

file - Water Res Board

STATEMENT OF JOHN C. AILES, CHAIRMAN, STATE WATER RESOURCES BOARD, AT THE GOVERNOR'S SECOND ANNUAL CONFERENCE ON COMMUNITY PLANNING AND BEAUTIFICATION, DANIEL BOONE HOTEL, MARCH 1, 1967. . . .

WATER IS CLASSED AS A RENEWABLE NATURAL RESOURCE. MAN MAY INTERRUPT WATER IN ITS CEASELESS CYCLE OF FALLING AS PRECIPITATION AND RETURNING TO THE ATMOSPHERE BY EVAPORATION FROM THE LAND OR WATER SURFACE, BUT HE DOES LITTLE TO CHANGE THE TOTAL AMOUNT OF WATER AVAILABLE. THE AVERAGE ANNUAL RAINFALL IN THE UNITED STATES AMOUNTS TO APPROXIMATELY 30 INCHES, OF WHICH 21 INCHES IS RETURNED DIRECTLY TO THE ATMOSPHERE BY TRANSPIRATION FROM PLANTS OR EVAPORATION. ABOUT 9 INCHES REACHES THE OCEANS THROUGH STREAM FLOW OR UNDERGROUND SEEPAGE.

MAN, IN HIS EFFORTS TO SUPPLY HIS NEEDS FOR WATER, WORKS PRINCIPALLY WITH THESE 9 INCHES THAT NATURE ORDINARILY WOULD RETURN TO THE OCEANS. HE DIVERTS ABOUT 3 OF THESE 9 INCHES, BUT, AFTER USING THE WATER, ACTUALLY RETURNS TWO OF THEM TO THE STREAM SYSTEMS TO BE CARRIED TO THE OCEANS. THE OTHER INCH EVENTUALLY FINDS ITS WAY BACK INTO THE CYCLE THROUGH TRANSPIRATION OR EVAPORATION.

THE PRACTICAL AND ECONOMIC PROBLEMS OF WATER LIE IN THE NEED TO MAKE WATER OF SUITABLE QUALITY AVAILABLE IN SUFFICIENT QUANTITY AT THE PLACE AND TIME IT IS NEEDED. FROM THE ARRIVAL OF THE FIRST COLONISTS UNTIL COMPARATIVELY RECENTLY, THE PEOPLE OF THE UNITED STATES HAD ONLY TO CONCERN THEMSELVES WITH LOCATING THEMSELVES AND THEIR INDUSTRIES WHERE THE ABUNDANT NATURAL SUPPLIES OF WATER WERE AVAILABLE. WITH THE RAPID EXPANSION OF BOTH POPULATION AND INDUSTRY IN MORE RECENT TIMES, CAME THE NEED TO BE CONCERNED WITH THE QUALITY OF WHAT WATER WAS AVAILABLE AND EFFORTS TO CONTROL AND MINIMIZE THE POLLUTION OF OUR STREAMS AND RIVERS CAME INTO BEING.

THE MOST DRAMATIC NEW DEVELOPMENT IN OUR EFFORTS TO CONTROL POLLUTION IS THE CONCEPT OF ESTABLISHING WATER QUALITY STANDARDS FOR OUR STREAMS BASED UPON PRESENT AND FUTURE USES TO WHICH THESE STREAMS MAY BE PUT. WEST VIRGINIA ADOPTED ITS FIRST WATER QUALITY STANDARDS EARLY IN 1965 WHEN THE WATER RESOURCES BOARD ADOPTED REGULATIONS ESTABLISHING GENERAL STANDARDS FOR STATE STREAMS AND AN ACID MINE DRAINAGE STANDARD. THE MAJOR IMPETUS FOR ADOPTING STANDARDS CAME, HOWEVER, WITH THE PASSAGE OF THE FEDERAL WATER POLLUTION CONTROL ACT OF 1965. THIS ACT REQUIRED THE ESTABLISHMENT OF WATER QUALITY CRITERIA ON INTERSTATE WATERS BY THE VARIOUS STATES BY JUNE 30, 1967, AND PROVIDED THAT IF A STATE FAILED TO ACCOMPLISH THIS BY THAT DATE, THE FEDERAL GOVERNMENT WOULD ESTABLISH THE CRITERIA. THE ACT ALSO PROVIDED THAT THE STATES HOLD PUBLIC HEARINGS BEFORE ESTABLISHING THEIR STANDARDS AND THAT THE SECRETARY OF THE INTERIOR WOULD REVIEW THE STANDARDS THEY ESTABLISHED AND THEIR PLAN OF IMPLEMENTATION; AND, IF HE DID NOT APPROVE THEM, PROCEED TO HOLD HEARINGS AND ESTABLISH FEDERAL STANDARDS.

