



ENVIRONMENTAL QUALITY BOARD

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MINUTES

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD MEETING

June 17, 1998

The West Virginia Environmental Quality Board (the "Board") met via teleconference on June 17 at 1:00 P.M.. The teleconference originated from the conference room located at 1615 Washington Street, E., Charleston West Virginia. The Board chair, Edward M. Snyder, called the meeting to order. The following Board members participated in the meeting:

Edward M. Snyder, Chair (by telephone)
Donald Tarter, Vice Chair (by telephone)
David Samuel (by telephone)

The following staff members participated:

Libby Chatfield, Technical advisor

The meeting was held to discuss proposed changes to legislative rule 46 CSR 1, Requirements Governing Water Quality Standards. The changes considered by the Board included new provisions outlining implementation guidelines for the antidegradation policy in the rule. These provisions were drafted by a work group including staff members from the Offices of Water and Mining and Reclamation of the DEP, as well as staff from the Division of Natural Resources and Libby Chatfield. Additional changes included new provisions allowing the use of dissolved instead of total metals concentrations to be used in developing water quality standards. These proposed changes were developed and reviewed by members of the committee assigned by the Board to review the use of dissolved metals.

Dissolved Metals

Libby Chatfield reported to the Board that since the last meeting, where the Board had voted to proceed with public notice on the draft language developed by metals committee member Mike Brown, Randy Sovic from the Office of Water Resources of the DEP and George Golliday of US EPA had submitted comments on the draft language. After a brief discussion, Don Tarter moved to proceed to notice with the draft metals language and consider the comments submitted during the public comment period. The motion was seconded by Dave Samuel and

carried by a unanimous vote.

Antidegradation Implementation Procedures

Libby Chatfield summarized changes made to the implementation guidance document since the June 10 Board meeting which reflected the Board's decision to limit the requirements for nonpoint source activities to compliance with Best Management Practices and to remove the language stating that all uses apply to all waters. Ms. Chatfield also summarized proposed changes in the antidegradation policy in section 4 of the rule.

Ms. Chatfield reported that she had received written comments from Dave Yaussy, representing the WV Manufacturers Association just prior to the meeting. Mr. Yaussy was provided an opportunity to address the Board regarding his comments. He expressed concern that the implementation guidance document lacked clarity regarding which agencies would be responsible, or required to implement them. This concern was reiterated by Shane Harvey, an attorney from the law firm of Jackson and Kelly, who was present at the meeting. Ms. Chatfield suggested to the Board that this issue, and others identified in Mr. Yaussy's written comments could be considered during the public comment period.

Ben Greene, representing the West Virginia Mining and Reclamation Association, addressed the Board regarding concerns about the application of the antidegradation policy to the practice of valley fills carried out by the coal industry. He suggested that the Board review the antidegradation policy in light of US EPA's position that valley fills may violate the policy.

After a discussion of these comments, Don Tarter moved to proceed to public notice on the proposed antidegradation implementation guidance and corresponding changes to the rule. The motion was seconded by Dave Samuel and carried by a unanimous vote.

The Board considered language proposed by Dave Watkins of the Office of Water Resources of the DEP addressing the application antidegradation implementation guidance to brownfields activities, groundwater remediation efforts and in assessing applications for variances from groundwater standards. This language had been reviewed and approved by the workgroup which had drafted the implementation guidance. After a discussion of the proposed language, Don Tarter moved to include the proposed language in the implementation guidance to be sent to public notice. The motion was seconded by Dave Samuel and carried by unanimous vote.

The meeting adjourned at approximately 2:00 P.M.

Prepared by:

Libby Chatfield
Libby Chatfield, Technical Advisor

Approved by the Board on:

July 13, 1998