

September 2004

SEPTEMBER 19



Sunday, September 19, 2004

4:00 p.m. to 6:00 p.m.

Legislative Rule-Making
Review Committee
(Code §29A-3-10)

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss
ex officio nonvoting member

Senate

House

Ross, Chairman
Minard, Vice Chairman
Snyder
Unger
Boley
Minear

Mahan, Chairman
Thompson, Vice Chairman Absent
Cann Absent
Kominar
Armstead
Faircloth Absent

The meeting was called to order by Mr. Ross, Co-Chairman.

The minutes of the July 26, 2004, meeting were approved.

Debra Graham, Chief Counsel, explained the rule proposed by the **West Virginia Department of Agriculture, Inspection of Meat and Poultry, 61CSR16.**

Mr. Kominar moved that the proposed rule be approved. The motion was adopted.

Connie Bowling, Associate Counsel, explained the rule proposed by the **Governor's Committee of Crime, Delinquency and Corrections, Protocol for Law Enforcement Response to Domestic Violence, 149CSR3.**

Mr. Minard moved that the proposed rule be approved. The motion was adopted.

Ms. Bowling, reviewed her abstract of the rule proposed by the **West Virginia Division of Highways, Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7.**

Mr. Minard moved that the proposed rule be approved. The motion was adopted.

Ms. Graham, reviewed her abstract of the rule proposed by the **West Virginia Division of Labor, West Virginia Contractor Licensing Act, 28CSR2** and stated that the Division has agreed to technical modifications.

Andrew Brown, Assistant to the Commissioner, with the Division of Labor responded to questions.

Beth Thomasson, Executive Officer, with the West Virginia Home Builders Association responded to questions. Mr. Snyder moved that subsection 5.5 of the proposed rule be modified to include the entire amendment to the statute. The motion was adopted.

Mr. Kominar moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham, explained the rule proposed by the **West Virginia Division of Labor, Elevator Safety Act, 42CSR21** and stated that the Division has agreed to technical modifications.

Mr. Brown responded to questions.

Mr. Kominar moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham, reviewed her abstract on the rule proposed by the **West Virginia Division of Labor, West Virginia Manufactured Housing Construction and Safety Standards Board, 42CSR19**.

Mr. Brown responded to questions.

Mr. Kominar moved that the proposed rule be approved. The motion was adopted.

Ms. Graham, explained the rule proposed by the **West Virginia Division of Labor, Weights and Measures Calibration Fees, 42CSR26** and stated that the Division has agreed to technical modifications.

Mr. Brown responded to questions.

Mr. Minear moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham, reviewed her abstract on the rule proposed by the **WV Board of Examiners for Licensed Practical Nurses, Fees for Services Rendered by the Board, 10CSR4** and responded to questions.

Laura Rhodes, MSN, RN, with the WV Board of Examiners for Registered Professional Nurses responded to questions.

Mr. Kominar moved that the proposed rule be approved. The motion was adopted.

Ms. Graham, explained the rule proposed by the **WV Board of Examiners for Registered Professional Nurses, Fees for Services**

Rendered by the Board, 19CSR12, stated that the Board has agreed to technical modifications and responded to questions.

Ms. Rhodes responded to questions.

Ms. Mahan moved that subsection 2.4 of the proposed rule be modified to set a sixty dollar fee for endorsement into West Virginia. The motion was adopted.

Ms. Boley offered support of modification.

Ms. Mahan moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham, reviewed her abstract on the rule proposed by the **State Lottery Commission, State Lottery Rule, 179CSR1**.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Boley, having voted on the prevailing side, moved that the Committee reconsider its action whereby it approved the rule proposed by the State Lottery Commission. The motion was adopted.

John Melton, Attorney for the State Lottery Commission responded to questions.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted. Mr. Armstead, Ms. Boley, and Ms. Minear voted "No".

Ms. Graham, explained the rule proposed by the **Division of Natural Resources, Commercial Whitewater Outfitters, 58CSR12**.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Graham, reviewed her abstract on the rule proposed by the **Division of Natural Resources, Revocation of Hunting and Fishing Licenses, 58CSR23** and stated that the Division has agreed to technical modifications.

Lt. Colonel W. B. Daniels, with the Division of Natural Resources responded to questions.

Ms. Mahan moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham, explained the rule proposed by the **DNR Wildlife Resources Section, Commercial Sale of Wildlife, 58CSR63**.

Paul Johansson, with the Division of Natural Resources responded to questions.