UNDER WEST VIRGINIA LAW, THE STATE WATER RESOURCES BOARD IS CHARGED WITH THE DUTY OF PROMULGATING RULES AND REGULATIONS PERTAINING TO POLLUTION CONTROL WITHIN THE STATE, AND IT IS THIS AGENCY THAT IS NOW IN THE PROCESS OF ESTABLISHING WATER QUALITY STANDARDS FOR THE STREAMS OF WEST VIRGINIA, BOTH FOR INTERSTATE, AND AS FAR AS POSSIBLE, FOR INTRASTATE WATERS. THIS IS A COMPLICATED PROCESS, AND BECAUSE OF THE TOPOGRAPHY OF OUR STATE, AN EXTREMELY LENGTHY ONE. IT HAS BEEN NECESSARY TO DIVIDE THE STATE ON A RIVER BASIN BASIS AND TO DEVELOP AND PROMULGATE SEPARATE REGULATIONS FOR EACH BASIN, AND SOMETIMES TO SUBDIVIDE THE BASINS AND PROMULGATE A SEPARATE REGULATION FOR EACH SUBDIVISION. AS A RESULT, A

TOTAL OF SEVEN PUBLIC HEARINGS WERE SCHEDULED IN MANY CITIES IN WEST VIRGINIA, BEGINNING LAST DECEMBER IN MOOREFIELD AND ENDING NEXT MONTH IN MORGANTOWN.

THE PROCEDURE FOR ESTABLISHING THESE STANDARDS BEGINS WITH A STUDY BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF NATURAL RESOURCES OF THE HYDROLOGY OF THE PARTICULAR RIVER BASIN AND THE PRESENT AND POTENTIAL FUTURE USES OF THE WATERS FLOWING IN THE BASIN. FROM THIS BACKGROUND STUDY, THE DIVISION PREPARES A PROPOSED REGULATION. THIS PROPOSAL IS AVAILABLE TO ANYONE WHO MAY BE INTERESTED APPROXIMATELY THIRTY DAYS IN ADVANCE OF THE DATE ANNOUNCED FOR THE HEARING. AT THE HEARING, THE STATE WATER RESOURCES BOARD HEARS TESTIMONY AND ACCEPTS WRITTEN STATEMENTS BEARING ON THE QUESTIONS OF THE PRESENT AND POTENTIAL FUTURE USES OF THE WATERS AND ALSO ON ANY OF THE PROPOSED WATER QUALITY CRITERIA TO BE ESTABLISHED FOR THE USES. THIS TESTIMONY IS INVITED FROM REPRESENTATIVES OF OTHER AGENCIES OF THE STATE OF WEST VIRGINIA, NEIGHBORING STATES, THE FEDERAL GOVERNMENT, INDUSTRY, MINING, SPORTSMEN'S AND OTHER CONSERVATION-MINDED GROUPS, AND ANY OF THE GENERAL PUBLIC WHO DESIRE TO BE HEARD. A RECORD IS MADE OF THE PROCEEDINGS AND THIS RECORD IS HELD OPEN FOR THIRTY DAYS FROM THE DATE OF THE HEARING FOR THE SUBMISSION OF ADDITIONAL WRITTEN STATEMENTS. AFTER THE RECORD IS COMPLETE, THE BOARD MEETS AND REVIEWS ALL OF THE TESTIMONY AND RECOMMENDATIONS BEFORE PROMULGATING THE REGULATION. THIS REGULATION IS THEN FILED WITH THE SECRETARY OF THE STATE OF WEST VIRGINIA AND BECOMES EFFECTIVE SIXTY DAYS AFTER THE DATE OF FILING. DURING THIS SIXTY-DAY PERIOD, IT IS SUBJECT TO REVIEW BY THE COURTS.

