



ENVIRONMENTAL QUALITY BOARD

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MINUTES WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD July 24, 1997

I. General

The West Virginia Environmental Quality Board (the "Board") met on July 24, 1997, at 3:00 p.m. The meeting was held at 1615 Washington Street, E., Charleston, West Virginia. Charles R. Jenkins of the Environmental Quality Board, called the meeting to order. Board members present included:

Dr. Edward Snyder, Chair
Dr. Donald Tarter, Vice-Chair
Betsy Dulin
Dr. Charles R. Jenkins
Dr. 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. Rulemaking

A. 46 CSR 1, Requirements Governing Water Quality Standards

The purpose of this portion of the meeting was to make final decisions on proposed amendments to 46 CSR 1, Requirements Governing Water Quality Standards. Notice of the proposed changes and of a public hearing and public comment period had been provided by filing with the Office of the Secretary of State. A public hearing was held on the proposed changes on Monday, July 21, 1997.

1. Section 2.11.b. David Samuel made a motion to adopt the proposed amendment to the definition for "natural" or "naturally occurring". The motion was seconded by Don Tarter and carried by a unanimous vote.

2. Section 4. Libby Chatfield gave the Board a progress report on the efforts to develop antidegradation implementation procedures. She has been working with Barb Taylor, Chief, Office of Water Resources to work toward developing a guidance document for the procedures. EPA has indicated that it must be completed at the time that they review the changes to the Water Quality Standards for full approval of the antidegradation section of the rule.

3. Section 5.2.h.6. Don Tarter made a motion to adopt the proposed amendment to the mixing zone provisions which disallows overlap of mixing zones with the ½ mile zone above a drinking water intake. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

4. Section 5 - 5.2.d. David Samuel made a motion to modify the language of this section to include the words "or harm any threatened or endangered species as defined under the Federal Endangered Species Act." The motion was seconded by Don Tarter and carried by a unanimous vote.

5. Section 6.3.c. David Samuel made a motion to adopt the proposed amendment to this section which would delete water use category B3, small non-fishable streams. The motion was seconded by Don Tarter and carried by a unanimous vote. David Samuel made a motion amending the B1 language to read "Streams or stream segments which contain populations composed of all warmwater aquatic life. The motion was seconded by Don Tarter and carried by a unanimous vote.

6. Section 7.2.d.2.a. David Samuel made a motion to adopt the proposed amendment which would delete the variance for fluorides for Corning Glass Corporation. The motion was seconded by Don Tarter and was carried by a unanimous vote.

7. Section 7.2.d.6.1 David Samuel made a motion to amend this section, which includes
the variance for temperature for the discharge from Mt. Storm Lake, by correcting the typographical error to make May 30, 1997 read May 30, 1998. He further moved that the May 30, 1998 date be changed to December 31, 1998 and to change "316A" to "316(a)." The motion was seconded by Don Tarter and was carried by a unanimous vote.

David Samuel moved to delete the proposed language describing the portion of the stream to which the variance will apply and retain the current language which establishes the variance from "the limit of the thermal mixing zone . . . to its confluence with the North branch of the Potomac River." The motion was seconded by Don Tarter and carried by a unanimous vote.

8. Section 7.2.d.7.2. David Samuel made a motion to adopt the proposed amendment which would delete the variance for Sharon Steel Corporation in 7.2.d.7.2. The motion which was seconded by Don Tarter and carried by a unanimous vote.

9. Section 7.2.d.8. David Samuel made a motion to adopt the proposal for site-specific numeric criteria on Daugherty Run (Allegheny Power Company) as proposed. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

10. Section 7.2.d.16.3. Don Tarter made a motion to adopt the proposed amendment which would delete the variance on Cow Creek based on Cytec Corporation's representation that they are no longer discharging into Cow Creek and therefore the variance is not needed. The motion was seconded by David Samuel and carried by a unanimous vote.

11. Section 7.2.d.16.2. David Samuel made a motion to adopt the following language regarding Weirton Steel's variance on Harmon Creek:

Except that a socio-economic variance shall apply to that segment of Harmon Creek (0-97) from its confluence with the Ohio River to a point 2.2 miles upstream, which shall result in the following instream criteria: Free Cyanide 70 ug/l, Daily Maximum; Lead 14 ug/l, Daily Maximum, Total Phenolic Materials 10 ug/l, Daily Maximum, Zinc 200 ug/l, Daily Maximum, Temperature 100° F (monitored per Footnote 12 of the permit); Iron 4.0 mg/l, Monthly Average and 8.0 mg/l, Daily Maximum (monitored per Footnote 12 of the permit); Fluoride 2.0 mg/l, Monthly Average and 4.0 mg/l, Daily Maximum (monitored per Footnote 12 of the permit). Provided, however, that the criteria for Free Cyanide, Lead, Total Phenolic Materials, Zinc, Temperature and Iron shall not apply, and instead the state-wide criteria for these parameters shall apply, unless: Weirton Steel Corporation (1) submits to the Office of Water Resources on or before May 30, 1999 a report setting forth the water quality of the discharge from Outlet 004 for these parameters during the period from June 1, 1998 to May 1, 1999, (2) offers proposals for any appropriate reductions in the above excepted levels, (3) provides an engineering analysis of potential alternatives for reducing further the concentrations of said parameters in the discharge toward achieving statewide criteria; and (4) submits to the Office of Water Resources on a semi-annual basis commencing on December 31, 1997, summary reports on the water quality of the discharge from Outlet 004 and the efforts made by Weirton Steel Corporation during the prior 6 months to improve the quality of said discharge. These exceptions shall be in effect until action by the Environmental Quality Board to revise such exceptions or until June 29, 2000, or whichever comes first.

The motion was seconded by Don Tarter and carried by a unanimous vote.

