

March 23, 2005

The Honorable Betty Ireland Secretary of State
Administrative Law Division
Building 1, Room 157K
Charleston, WV 25305

RE: Notice of Meeting for Publication in the West Virginia Register

Dear Ms. Secretary:

In accordance with Chapter 6, Article 9A of the West Virginia Code, notice is hereby given that the West Virginia Environmental Quality Board ("Board") will meet on Thursday, March 31, 2005, at 9:00 a.m. The meeting will be conducted in **1st floor hearing room at the Board offices located at 601 57th St., SE, Charleston, Kanawha County, West Virginia.** During the meeting the Board will discuss the following agenda**:

I. Manganese

One of the amendments to the Water Quality Standards rule (46 CSR 1 – “Requirements Governing Water Quality Standards”) passed by the West Virginia Legislature during the 2004 legislative session revised the last sentence of section 6.2.d, which outlines the application of the numeric water quality standard for manganese. The new language provides: “The manganese human health criterion shall only apply within the five-mile zone immediately upstream above a known public or private water supply used for human consumption.”

The Board is required by federal law to submit revisions to the Water Quality Standards rule to the US Environmental Protection Agency (USEPA) after such revisions have become effective under state law. The Board forwarded the revisions to USEPA on June 7, 2004. Federal law also requires that supporting documentation for such revisions be sent to USEPA. However, the Board did not propose the revision to section 6.2.d, and did not receive any comments or recommendations on this section during its public comment period on the rule.

At the request of the Legislature the Board then submitted to the USEPA, information which was compiled by the West Virginia Coal Association as well as all other interested parties. The Board did not review or discuss these comments and did not make a recommendation to the USEPA regarding the information submitted.

On December 27, 2004, the Board received a letter from the Donald Welsh of USEPA, Region III, which stated that the review of the revised Water Quality Standards has been completed but that the USEPA “is deferring action on the addition of the Manganese Five Mile Rule sentence in section 6.2.d. while the USEPA evaluates and collects additional information sufficient to finalize a decision.”

The WV Legislative Rule Making Review Committee then requested that the Board establish an additional public comment period on the revision to section 6.2.d of the Water Quality Standards rule outlined above and the Board unanimously agreed. The Board provided public notice soliciting comments regarding manganese and conducted a public hearing regarding the revision to section 6.2.d of the Water Quality Standards rule on Wednesday, February 23, 2005. In addition, written comments will continue to be accepted at the Board office until 5:00 p.m. on March 24, 2005, and may be submitted by U.S. mail, electronic mail or by facsimile, to the West Virginia Environmental Quality Board, 601 57th Street, SE, Charleston, West Virginia 25304, Fax: 304-926-0486, E-mail: clerk@wvaqbeqb.org.

During the March 31, 2005, Board meeting, in accordance with applicable state and federal requirements, the Board will review each comment received during this public comment period and prepare a written response. The public comments and the Board’s written response will be forwarded to the WV Legislative Rule-Making Review Committee and submitted to the USEPA.

II. Other Business

The Board may take up additional administrative matters and may also consider such business as it may deem appropriate consistent with the Open Governmental Proceedings Act (WV Code §6-9A-1). Portions of this meeting may not be subject to the Open Governmental Proceedings Act.

Sincerely,

Melissa Carte,
Clerk of the Boards