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH			
	B1, B3, B4		B2	C ³		A ⁴	
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²			

8.27 Silver									
Hardness	Silver (ug/L)								
0-50	1								
51-100	4								
101-200	12								
>201	24			X					
8.27.1									
0-50	1								
51-100	4								
101-200	12								
201-400	24								
401-500	30								
501-600	43			X					
8.27.2 The one-hour average concentration of total recoverable silver shall not exceed the value determined by the following equation: $Ag = e^{(1.72(\ln(\text{hardness})) - 6.52)}$								X	
8.28 Temperature Temperature rise shall be									

PARAMETER	USE DESIGNATION						ALL, OTHER USES
	AQUATIC LIFE			HUMAN HEALTH			
	B1, B3, B4		B2	C ³		A ⁴	
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²			

<p>8.28.1 For the Kanawha River Main Stem (K-1): 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>8.28.2 For the Bluestone R (KNB), Bluestone Lake (KN-50) East River (KNE), New River (KN), Gauley R. (KG) and Greenbrier River (KNG): 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

PARAMETER	USE DESIGNATION						ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		A'	
	B1, B3, B4		B2	C'	10		
	ACUTE ¹	CHRON ²	ACUTE ¹				

8.30 Threshold odor ^c Not to exceed a threshold odor number of 8 at 104°F as a daily average.		X				X	
8.31 Total Residual Chlorine (ug/l - measured by amperometric or equivalent method) Not to exceed:							
3.31.1 No chlorinated discharge allowed	19	11			10	10	
						X	

PARAMETER	USE DESIGNATION					
	AQUATIC LIFE			HUMAN HEALTH		ALL OTHER USES
	B1, B3, B4	B2	C ³	A ⁴		
	ACUTE ¹	CHRON ²	ACUTE ¹	CHRON ²		

<p>8.32 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 or less, or have more than a 10% increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTUs.</p>						
---	--	--	--	--	--	--

PARAMETER	USE DESIGNATION						ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		A ⁴	
	B1, B3, B4	B2	ACUTE ¹	CHIRON ²	C ³		
	ACUTE ¹	CHIRON ²					

<p>This limitation shall apply to all earth disturbance activities and shall be determined by measuring stream quality directly above and below the area where drainage from such activity enters the affected stream. Any earth disturbing 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>							

PARAMETER	USE DESIGNATION				
	AQUATIC LIFE			HUMAN HEALTH	
	B1, B3, B4		B2	C ¹	A ⁴
	ACUTE ¹	CHRON ²	ACUTE ¹		
					ALL OTHER USES

a Hardness as calcium carbonate (mg/l). The minimum hardness allowed for use is this equation shall not be less than 25 mg/l, even if the actual ambient hardness is less than 25 mg/l. The maximum hardness value for use in this equation shall not exceed 400 mg/l even if the actual hardness is greater than 400 mg/l.

b Known or suspected carcinogen. Human health standards are for a risk level of 10⁻⁶.

c May not be applicable to wetlands (B4) - site-specific criteria are desirable.

PARAMETER	USE DESIGNATION						ALL OTHER USES
	AQUATIC LIFE			HUMAN HEALTH		A ⁴	
	B1, B3, B4		B2	C ³	CHRON ²		
	ACUTE ¹	CHRON ²	ACUTE ¹			CHRON ²	

8.33.1 The four-day average concentration of total recoverable zinc shall not exceed the value determined by the following equation ^a : $Zn = e^{(0.847)(\ln(\text{hardness})) + 0.7614}$								
8.33.2 The one-hour average concentration of total recoverable zinc shall not exceed the value determined by the following equation ^a : $Zn = e^{(0.847)(\ln(\text{hardness})) + 0.6604}$	X		X					

- 1 One hour average concentration not to be exceeded more than once every three years on the average, unless otherwise noted.
- 2 Four-day average concentration not to be exceeded more than once every three years on the average, unless otherwise noted.
- 3 These criteria have been calculated to protect human health from toxic effects through fish consumption, unless otherwise noted.
- 4 These criteria have been calculated to protect human health from toxic effects through drinking water and fish consumption, unless otherwise noted.

263 ity other than a class D-1 solid waste facility shall not
264 exceed two (2) acres in size.' "

§64-3-2. Environmental boards.

1 (a) The legislative rules filed by the environmental
2 quality board in the state register on the thirty-first day of
3 July, one thousand nine hundred ninety-five, under the
4 authority of section four, article three, chapter twenty-
5 two-b of this code, modified by the environmental quality
6 board to meet the objections of the legislative rule-making
7 review committee and refiled in the state register on the
8 nineteenth day of January, one thousand nine hundred
9 ninety-six, relating to the environmental quality board
10 ~~requirements governing water quality standards,~~
11 ~~are~~ are authorized with the following amendments:

12 "On page one, section two, by deleting all of subsec-
13 tion 2.1;

14 On page one by renumbering the following subsec-
15 tion:

16 On page two, after subsection 2.1, by adding a new
17 subsection 2.2 to read as follows:

18 '2.2. 'Cumulative' means a pollutant which increases in
19 concentration in an organism by successive additions at
20 different times or in different ways';

21 And,

22 On page eight, section five, after the words 'No mixing
23 zones for human health criteria shall be' by striking out
24 the remainder of subdivision c. and inserting in lieu there-
25 of the following:

26 'established on a stream which has a seven (7) day, ten
27 (10) year return frequency of 5 cfs or less.' "

28 (b) The legislative rules filed in the state register on
29 the twenty-sixth day of July, one thousand nine hundred
30 ninety-five, authorized under the authority of section six,
31 article three, chapter twenty-two-c of this code, modified
32 by the solid waste management board to meet the objec-
33 tions of the legislative rule-making review committee and

1 SENATE BILL NO. 244

2 (By Senators Ross, Anderson, Boley,
3 Buckalew, Grubb and Macnaughtan)

4 [Introduced January 29, 1996; referred
5 to the Committee on

6 NATURAL RESOURCES

7

8
9
10 A BILL to amend and reenact section two, article three,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the environmental quality board to
14 promulgate legislative rules relating to requirements
15 governing water quality standards.