Steve Hanna, Deputy Commissioner of the Department of Agriculture responded to questions

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Bowling, explained the rule proposed by the **West Virginia State Police, Carrying of Handguns by Retired or Medically Discharged Members, 81CSR6.**

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Ms. Graham, explained that the representative from the Board of Veterinary Medicine was unable to attend the meeting on the Board's proposed rule **Schedule of Fees, 26CSR6.**

Ms. Mahan moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

The meeting was adjourned.

SEPTEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
September 19, 20 and 21, 2004

Sunday, September 19, 2004

4:00 - 6:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair

Minard, Vice Chair

Snyder

Unger

Boley

Minear

✓
✓
✓
✓
✓
✓

House

Mahan, Chair

Thompson, Richard, Vice Chair

Cann

Kominar

Armstead

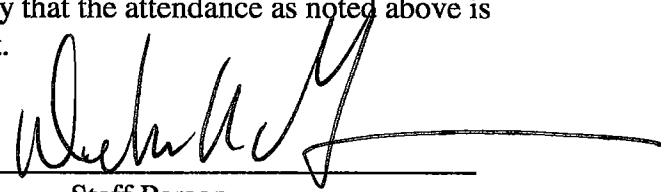
Faircloth

✓

✓

✓

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, September 19, 2004
4:00 p.m. to 6:00 p.m.
Senate Finance Committee Room M-451

1. **Approval of Minutes - Meeting of July 26, 2004**
2. **Review of Legislative Rules:**
 - a. **West Virginia Department of Agriculture**
Inspection of Meat and Poultry
61CSR16
 - b. **Governor's Committee of Crime, Delinquency and Corrections**
Protocol for Law Enforcement Response to Domestic Violence
149CSR3
 - c. **West Virginia Division of Highways**
Transportation of Hazardous Wastes Upon the Roads and
Highways
157CSR7
 - d. **West Virginia Division of Labor**
West Virginia Contractor Licensing Act
28CSR2
 - e. **West Virginia Division of Labor**
West Virginia Manufactured Housing Construction and Safety
Standards Board
42CSR19
 - f. **West Virginia Division of Labor**
Elevator Safety Act
42CSR21
 - g. **West Virginia Division of Labor**
Weights and Measures Calibration Fees
42CSR26
 - h. **WV Board of Examiners for Licensed Practical Nurses**
Fees for Services Rendered by the Board
10CSR4
 - i. **State Lottery Commission**
State Lottery Rule
179CSR1

- j. **Division of Natural Resources**
Commercial Whitewater Outfitters
58CSR12
- k. **Division of Natural Resources**
Revocation of Hunting and Fishing Licenses
58CSR23
- l. **DNR Wildlife Resources Section**
Commercial Sale of Wildlife
58CSR63
- m. **WV Board of Examiners for Registered Professional Nurses**
Fees for Services Rendered by the Board
19CSR12
- n. **West Virginia State Police**
Carrying of Handguns by Retired or Medically Discharged
Members
81CSR6
- o. **Board of Veterinary Medicine**
Schedule of Fees
26CSR6

3. **Other Business**

SEPTEMBER INTERIM ATTENDANCE

Legislative Interim Meetings
September 19, 20, and 21, 2004

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Legislative Rule-Making Review Committee

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officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair	<input checked="" type="checkbox"/>
Minard, Vice Chair	<input checked="" type="checkbox"/>
Snyder	<input checked="" type="checkbox"/>
Unger	<input checked="" type="checkbox"/>
Boley	<input checked="" type="checkbox"/>
Minear	<input checked="" type="checkbox"/>

Mahan, Chair	<input checked="" type="checkbox"/>
Thompson, Rick, Vice Chair	<input type="checkbox"/>
Cann	<input type="checkbox"/>
Kominar	<input checked="" type="checkbox"/>
Armstead	<input checked="" type="checkbox"/>
Faircloth	<input type="checkbox"/>

minutes approved -

Agriculture - Explained
approved

Gov's Comm

Connie explained

Minard

Approve
adopted

Highways

Connie explained

Labor - Contractors

I explained

Andy Brown answered questions

Both Tomlinson addressed C

Syde

Mod

Lottuy

Approved

Armistead opposed motion to approve
m. near, Arm. Boley "no"

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Senate

House

Ross, Chair	✓
Minard, Vice Chair	✓
Snyder	✓
Unger	✓
Boley	✓
Minear	✓

Mahan, Chair	✓
Thompson, Rick, Vice Chair	_____
Cann	_____
Kominar	✓
Armstead	✓
Faircloth	_____

- minutes approved
- Agriculture 141 CSR 16
 Debra Explained
 Kominar motion
- Gov. Comm. on Crime 149 CSR 3
 Connie Explained
 Minard motion
- Highway 157 CSR 7
 Connie Explained
 Minard motion
- Labor 28 CSR 2
 Debra Explained

