



ENVIRONMENTAL QUALITY BOARD

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MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD MEETING

July 29, 1998

The West Virginia Environmental Quality Board (the "Board") met via teleconference on July 29 at 10:00 A.M. The teleconference originated from the conference room located at 1615 Washington Street, E., Charleston West Virginia. The Board vice chair, Donald Tarter, called the meeting to order. The following Board members participated in the meeting:

Donald Tarter, Vice Chair (by telephone)
David Samuel (by telephone)
Bob Jenkins (by telephone)
Betsy Dulin (by telephone)

The following staff members were present:

Libby Chatfield, Technical Advisor
Ann Holstein, Administrative Secretary

The meeting was held to discuss comments received on the proposed changes to legislative rule 46 CSR 1, Requirements Governing Water Quality Standards. The Board proposed changes which were sent to public notice on June 17th and held a public hearing on July 20th. The changes considered by the Board included new provisions outlining implementation guidelines for the antidegradation policy in the rule as well as new provisions allowing the use of dissolved metals concentrations in developing water quality standards.

Antidegradation Implementation Procedures

Libby Chatfield had provided the Board with a partial summary of the comments received on the implementation guidance procedures. Ms. Chatfield reported that a letter to the Board had been sent by Thomas Maslany, Directory of the Water Protection Division of USEPA, Region 3 encouraging the Board to take action on the antidegradation implementation guidance procedures. Ms. Chatfield read the letter into the record.

After discussion of the extensive nature of the comments and of the substance of the

concerns raised by a number of interested parties, the Board decided not to file the proposed implementation procedures with the legislature. After a discussion of how to proceed on the implementation guidance, Bob Jenkins made a motion to remand the issue back to the existing committee to (make a thorough study of) consider the public comments and the issues that have been raised in those comments. The committee shall complete the review and return recommendations to the Board by the February, 1999 board meeting. The motion was seconded by Betsy Dulin and carried by unanimous vote.

The Board further suggested that the responses be organized in a document organized in a section-by-section format, providing the following: the rule section, list of comments received and responses to the comments.

The Board asked Ms. Chatfield to respond to the letter from EPA indicating the need for further review of the comments received, including those from EPA.

Dissolved Metals

After discussion of the comments received on the proposal to adopt dissolved metals concentrations the following motions were made by the Board:

- Dave Samuel made a motion to add a new section 8.1.b.3 to read as follows:

"NPDES permit applicants may petition the Office of Water Resources of the Division of Environmental Protection to develop a site-specific translator consistent with the provisions in this section. The OWR may, on a case-by-case basis require an applicant applying for a translator to conduct appropriate sediment monitoring through SEM/AVS ratio, bioassay or other approved methods to evaluate effluent limits that prevent toxicity to aquatic life."

The motion was seconded by Betsy Dulin and carried by unanimous vote.

The first sentence is included to allow permittees to request the use site-specific translators so that they may choose among the options in EPAs translator guidance manual. The second sentence was part of the recommendation made to the Board by the committee put together to review the dissolved metals issue.

- Bob Jenkins made a motion to change the word "may" to "shall" in section 8.1.b.2. The motion was seconded by Dave Samuel and carried by unanimous vote. This change will make the use of EPAs metals translator guidance document mandatory in developing translators to be used in calculating dissolved effluent limits for metals.
- Bob Jenkins moved to amend footnote 5 in Appendix E to add the words "is a value" after the words "Conversion Factor (CF)" to clarify the sentence. Dave Samuel seconded

the motion, which carried by unanimous vote.

- Dave Samuel made a motion to remove the conversion factor for chromium III from the list in Table 2 of Appendix E. The motion was seconded by Bob Jenkins and carried by unanimous vote. The basis for this change is that there is no numeric criterion for this parameter and therefore to include the conversion factor in the rule is confusing and unnecessary.
- Dave Samuel made a motion to remove the conversion factor for mercury from the list in Table 2 of Appendix E. Betsy Dulin seconded the motion which carried by unanimous vote. The basis for this motion is that the conversion factor listed is intended to apply to a numeric criterion for mercury different from the value included in Appendix E. If the Board changes the mercury criterion in the future, they will consider adoption of this conversion factor, if appropriate.

The Board discussed comments submitted by the WV Municipal Water Quality Association in which concerns were expressed about conversion factors for lead, mercury and copper. The Board asked Libby Chatfield to research the steps that have been taken in Virginia and Maryland regarding the conversion factors for those parameters.

Alico Remining Variance

After discussion regarding a new submission from Alico in which the company requested new variance limits for pH and manganese, Dave Samuel moved to go out to notice on the limits proposed. Betsy Dulin seconded the motion which carried by unanimous vote.

The meeting adjourned at approximately 11:15 A.M.

I, Libby Chatfield, hereby certify that the foregoing is a true and correct record of the Environmental Quality Board's meeting held on July 29, 1998.

Approved by the Environmental Quality Board on

Feb. 22, 1999



Libby Chatfield, Technical Advisor