16 Be it enacted by the Legislature of West Virginia:

17 That section two, article three, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred
19 thirty-one, as amended, be amended and reenacted, to read
20 as follows:

21 ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO

22 PROMULGATE LEGISLATIVE RULES.

23 §64-3-2. Environmental boards.

24 (a) The legislative rules filed by the environmental

1 quality board in the state register on the fifteenth
2 thirty-first day of ~~August~~ July, one thousand nine hundred
3 ~~ninety-four~~ ninety-five, under the authority of section
4 four, article three, chapter twenty-two-b of this code,
5 modified by the environmental quality board to meet the
6 objections of the legislative rule-making review committee
7 and refiled in the state register on the ~~twelfth~~ nineteenth
8 day of January, one thousand nine hundred ~~ninety-five~~
9 ninety-six, relating to the division of environmental
10 protection (requirements governing water quality standards,
11 46 CSR 1), are authorized with the following amendments:

12 On page one, section two, by deleting all of
13 subsection 2.1;

14 On page one by renumbering the following subsection:

15 On page two, after subsection 2.1, by adding a new
16 subsection 2.2 to read as follows:

17 "2.2. 'Cumulative' means a pollutant which increases
18 in concentration in an organism by successive additions at
19 different times or in different ways";

20 And,

21 On page eight, section five, after the words "No
22 mixing zones for human health criteria shall be" by
23 striking out the remainder of subdivision c. and inserting
24 in lieu thereof the following:

1 "established on a stream which has a seven (7) day,
2 ten (10) year return frequency of 5 cfs or less."

3 (b) The legislative rules filed by the solid waste
4 management board in the state register on the fourth day of
5 August, one thousand nine hundred ninety-four, under the
6 authority of section six, article three, chapter twenty-
7 two-c of this code, relating to the solid waste management
8 board (regulating for the disbursement of grants to solid
9 waste authorities, 54 CSR 5), are authorized.

10

11 NOTE: The purpose of this bill is to authorize the
12 Environmental Quality Board to promulgate legislative rules
13 relating to requirements governing water quality standards.

14

15 Strike-throughs indicate language that would be
16 stricken from the present law, and underscoring indicates
17 new language that would be added.

2087

H. B. 4307

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996 ; referred to the
Committee on the Judiciary .)

46-1

A BILL to amend and reenact section two, article three,
chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to authorizing the environmental quality board to
promulgate legislative rules relating to requirements
governing water quality standards.

Be it enacted by the Legislature of West Virginia:

That section two, article three, chapter sixty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, to read
as follows:

ARTICLE 3. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO
PROMULGATE LEGISLATIVE RULES.

§64-3-2. Environmental boards.

(a) The legislative rules filed by the environmental

4307

1 quality board in the state register on the ~~fifteenth~~
2 ~~thirty-first~~ day of ~~August~~ July, one thousand nine hundred
3 ~~ninety-four~~ ninety-five, under the authority of section
4 four, article three, chapter twenty-two-b of this code,
5 modified by the environmental quality board to meet the
6 objections of the legislative rule-making review committee
7 and refiled in the state register on the ~~twelfth~~ nineteenth
8 day of January, one thousand nine hundred ~~ninety-five~~
9 ninety-six, relating to the division of environmental
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11 46 CSR 1), are authorized with the following amendments:

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13 subsection 2.1;

14 On page one by renumbering the following subsection:

15 On page two, after subsection 2.1, by adding a new
16 subsection 2.2 to read as follows:

17 "2.2. 'Cumulative' means a pollutant which increases
18 in concentration in an organism by successive additions at
19 different times or in different ways";

20 And,

21 On page eight, section five, after the words "No
22 mixing zones for human health criteria shall be" by
23 striking out the remainder of subdivision c. and inserting
24 in lieu thereof the following:

1 "established on a stream which has a seven (7) day,
2 ten (10) year return frequency of 5 cfs or less."

3 (b) The legislative rules filed by the solid waste
4 management board in the state register on the fourth day of
5 August, one thousand nine hundred ninety-four, under the
6 authority of section six, article three, chapter twenty-
7 two-c of this code, relating to the solid waste management
8 board (regulating for the disbursement of grants to solid
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264 exceed two (2) acres in size.' "

§64-3-2. Environmental boards.

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28 (b) The legislative rules filed in the state register on
29 the twenty-sixth day of July, one thousand nine hundred
30 ninety-five, authorized under the authority of section six,
31 article three, chapter twenty-two-c of this code, modified
32 by the solid waste management board to meet the objec-
33 tions of the legislative rule-making review committee and