



ENVIRONMENTAL QUALITY BOARD

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MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

June 3, 1997

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I. General

The West Virginia Environmental Quality Boards (the "Boards") met on June 3, 1997, at 9:00 a.m. The meeting was held at 1615 Washington Street, E., Charleston, West Virginia. Charles R. Jenkins, Chair of the Environmental Quality Board, called the meeting to order. Board members present included:

Charles R. Jenkins, Chair
Edward Snyder, Vice-Chair
David Samuel

Staff Members Present:

Becky Charles, Legal Counsel
Libby Chatfield, Technical Advisor
Margaret Chico-Eddy, Clerk of the Boards
Ann Holstein, Administrative Secretary

II. Water Quality Standards

The Board discussed the following issues relating to the federally mandated triennial review of the Water Quality Standards Rule - 46 CSR 6. The purpose of the discussions was to decide on proposed changes to the rule to submit for public notice before filing with the Legislative Rule-Making Review Committee by the August 1, 1997 deadline.

A. Variances - Section 7

1. Weirton Steel Corporation (7.2.P(b))

Don Bluedorn made a presentation in support of the submissions by the Weirton Steel Corporation in support of retaining their existing variances in Harmon Creek. The Board indicated that they would review the proposal and take it up at the next Board meeting.

2. American Electric Power Company

Mike Brown made a presentation in support of American Electric Power Company's proposal regarding their existing site-specific numeric criteria. The Board indicated that they would review the proposal and take it up at the next Board meeting.

3. Howes Leather

The Board discussed the variance for several parameters for the Howes Leather facility on the Greenbrier River. The Board was advised that the plant is no longer a working facility and no longer holds an NPDES permit. David Samuel made a motion to remove this variance, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

4. Union Carbide Corporation

Ms. Chatfield advised the Board that Union Carbide Corporation has decided that they no longer need the variance for chlorides on ? Creek and that a letter to that effect was expected from the facility soon. David Samuel made a motion to remove this variance language from the rule, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

5. Cytec Industries, Inc.

A letter from Cytec Industries dated (?) stated that the facility no longer discharges into (?) and that they no longer need the existing variance. David Samuel made a motion to remove the variance language, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

6. Sharon Steel Corporation

The Board was advised that Sharon Steel Corporation is no longer working and that the company is in bankruptcy. The NPDES permit has not been renewed by the Office of Water Resources of the DEP. In discussions with Ms. Chatfield and EPA the company has indicated that they would like to retain the variance but have no resources to prepare a rejustification of the variance. Staff from Office of Water Resources indicated that some rudimentary treatment is ongoing by the company but that discharges in violation of even the variance limits are occurring. Ms. Chatfield indicated that she expected a letter from the company outlining their position soon. David Samuel made a motion to remove this variance from the rule, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

B. Section 7.2.c.D.

1. 2.11.(b) and 7.2.c.D

Ed Snyder made a motion to accept this as proposed, which was seconded by David Samuel. The motion carried by a unanimous vote.

C. Section 8.1 - Aluminum Criteria

Ms. Chatfield advised the Board that she had met with Barb Taylor, Chief of the OWR and her staff regarding their concerns about the chronic aluminum criterion. That discussion resulted in a commitment from OWR that their watershed assessment team will collect aluminum data throughout the state for the next year to determine where the problems with high aluminum concentrations are occurring.

Randy Sovic indicated that Ms. Chatfield recommended that the Board retain the existing chronic aluminum value for another year pending the results of OWRs efforts. There was discussion of a proposal by Pennsylvania to delete the chronic aluminum value from their standards rule. David Samuel asked Randy Sovic to review Pennsylvanias proposal and to get back to the Board as soon as possible. The Board tabled this issue until they can obtain feedback from Office of Water Resources.

D. Section 8.17 and 8.17.1 - Manganese Criteria

The Board discussed a request for the removal of the aquatic life criterion for manganese from the rule. David Samuel requested more information about what surrounding states are doing in this area. The Board tabled this issue until they can obtain feedback.

E. Definitions - Section 2

The Board discussed recommendations made by EPA to adopt definitions for lethality, surface impoundment and toxic and mixing zones. Ms. Chatfield indicated that she had some trouble finding EPA recommended definitions for these terms but compiled some suggestions from several different sources. Randy Sovic indicated that his staff is not concerned about not having definitions for the terms. David Samuel made a motion not to adopt new definitions for these terms, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

F. Section 5

The Board discussed a proposal by OWR to clarify the mixing zone provisions to prohibit the overlap of a mixing zone with the ½ mile zone above a drinking water intake. After discussion of the issue, Ed Snyder proposed that the rule be amended to prohibit the overlap of mixing zones with the ½ mile zone, which was seconded by David Samuel. The motion carried by a unanimous vote.

G. Section 6.3.c - Category B3

The Board discussed a recommendation made by EPA, and supported by comments received by USFWS, to delete the use category B3, small non-fishable streams, from the rule. EPAs concern is that the existence of the use category encourages downgrading. USFWS are concerned that misuse of that category has the potential to put the small headwater streams throughout the state at risk. Other commenters countered that EPA sanctions subcategories of uses and that the criteria for B3 streams are the same as for the other warmwater categories.

David Samuel made a motion to omit B3 and to revise B1 definition accordingly. The motion was seconded by Ed Snyder and carried by unanimous vote.

H. Section 8 - Metals Criteria

David Samuel made a motion for the Environmental Quality Board to organize a committee to look into issue of reporting requirements for metals - specifically the question of allowing reporting on a dissolved basis. The committee will prepare a report with a target date of March 15, 1998. Ed Snyder seconded the motion. The motion carried by a unanimous vote.

I. James & Walter Dunn - Appeal No. 656

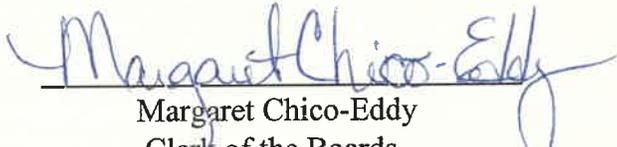
Ed Snyder made a motion requesting the parties submit briefs by July 21, 1997, which was seconded by David Samuel. The motion carried by a unanimous vote.

J. Minutes

David Samuel made a motion to accept the minutes as written, which was seconded by Ed Snyder. The motion carried by a unanimous vote.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on June 3, 1997 by the West Virginia Environmental Quality Board.

Submitted this 25th day of August 1997.


Margaret Chico-Eddy
Clerk of the Boards