~~_____~~

Andrew Brown, Assistant to the Commissioner, Div of Labor answered question

Beth Thompson, WV Home Builders Association answered questions

Snyder move for mod by Building Ass
Kominer moves

- Labor 42 CSR 19
Debra Explained

Andrew Brown answered questions
Kominer moves

- Labor 42 CSR 21
Debra Explained

Andrew Brown answered questions
Kominer moves

- Labor 42 CSR 26
Debra Explained

Andrew Brown answered questions
Miner moves

- LPN 10 CSR 4
Debra Explained

~~_____~~ counsel answered questions
Laura Rhodes, ^{Asst. Dir. Reg. Prof. Nurses} answered questions

Kominer notes

- Reg Pro Nurses 19CSR12

Debra Explained

Counsel answered questions

Laura Rhodes, MSN, RN, WV Bd of Ex for Reg Pro N

answered questions

Mahan offer ^{mod.} fee to \$6000 instead of \$100.00

Comments on fee modif.

Boley support

Mahan offer modif.

Mahan moves

-

- Lottery 179CSR1

Debra Explained

Mahan moves

Boley Reinstata rule

~~record voting NO~~

John

answered questions

Mahan moves motion

Armstead opposes motion

Armstead

Boley

Mincar

} record ~~proceeds~~ ^{voting} NO

- DNR ~~18CSR12~~

Debra Explained

Mahan moved

- DNR 58CSR23

Debra Explained

Col. Bill Daniels answered questions
Mahan moves

- DNR 58CSR63

Debra Explained

Counsel answered questions

Paul Johansen answered questions

~~Col. Bill Daniels answered questions~~

Steve Hanna, Deputy Comm, Dept. of Ag ans. questions
Mahan moves

- State Police 81CSR6

Connie Explained

Mahan moves

- Vet. Med. 26CSR6

Debra

Mahan - moves layover

Koninar adjourn

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4:00 p.m. to 6:00 p.m.
Senate Finance Committee Room M-451

1. Approval of Minutes - Meeting of July 26, 2004
2. Review of Legislative Rules:

Approved (a)

West Virginia Department of Agriculture
Inspection of Meat and Poultry
61CSR16

- Approve

(b)

Governor's Committee of Crime, Delinquency and Corrections
Protocol for Law Enforcement Response to Domestic Violence
149CSR3

- Approve

Approved (c)

West Virginia Division of Highways
Transportation of Hazardous Wastes Upon the Roads and Highways
157CSR7

- Approve

Approved (d)
w/mods

West Virginia Division of Labor
West Virginia Contractor Licensing Act
28CSR2

- Approve

~~MA~~
Approved

West Virginia Division of Labor
West Virginia Manufactured Housing Construction and Safety Standards Board
42CSR19

- ~~Approve~~

Approved (e)
& s modifications

West Virginia Division of Labor
Elevator Safety Act
42CSR21

- Approve with Modifications

Approved
w/mod

West Virginia Division of Labor
Weights and Measures Calibration Fees
42CSR26

- Approve with Modifications

Approved

WV Board of Examiners for Licensed Practical Nurses
Fees for Services Rendered by the Board
10CSR4

- Approve

Approved

State Lottery Commission
State Lottery Rule
179CSR1

- Approve

Approved

Division of Natural Resources
Commercial Whitewater Outfitters
58CSR12

- Approve

Approved
as
in out

Division of Natural Resources
Revocation of Hunting and Fishing Licenses
58CSR23

- Approve with Modifications

Approved

DNR Wildlife Resources Section
Commercial Sale of Wildlife
58CSR63

- Approve

Approved
w/mod

WV Board of Examiners for Registered Professional Nurses
Fees for Services Rendered by the Board
19CSR12

- Approve

Approved

West Virginia State Police
Carrying of Handguns by Retired or Medically Discharged
Members
81CSR6

- Approve

Treasurer
fee
rule?

layover o. Board of Veterinary Medicine
Schedule of Fees
26CSR6

- Approve with Modifications

3. Other Business

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, September 19, 2004
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Standards Board
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179CSR1

- j. **Division of Natural Resources**
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58CSR12
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Carrying of Handguns by Retired or Medically Discharged
Members
81CSR6
- o. **Board of Veterinary Medicine**
Schedule of Fees
26CSR6

3. **Other Business**

SEPTEMBER 21



Tuesday, September 21, 2004

3:00 p.m. to 4:00 p.m.

Legislative Rule-Making
Review Committee
(Code §29A-3-10)

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss
ex officio nonvoting member

Senate

House

Ross, Chairman	Absent	Mahan, Chairman	
Minard, Vice Chairman		Thompson, Vice Chairman	
Snyder		Cann	
Unger	Absent	Kominar	
Boley	Absent	Armstead	
Minear		Faircloth	Absent

The meeting was called to order by Ms. Mahan, Co-Chairman.

