



West Virginia Environmental Quality Board

601 57th Street SE, Charleston, West Virginia 25304

clerk@wvaqbeqb.org
www.wveqb.org

(304) 926-0445 ext. 1682
(866) 568-6649, ext 1683
Fax: (304) 926-0486

February 9, 2005

Judy Cooper
Administrative Law Division
Office of the Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

FILED
2005 FEB -9 A 10:03
OFFICE WEST VIRGINIA
SECRETARY OF STATE

RE: 46 CSR 1, Requirements Governing Water Quality Standards

Dear Ms. Cooper:

As you know, the Board filed a "Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee" (or "Agency Approved Rule") regarding 46 CSR 1 with your office on August 20, 2004. This proposed revision reclassified two streams in Preston County as Tier 2.5 – Waters of Special Concern.

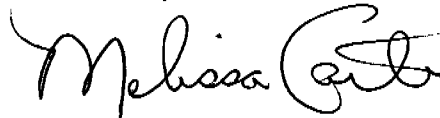
Subsequent to filing those amendments to 46 CSR 1, the Board was mandated by the WV Legislature to promulgate a legislative rule on or before October 1, 2004, to revise the aquatic life aluminum criterion contained in the current Water Quality Standards rule. After completing the required public notice and hearing procedures and deliberating on the comments received, the Board filed a second "Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee" (or "Agency Approved Rule") on September 29, 2004, which proposed a revision to the aluminum criterion contained in 46 CSR 1.

On February 8, 2005, the Legislative Rule-Making Review Committee voted to incorporate the proposed reclassification of the two streams in Preston County as Tier 2.5 – Waters of Special Concern that was filed August 20, 2004, into the Agency Approved Rule containing the revised aluminum criterion that was filed on September 29, 2004. The Board filed the modified rule (46 CSR 1) on February 9, 2005.

Based on these actions, the Board hereby withdraws the "Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee" (or "Agency Approved Rule") regarding proposed revisions to 46 CSR 1 that the Board filed with your office on August 20, 2004.

Thank you for your attention to this matter. Please feel free to contact me at 926-0445, ext. 1683, should you require additional information or have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Carte". The signature is written in black ink and is positioned above the printed name.

Melissa Carte
Clerk of the Boards

CC: Joe Altizer – Legislative Rule-Making Review Committee
Stephanie Timmermeyer – WV Department of Environmental Protection