

AUGUST 8, 1978 - MEETING WITH EPA, WRD, AND PROF. PAT MCGINLEY

Karen Watson approached Mr. Ailes and Dr. Green who had met at 10:30 a. m. in the conference room and described a "problem" that had come up in the selection of Pat as the "Consultant" to be hired to write the NPDES regulations and what changes to be made to the Water Quality Standards. It seems that there is a "conflict of interest" between Prof. McGinley and the Director of the DNR. Pat is and has represented several environmental groups in various suits, and it seems one that is now pending before the DNR.

It was agreed that after lunch, we would meet with Pat, EPA, Dave Robinson, and John Hall and others.

2:30 p. m. we meet again - and again it was brought out of the Rules & Procedures to be used before the Board. Pat has some that his students worked on and they will be presented to the Board just as soon as they are finalized. He also has other data EPA requested pertaining to the Water Quality Standards - response to public and other input that he will be getting to the Board shortly.

Dave Robinson mentioned a meeting with the Director earlier this date and that perhaps one or two more attorneys will be assigned to the Division and that perhaps one of them could possibly work at the needed regulations. These people would be hired with approval of the Attorney General.

Karen said she would assist whoever we got and so did Pat in any way that they could. Karen said perhaps the new attorney could do her work and she could possibly get regs together in a matter of weeks but Mr. Robinson frowned on this - she was too valuable in what she was doing to drop her present workload.

Ray George wanted to know how long it would be before regs would be in effect, and 29A was explained. Mr. Ailes stated that Mr. Ed Flemming had been hired by the Legislative Review Committee to give the committee a report on any regulations that have been proposed and/or adopted by various agencies.

Other consultants or persons were discussed to be hired for the Division's use - including a professor from Vanderbilt who had written Tenn.'s regs. Karen was to contact him. Other possibilities were Nick Johnson and Rick Earles - also

Dennis Abrahams who was knowledgeable on the Federal guidelines, etc. of the Attorney General's Office.

It was mentioned the time element involved and it seems we're under a time constraint for the package of regulations to be developed, filed with the appropriate agencies, public notice given and hearings to be held - and then the Board's final decision on the entire package.

John Hall mentioned Ohio's NPDES permit program being "pulled back by EPA" and Ray George then mentioned a Federal Regulation on a D. O. of 5 for the Ohio River - also ORSANCO's regulation.

Discussion then centered on all of the State Water Pollution Control Permits being revoked to the major permit holders and the NPDES Permit, who the permit holders already have be adopted outright. There should be no problem as the permittee already has a NPDES permit and not very many or any appeals should be brought before the Board even though any ORDER or permit condition can be appealable to the Board. Although there may be a "testing period" as in the past when coal preparation plants were not included and several of these came before the Board and the Board upheld the chief as they were polluting. Of course, with revised Water Quality Standards there may be more problems.

In the case of a "5" D.O. on the Ohio, there may be a rush-in of industry to fight this regulations - but then can there be inconsistencies all up and down the Ohio. Weirton and "phenols" were brought up. Also what portion of the Ohio River is WV or Ohio's or KY's, etc.? BPT being used now will be going BAT within the next year or so (EPA)

The meeting broke up seeing that no one had been retained to develop the needed regs - and as soon as anything concrete was formed, the Board would so be notified and perhaps another meeting could be set up.