The minutes of the August 23, 2004, meeting were approved.

Allyn Turner, Director of the Division of Water and Waste Management, with the West Virginia Department of Environmental Protection distributed handouts and discussed the Comparative Analysis of Selected Water Quality Standards and Implementation Practices in West Virginia and Surrounding States.

Edward M. Snyder, Ph. D., Environmental Quality Board Chair distributed handouts and discussed the Board's proposed change to the dissolved aluminum criteria and placing two trout streams on the Tier 2.5 Stream List. Mr. Snyder explained that the reduction in the aluminum criteria did not apply to trout streams and that the revised number was temporary pending further study by the Board. Both of the proposed changes to the water quality standards will be presented to the LRMRC later in the rule making cycle. Mr. Snyder answered questions from the Committee Members.

Libby Chatfield, Technical Advisor for the Environmental Quality Board answered questions from the Committee Members.

Ms. Turner answered questions from the Committee Members.

The meeting was adjourned.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, September 21, 2004
3:00 p.m. to 4:00 p.m.
Senate Finance Committee Room M - 451

1. Approval of Minutes - Meeting of August 23, 2004
2. Allyn Turner, Director
Division of Water and Waste Management
WV Department of Environmental Protection
3. Libby Chatfield - Technical Advisor
Environmental Quality Board
4. Edward M. Snyder, Ph. D., Board Chair
WV Environmental Quality Board
5. Other Business

SEPTEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
September 19, 20 and 21, 2004

Tuesday, September 21, 2004

3:00 - 4:00 p.m.

Legislative Rule-Making Review Committee

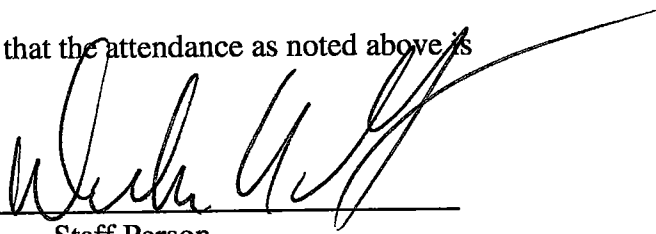
Earl Ray Tomblin, ex
officio nonvoting member _____

Robert S. Kiss, ex
officio nonvoting member _____

Senate
Ross, Chair _____
Minard, Vice Chair ✓
Snyder ✓
Unger _____
Boley _____
Minear ✓

House
Mahan, Chair ✓
Thompson, Richard, Vice Chair ✓
Cann ✓
Kominar ✓
Armstead ✓
Faircloth _____

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819.

SEPTEMBER INTERIM ATTENDANCE

Legislative Interim Meetings
September 19, 20, and 21, 2004

Tuesday, September 21, 2004

3:00 p.m. - 4:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair	_____
Minard, Vice Chair	✓
Snyder	✓
Unger	_____
Boley	_____
Miner	✓

Mahan, Chair	✓
Thompson, Rick, Vice Chair	✓
Cann	✓
Kominar	✓
Armstead	✓
Faircloth	_____

minutes approved

Allyn Turner, DEP

Is econ impact considered when establishing
Water Quality Stds

Dr.
Fletcher

Institutional & environmental controls, impact on
industry. Looking at contiguous states - a mos
100,000; select minerals

Dr. Sydd, EQB

streams
of special
concern

Tier 2.5 reclassification of streams - two streams
in Preston Cnty - objections regarding future possible use
looking at aluminum - delete chronic protect
value from all streams except trout streams
87 micrograms per lbs - ~~not~~ no longer on warm
H₂O stream fisheries. will file 9/29
Emergency rule & agency approved rule -

Considering 2 mine variances. Bd has held hearing and tentatively approved. Final decision 9/28 on 1st. Will hold hearing 9/28 on variance in Kan Cnty.

Responded to a's

Not addressing manganese & selenium

Libby responded to questions.