12. Section 7.2.d.20.2. David Samuel made a motion to delete the limit of () for arsenic in this section variance on Little Scary Creek. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

13. Section 7.2.d.20.3. Don Tarter made a motion to adopt the proposed amendment

which would delete Union Carbide Corporation's variance for chlorides on Ward Hollow of Davis Creek. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

14. Section 7.2.d.20.4. David Samuel made a motion to adopt the proposed amendments to Dupont's variance on Simmons Creek with the following changes: replace "316A" with "316(a)" and "May 30, 1997" with "May 30, 1998." The motion was seconded by Don Tarter and carried by a unanimous vote.

15. Section 7.2.d.29.1. Don Tarter made a motion to adopt the proposed amendment in this section which would delete the variance on Laurel Creek. The motion was seconded by David Samuel and carried by a unanimous vote.

16. Section 7.2.d.30.1. David Samuel made a motion to adopt the proposed amendment in this section which would remove the variance for Howes Leather Company on the Greenbrier River. The motion was seconded by Don Tarter and carried by a unanimous vote.

17. Section 8.1.a. David Samuel made a motion to adopt the proposed amendment to this section which updates the citation to the NPDES rule (47 CSR 10.) The motion was seconded by Don Tarter and carried by a unanimous vote.

18. Section 8.5. David Samuel made a motion to retain the proposed amendments which reflect the recommendation of the committee established by the Board to review the body burden criteria. He further moved to make three grammatical corrections as read in to the record by Libby Chatfield. The motion was seconded by Don Tarter and carried by a unanimous vote.

19. Section 8.1. David Samuel made a motion to adopt the proposed amendment to this section which would delete the chronic aquatic life aluminum value of 87 micrograms per liter. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

20. Section 8.6. David Samuel made a motion to change the acute aquatic life beryllium value to 130 ug/l. The motion was seconded by Don Tarter and carried by a unanimous vote.

21. Section 8.12. David Samuel made a motion to retain the language that the Board had previously proposed to delete. The motion was seconded by Betsy Dulin. and was carried by unanimous vote.

22. Section 8.15.1. Don Tarter made a motion to remove the variance language for iron in this section. The motion was seconded by David Samuel and carried by a unanimous vote. The Board discussed forming a committee to review the iron criteria.

23. Section 8.17. & 8.17.1. David Samuel made a motion to remove the existing aquatic life value for manganese, which was seconded by Betsy Dulin. The motion carried by a

unanimous vote. Bob Jenkins made a motion to retain the human health value of 1 mg per liter. The motion was seconded by Ed Snyder and carried by a unanimous vote.

24. Section 8.24. David Samuel made a motion to change the term "phenolic materials" to "phenol." The motion was seconded by Betsy Dulin and carried by a unanimous vote. David Samuel made a motion to adopt the current EPA Gold Book values for phenol. The motion was seconded by Don Tarter and carried by a unanimous vote.

25. Section 8.31. Don Tarter made a motion to approve the proposed deletion of the human health values for total residual chlorine, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

26. Section 8.33. David Samuel made a motion to approve the proposed deletion of the human health value for zinc. The motion was seconded by Don Tarter and carried by a unanimous vote.

B. Requirements Governing Groundwater Standards - 46 C.S.R. 12

1. Section 3.5(b)(D). Don Tarter made a motion to adopt the proposed amendment to this section which addresses (). The motion was seconded by David Samuel and carried by unanimous vote.

2. Section 4. Betsy Dulin moved to adopt the proposed amendment concerning hazardous waste treatment, storage and disposal. The motion was seconded by David Samuel and carried by a unanimous vote.

3. Appendix A - Radium 226-228. Don Tarter made a motion to adopt the proposed criterion for radium 226 and 228 of 300 pc/l. and to correct the typographical error in the column heading in the appendix. The motion was seconded by Betsy Dulin and carried by a unanimous vote.

C. Uphold Trucking Remining Variance Application

A public hearing was held to receive comments on the remining variance application submitted by Uphold Trucking Company. A transcript of the hearing is on file.

After the hearing, David Samuel made a motion to approve the application for Uphold Trucking Company. Betsy Dulin seconded the motion. The motion carried by a unanimous vote. The Board further agreed to review comments on the application submitted by EPA and to finalize its Order on August 4, 1997.

III. Appeals

1. Richard L. Trenary, Jr., dba Trenary Building Service

Don Tarter made a motion to let Inwood Quarry intervene, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

2. Wheeling-Pittsburgh Steel Corporation - Appeal No. 616 & 617

The Board decided by a unanimous vote to sign the Consent Decree in Appeal No. 616 and to sign the order dismissing 617.

IV. Administrative

1. Elections of Officers

Bob Jenkins made a motion nominating Ed Snyder as Chair of the Environmental Quality Board, which was seconded by David Samuel. The motion carried by a unanimous vote.

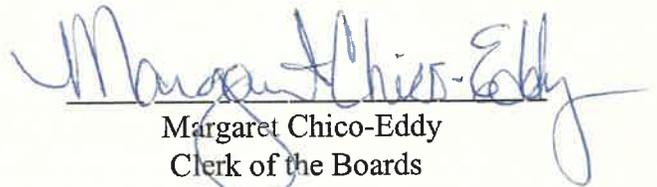
David Samuel made a motion nominating Don Tarter as Vice-Chair of the Environmental Quality Board, which was seconded by Betsy Dulin. The motion carried by a unanimous vote.

2. Hearing Dates

The Board set a meeting date for September 29, 1997.

I hereby certify that the foregoing is a true and correct record of the proceedings of the meeting held on July 24, 1997 by the West Virginia Environmental Quality Board.

Submitted this 29th day of September 1997.


Margaret Chico-Eddy
Clerk of the Boards