IN OUR WEST VIRGINIA REGULATIONS, WE ARE ESTABLISHING SEVEN CATEGORIES OF USES FOR OUR STREAMS. THEY ARE: WATER CONTACT RECREATION,

PUBLIC WATER SUPPLY, INDUSTRIAL WATER SUPPLY, AGRICULTURAL WATER SUPPLY, PROPAGATION OF FISH AND OTHER AQUATIC LIFE, WATER TRANSPORT, COOLING AND POWER; AND, FINALLY, TREATED WASTES TRANSPORT AND ASSIMILATION. FOR EACH OF THESE USE CATEGORIES, PRECISE STANDARDS OF QUALITY ARE ESTABLISHED BY DEFINITION, AND THESE CRITERIA ARE MINIMUMS THAT CANNOT BE EXCEEDED IF THE WATER IS TO BE SUITABLE FOR THE PARTICULAR USE. THUS, WHEN THE USE OR USES OF A PARTICULAR STREAM HAVE BEEN ESTABLISHED BY REGULATION, THESE CRITERIA BECOME THE MINIMUM WATER QUALITY STANDARDS FOR THAT PARTICULAR STREAM. IT CAN ALSO BE SEEN THAT WHEN USES WHICH REQUIRE THE HIGHEST MINIMUM CRITERIA ARE ESTABLISHED FOR A STREAM, I. E., WATER CONTACT RECREATION, PUBLIC WATER SUPPLY, OR PROPAGATION OF FISH AND OTHER AQUATIC LIFE, OR ANY COMBINATION OF THEM, USES WHICH REQUIRE LESS STRINGENT CRITERIA ARE NOT EXCLUDED, PROVIDED THEY DO NOT LOWER THE QUALITY OF THE STREAM.

AS OF THIS DATE, HEARINGS HAVE BEEN HELD ON THE POTOMAC AND KANAWHA RIVER BASINS. HEARINGS ARE SCHEDULED FOR MARCH 13 ON THE NEW AND BLUESTONE RIVERS AT PRINCETON; MARCH 20 ON TUG FORK AND THE GUYANDOTTE RIVERS IN WILLIAMSON; MARCH 27 ON THE OHIO RIVER IN PARKERSBURG; AND APRIL 13 ON THE MONONGAHELA BASIN IN MORGANTOWN. THIS WILL ENABLE THE WATER RESOURCES BOARD TO COMPLETE THE REGULATIONS WITHIN THE DEADLINE SET BY THE FEDERAL GOVERNMENT.

WHEN THESE REGULATIONS ARE IN EFFECT, COVERING AS THEY WILL THE INTERSTATE AS WELL AS MOST OF THE INTRASTATE WATERS OF WEST VIRGINIA, THEY WILL BECOME A VERY VALUABLE AND A VERY PRECISE TOOL FOR CONTROL OF WATER POLLUTION. FROM THE POINT OF VIEW OF THE STATE AND ITS PEOPLE, IT GIVES THE ENFORCEMENT AGENCY A MORE PRECISE DEFINITION OF WHAT CONSTITUTES

POLLUTION AND MAKES IT POSSIBLE TO DETERMINE THE PRESENCE OF POLLUTION BY COMPARING THE QUALITY OF THE WATER WITH THE STANDARDS SET UP BY THE REGULATION. THESE REGULATIONS ALSO WILL BE HELPFUL TO THE USERS OF THE STREAMS OF THE STATE IN DESIGNING WASTE TREATMENT AND DISPOSAL FACILITIES BY GIVING THEM DEFINITE CRITERIA THEY MUST MEET.

I WOULD BE REMISS IF I DID NOT COMMEND TO YOU THE MEMBERS OF THE DIVISION OF WATER RESOURCES FOR THEIR ACCOMPLISHMENT IN PREPARING THE BACKGROUND MATERIAL AND THE PROPOSED REGULATIONS, AS WELL AS THE MEMBERS OF THE WATER RESOURCES BOARD, WHO HAVE BEEN SO CONSCIENTIOUS IN THEIR ATTENDANCE AT HEARINGS AND MEETINGS AND SO UNTIRING IN THEIR EFFORTS TO PROMULGATE FOR WEST VIRGINIA A SET OF REGULATIONS THAT ARE AS REASONABLE AND SOUND AS IT IS HUMANLY POSSIBLE TO MAKE THEM.