SEPTEMBER INTERIM ATTENDANCE

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3:00 p.m. - 4:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

House

Ross, Chair _____
Minard, Vice Chair ✓
Snyder ✓
Unger _____
Boley _____
Minear ✓

Mahan, Chair ✓
Thompson, Rick, Vice Chair ✓
Cann ✓
Kominar _____
Armstead ✓
Faircloth _____

- Minutes Approved

- Allyn Turner, Director, Division of Water & Waste Mg.
Discussion on ~~water~~ ~~standards~~ Analysis of WQ Standards
Handout

- Edward M. Snyder, Ph. D., Board Chair, EQB
streams studies

aluminum - filed hearing : proposal
public meeting last week
comments end Fri
file as emergency : proposed

Set 27 @ 6:00 Public Hearing on 2 minutes

- Questions from Committee

- Libby Chatfield - Tech. Advisor
ANSWERED questions from Committee
- Allyn Turner answered questions from Committee

✓

Comparative Analysis of Selected Water Quality Standards and Implementation Practices in West Virginia and Surrounding States

Natural Resource Analysis Center
West Virginia University

August 23, 2004

The ability of West Virginia to attract and retain businesses is determined by the competitive position of businesses located in the State relative to other states and countries. That competitive position is determined by a multitude of factors including the regional demand for the firm's products, the distance and associated transportation costs of moving the product to the market, the cost and quality of the regional labor supply, the cost and quality of raw materials and other necessary inputs, and by the institutional and regulatory environment faced by firms in the State. These latter factors include property and business taxes, the incidence of lawsuits that affect the costs of doing business, and the stringency of labor safety and environmental regulations and the degree of enforcement of those regulations relative to competing regions.

While firms base their location and relocation decisions on all of these factors, there is a growing interest on the effects of environmental quality regulations on regional competitiveness. We propose to focus on an important subset of environmental regulations related to water quality. In particular, we propose to examine water quality regulation, permitting, and enforcement in West Virginia for four water pollutants of importance to the coal sector – iron, aluminum, manganese, and selenium – relative to the approaches taken by neighboring states. We have chosen to investigate these particular pollutants because of their linkage with coal mining and other industries located in West Virginia and a growing perception by industry organizations, among others, that West Virginia has relatively stringent regulations that may put West Virginia at a competitive disadvantage regionally and, perhaps, nationally. The final list of pollutants to be investigated will be determined in discussions with the Department of Environmental Protection.

We propose to examine and discuss water quality standards for pollutants, when such standards exist, for West Virginia, Kentucky, Pennsylvania, Ohio, Virginia, Tennessee, and Maryland. We will also document, when possible, any information we uncover about actual implementation and enforcement of these standards and exceptions granted during the permitting process. States with identical water quality standards may have very different levels of enforcement and, therefore, very different impacts on their regulated industries. We plan to carry out the study by examining publicly available records of state water quality legislation, published regulations, and case law when appropriate. We will also conduct interviews of selected state officials, industry representatives, environmental and public interest groups. Much of this information will be anecdotal and potentially biased but will be useful in understanding how water quality rules and regulations are actually implemented in each state.

We expect to complete this exploratory analysis within approximately nine months. The final report will include tables that compare the different types and levels of standards for the pollutants selected for analysis for the seven states. We will also include copies of the relevant published water quality regulations used to produce the tables and the summary results from our survey. Finally, we will present our initial analysis of the regulatory environments in each state and findings of how the regulatory environment for the selected pollutants in West Virginia compares with that of neighboring states. This initial analysis will not include estimates of the costs of compliance with water quality regulations or the social and ecological benefits generated by

different levels of water quality standards.

3745-1-32 Ohio river standards.

- (A) The Ohio river is designated warmwater habitat, public water supply, agricultural water supply, industrial water supply and bathing waters, and will meet the most stringent criteria set forth in, or derived in accordance with, this rule, rules 3745-1-01 to 3745-1-07 of the Administrative Code, and rules 3745-1-34 to 3745-1-36 of the Administrative Code.

Table 32-1. Water quality criteria for the Ohio river.

Chemical	Form ¹	Units ²	IMZM ³	OMZM ³	OMZA ³
Bacteria (fecal coliform)	T		--	b	b
Cyanide	free	µg/l	44	22	5.2
Dissolved oxygen ⁴	T	mg/l	--	4.0 ^c	5.0
Radionuclides	T		--	d	d
Temperature	--	°F	--	Table 32-3	Table 32-3

¹ T = total.

² mg/l = milligrams per liter (parts per million); µg/l = micrograms per liter (parts per billion); °F = degrees fahrenheit.

³ IMZM = inside mixing zone maximum; OMZM = outside mixing zone maximum; OMZA = outside mixing zone average.

⁴ For dissolved oxygen, OMZM means outside mixing zone minimum at any time and OMZA means outside mixing zone minimum daily average.

^a See rule 3745-1-07 of the Administrative Code.

^b For the months of May to October, the maximum allowable level of fecal coliform bacteria shall not exceed two hundred per one hundred ml as a monthly geometric mean based on not less than five samples per month; nor exceed four hundred per one hundred ml in more than ten per cent of all samples taken during the month. For the months of May to October, measurements of Escherichia coli bacteria may be substituted for fecal coliform. Content shall not exceed one hundred thirty per one hundred ml as a monthly geometric mean, based on not less than five samples per month, nor exceed two hundred forty per one hundred ml in any sample. For the months of November to April, the maximum allowable level of fecal coliform bacteria shall not exceed two thousand per one hundred ml as a geometric mean based on not less than five samples per month.

