



FILED

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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Senator Mike Ross, Cochair
Delegate Virginia Mahan, Cochair
Debra A. Graham, Counsel
Joseph A. Altizer, Associate Counsel

Brian Skinner, Associate Counsel
Felisha N. Sutherland, Administrative Assistant

February 8, 2005

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Betty Ireland, Secretary of State, State Register

TO: Elizabeth Chatfield, Technical Advisor
West Virginia Environmental Quality Board
1615 Washington Street, East, Suite 301
Charleston, WV 25311-2126

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Requirements Governing Water Quality Standards, 46CSR1, filed on August 20, 2004

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

- 1. Authorize the agency to promulgate the Legislative rule:
 - (a) as originally filed _____
 - (b) as modified by the agency _____
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 5. Recommends that the Legislature rule be withdrawn; a statement of reasons for such recommendation is attached. X

**West Virginia Environmental Quality Board
Requirements Governing Water Quality Standards
46CSR1**

Dr. Snyder, Chairman of the Environmental Quality Board, agreed to withdraw the Board's August 20, 2004, filed rule amendment to 46CSR1, and insert the provisions of that proposal into the September 29, 2004, filed rule amendment also filed by the Board. The Board was directed to file the September version by the Legislature pursuant to H.B.4193 (2004 RS) to establish a standard for aluminum and it is currently in effect as an emergency rule. Therefore, the refiled rule to be advanced to the Legislature for consideration during the 2005 regular session will contain the provisions of both the August and September proposals.