^c A minimum of 5.0 mg/l at any time shall be maintained during the April fifteen to June fifteen spawning season.

^d Gross total alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed fifteen picocuries per liter (pci/l) and combined radium-226 and radium-228 shall not exceed four pci/l. The concentration of total gross beta particle activity shall not exceed fifty pci/l. The concentration of total strontium-90 shall not exceed eight pci/l.

Table 32-2. Ohio river water quality criteria for the protection of human health.
Page 1 of 5

Chemical	Form ¹	Units ²	OMZA ³	
			Intakes	Elsewhere
Acenaphthene	T	µg/l	1,200	1,200
Acrolein	T	µg/l	320	320
Acrylonitrile ⁵	T	µg/l	0.59	0.59
Alachlor	T	µg/l	2.0 ^a	--
Aldicarb ⁶	T	µg/l	7.0 ^a	--
Aldicarb sulfone ⁶	T	µg/l	7.0 ^a	--
Aldicarb sulfoxide ⁶	T	µg/l	7.0 ^a	--
Aldrin ⁵	T	µg/l	0.0013	0.0013
Anthracene	T	µg/l	9,600	9,600
Antimony	TR	µg/l	6.0 ^a	14
Arsenic	TR	µg/l	10 ^a	50
Asbestos	T	Mf/l	7.0 ^a	--
Atrazine	T	µg/l	3.0 ^a	--
Barium	TR	µg/l	2,000 ^a	--
Benzene ⁵	T	µg/l	5.0 ^a	12
Benzidine ⁵	T	µg/l	0.0012	0.0012
Benzo(a)anthracene ⁵	T	µg/l	0.044	0.044
Benzo(a)pyrene ⁵	T	µg/l	0.044	0.044
Benzo(b)fluoranthene ⁵	T	µg/l	0.044	0.044
Benzo(k)fluoranthene ⁵	T	µg/l	0.044	0.044
Beryllium	TR	µg/l	4.0 ^a	16
Bromate	T	µg/l	10 ^a	--
Bromoform ⁵	T	µg/l	43	43
Butylbenzyl phthalate	T	µg/l	3,000	3,000
Cadmium	TR	µg/l	5.0 ^a	--
Carbofuran	T	µg/l	40 ^a	--
Carbon tetrachloride ⁵	T	µg/l	2.5	2.5
Chloramine	T	µg/l	4,000 ^a	--
Chlordane ⁵	T	µg/l	0.021	0.021
Chlorides	T	mg/l	250 ^a	250
Chlorine	T	µg/l	4,000 ^a	--
Chlorine dioxide	T	µg/l	800 ^a	--
Chlorite	T	µg/l	1,000 ^a	--
Chloroacetic acid ⁷	T	µg/l	60 ^a	--
Chlorobenzene	T	µg/l	100 ^a	680
Chlorodibromomethane ⁵	T	µg/l	4.1	4.1

Table 32-2. Ohio river water quality criteria for the protection of human health.
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Chemical	Form ¹	Units ²	OMZA ³	
			Intakes	Elsewhere
Bis(2-Chloroethyl)ether ⁵	T	µg/l	0.31	0.31
Chloroform ⁵	T	µg/l	57	57
bis(2-Chloroisopropyl)ether	T	µg/l	1,400	1,400
bis(2-Chloromethyl)ether ⁵	T	µg/l	0.0013	0.0013
2-Chloronaphthalene	T	µg/l	1,700	1,700
2-Chlorophenol	T	µg/l	120	120
Chromium	TR	µg/l	100 ^a	--
Chrysene ⁵	T	µg/l	0.044	0.044
Copper	TR	µg/l	--	--
Cyanide	free	µg/l	200 ^a	700
2,4-D (2,4-Dichlorophenoxy- acetic acid)	T	µg/l	70 ^a	100
Dalapon	T	µg/l	200 ^a	--
4,4'-DDD ⁵	T	µg/l	0.0083	0.0083
4,4'-DDE ⁵	T	µg/l	0.0059	0.0059
4,4'-DDT ⁵	T	µg/l	0.0059	0.0059
Dibenzo(a,h)anthracene ⁵	T	µg/l	0.044	0.044
Dibromochloropropane	T	µg/l	0.2 ^a	--
Di-n-butyl phthalate	T	µg/l	2,700	2,700
Dichloroacetic acid ⁷	T	µg/l	60 ^a	--
1,2-Dichlorobenzene	T	µg/l	600 ^a	2,700
1,3-Dichlorobenzene	T	µg/l	400	400
1,4-Dichlorobenzene	T	µg/l	75 ^a	400
3,3'-Dichlorobenzidine ⁵	T	µg/l	0.40	0.40
Dichlorobromomethane ⁵	T	µg/l	5.6	5.6
1,2-Dichloroethane ⁵	T	µg/l	3.8	3.8
1,1-Dichloroethylene ⁵	T	µg/l	0.57	0.57
cis-1,2-Dichloroethylene	T	µg/l	70 ^a	--
trans-1,2-Dichloroethylene	T	µg/l	100 ^a	700
2,4-Dichlorophenol	T	µg/l	93	93
1,2-Dichloropropane ⁵	T	µg/l	5.0 ^a	5.2
1,3-Dichloropropene	T	µg/l	10	10
Dieldrin ⁵	T	µg/l	0.0014	0.0014
Di(2-ethylhexyl)adipate	T	µg/l	400 ^a	--
Diethyl phthalate	T	µg/l	23,000	23,000
2,4-Dimethylphenol	T	µg/l	540	540

Table 32-2. Ohio river water quality criteria for the protection of human health.
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Chemical	Form ¹	Units ²	OMZA ³	
			Intakes	Elsewhere
Dimethyl phthalate	T	µg/l	310,000	310,000
4,6-Dinitro-o-cresol (4,6-Dinitro-2-methylphenol)T	µg/l	13	13	
Dinitrophenols ⁴	T	µg/l	70	70
2,4-Dinitrotoluene ⁵	T	µg/l	1.1	1.1
Dinoseb	T	µg/l	7.0 ^a	--
1,2-Diphenylhydrazine ⁵	T	µg/l	0.40	0.40
Diquat	T	µg/l	20 ^a	--
Dissolved solids	T	mg/l	750/500 ^{a,b}	--
alpha-Endosulfan ⁸	T	µg/l	110	110
beta-Endosulfan ⁸	T	µg/l	110	110
Endosulfan sulfate ⁸	T	µg/l	110	110
Endothall	T	µg/l	100 ^a	--
Endrin ⁹	T	µg/l	0.76	0.76
Endrin aldehyde ⁹	T	µg/l	0.76	0.76
Ethylbenzene	T	µg/l	700 ^a	3,100
Ethylene dibromide (EDB)	T	µg/l	0.050 ^a	--
bis(2-Ethylhexyl)phthalate ⁵	T	µg/l	6.0 ^a	18
Fluoranthene	T	µg/l	300	300
Fluorene	T	µg/l	1,300	1,300
Fluoride	T	µg/l	1,000	1,000
Glyphosate	T	µg/l	700 ^a	--
Heptachlor ⁵	T	µg/l	0.0021	0.0021
Heptachlor epoxide ⁵	T	µg/l	0.0010	0.0010
Hexachlorobenzene ⁵	T	µg/l	0.0075	0.0075
Hexachlorobutadiene ⁵	T	µg/l	4.4	4.4
alpha-Hexachlorocyclohexane ⁵	T	µg/l	0.039	0.039
beta-Hexachlorocyclohexane ⁵	T	µg/l	0.14	0.14
gamma-Hexachlorocyclohexane (Lindane) ⁵	T	µg/l	0.19	0.19
Hexachlorocyclohexane- technical grade ⁵	T	µg/l	0.12	0.12
Hexachlorocyclopentadiene	T	µg/l	50 ^a	240
Hexachloroethane ⁵	T	µg/l	19	19
Indeno(1,2,3-c,d)pyrene ⁵	T	µg/l	0.044	0.044
Iron	S	µg/l	300 ^a	--

Table 32-2. Ohio river water quality criteria for the protection of human health.
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Chemical	Form ¹	Units ²	OMZA ³	
			Intakes	Elsewhere
Isophorone ⁵	T	µg/l	360	360
Mercury	TR	µg/l	0.012	0.012
Methoxychlor	T	µg/l	40 ^a	100
Methyl bromide	T	µg/l	48	48
Methylene chloride ⁵	T	µg/l	5.0 ^a	47
Nickel	TR	µg/l	610	610
Nitrate-N + Nitrite-N	T	µg/l	10,000 ^a	10,000
Nitrite-N	T	µg/l	1,000 ^a	1,000
Nitrobenzene	T	µg/l	17	17
Nitrosoamines ⁵	T	µg/l	0.0080	0.0080
N-Nitrosodibutylamine ⁵	T	µg/l	0.064	0.064
N-Nitrosodiethylamine ⁵	T	µg/l	0.0080	0.0080
N-Nitrosodimethylamine ⁵	T	µg/l	0.0069	0.0069
N-Nitrosodi-n-propylamine ⁵	T	µg/l	0.050	0.050
N-Nitrosodiphenylamine ⁵	T	µg/l	50	50
N-Nitrosodipyrrolidine ⁵	T	µg/l	0.16	0.16
Oxamyl (Vydate)	T	µg/l	200 ^a	--
Pentachlorobenzene	T	µg/l	3.5	3.5
Pentachlorophenol ⁵	T	mg/l	1.0 ^a	82
Phenol	T	µg/l	21,000	21,000
Phenolics	T	µg/l	5.0	5.0
Picloram	T	µg/l	500 ^a	--
Polychlorinated biphenyls ⁵	T	µg/l	0.0017	0.0017
Pyrene	T	µg/l	960	960
Selenium	TR	µg/l	50 ^a	170
Silver	T	µg/l	50	50
Silvex (2,4,5-TP, 2-[2,4,5-Trichlorophenoxy]propionic acid	T	µg/l	10	10
Simazine	T	µg/l	4.0 ^a	--
Styrene	T	µg/l	100 ^a	--
Sulfates	T	mg/l	250 ^a	250
1,2,4,5-Tetrachlorobenzene	T	µg/l	2.3	2.3
2,3,7,8-Tetrachlorodibenzo-p-dioxin ⁵	T	pg/l	0.13	0.13
1,1,2,2-Tetrachloroethane ⁵	T	µg/l	1.7	1.7

Table 32-2. Ohio river water quality criteria for the protection of human health.
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Chemical	Form ¹	Units ²	OMZA ³	
			Intakes	Elsewhere
Tetrachloroethylene ⁵	T	µg/l	5.0 ^a	8.0
Thallium	TR	µg/l	1.7	1.7
Toluene	T	µg/l	1,000 ^a	6,800
Toxaphene ⁵	T	µg/l	0.0073	0.0073
Trichloroacetic acid ⁷	T	µg/l	60 ^a	--
1,2,4-Trichlorobenzene	T	µg/l	70 ^a	260
1,1,1-Trichloroethane	T	µg/l	200 ^a	--
1,1,2-Trichloroethane ⁵	T	µg/l	5.0 ^a	6.0
Trichloroethylene ⁵	T	µg/l	5.0 ^a	27
2,4,5-Trichlorophenol	T	µg/l	2,600	2,600
2,4,6-Trichlorophenol ⁵	T	µg/l	21	21
Vinyl chloride ⁵	T	µg/l	2.0 ^a	20
Xylenes	T	µg/l	10,000 ^a	--
Zinc	T	µg/l	9,100	9,100

¹ S = soluble; T = total; TR = total recoverable.

² mg/l = milligrams per liter (parts per million); µg/l = micrograms per liter (parts per billion); ng/l = nanograms per liter (parts per trillion); pg/l = picograms per liter (parts per quadrillion); Mf/l = million fibers per liter.

³ OMZA = outside mixing zone average. Criteria in the "Intakes" column apply within five hundred yards of drinking water intakes. Criteria in the "Elsewhere" column apply at all other locations.

⁴ The criteria for this chemical apply to the sum of all dinitrophenols.

⁵ Criteria for this chemical are based on a carcinogenic endpoint.

⁶ The criterion for this chemical applies to the sum of aldicarb, aldicarb sulfone and aldicarb sulfoxide.

⁷ The criterion for this chemical applies to the sum of chloroacetic acid, dichloroacetic acid and trichloroacetic acid.

⁸ The criteria for this chemical apply to the sum of alpha-endosulfan, beta-endosulfan and endosulfan sulfate.

⁹ The criteria for this chemical apply to the sum of endrin and endrin aldehyde.

^a This criterion is the maximum contaminant level (MCL) developed under the "Safe Drinking Water Act".

^b Equivalent 25°C specific conductance values are 1200 micromhos/cm as a maximum and 800 micromhos/cm as a thirty-day average.

Table 32-3. Ohio river temperature criteria.

Month/date	Period Average (°F)	Instantaneous Maximum (°F)
January 1-31	45	50
February 1-29	45	50
March 1-15	51	56
March 16-31	54	59
April 1-15	58	64
April 16-30	64	69
May 1-15	68	73
May 16-31	75	80
June 1-15	80	85
June 16-30	83	87
July 1-31	84	89
August 1-31	84	89
September 1-15	84	87
September 16-30	82	86
October 1-15	77	82
October 16-31	72	77
November 1-30	67	72
December 1-31	52	57

Effective: 12/30/2002

R.C. Section 119.032 review dates: 3/25/2002 and 12/30/2007

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