

**ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**HUNTINGTON ALLOYS CORPORATION,**

**Appellant,**

**v.**

**04-15-EQB**

**DIRECTOR, DIVISION OF WATER AND  
WASTE MANAGEMENT, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**ORDER**

The Environmental Quality Board (hereinafter "Board"), having been informed that the parties have conferred and reached agreement on a resolution of the above-captioned appeal, makes the following Findings of Fact and Conclusions of Law.

**Findings of Fact and Conclusions of Law**

1. On May 14, 2004, Huntington Alloys Corporation (hereinafter "Huntington Alloys") appealed NPDES Permit No. WV0114618 (hereinafter "Permit") and Order No. 5567 (hereinafter "Order") issued by the Director, Division of Water and Waste Management (hereinafter "Director") on April 14, 2004.

2. In its appeal, Huntington Alloys objected to the fluoride and copper limits imposed on its storm water discharge to Pat's Branch, groundwater monitoring requirements, the obligation to have a groundwater protection plan, and the calculation of the annual permit fee.

3. While this appeal has been pending, Huntington Alloys pursued, and the Director and West Virginia Legislature have approved, a revision to the West Virginia water quality standards

resulting in removal of the Category A and D1 uses from Pat's Branch, as set forth at 47 C.S.R. 2-7.2.d.34.1. Said revision was necessary to allow the Director to increase the fluoride limits in the Permit.

4. While this appeal has been pending, Huntington Alloys provided the basis for calculation of a translator from dissolved copper to total copper, and the DEP imposed revised Permit limits for copper based on that translator in a permit modification approved by letter dated July 24, 2006.

5. While this appeal has been pending, the Director extended the Order, such that the fluoride limits in the Order applied throughout the Permit period, and the copper limits in the Order applied until modification of the Permit.

6. While the appeal has been pending, Huntington Alloys has complied with the Permit, as modified by the Order.

7. A new Permit and Compliance Order were issued on June 25, 2008, superseding the Permit and Order.

### **Order**

WHEREFORE, without admission of law or fact by either of the parties, and preserving all their respective rights and defenses, and upon agreement of the parties to the terms herein, the Board ORDERS that:

1. Huntington Alloys' annual NPDES permit fee should be calculated pursuant to 47 C.S.R. 26 and, as such, should not have exceeded one thousand five hundred dollars (\$1,500.00).

2. All remaining issues that were appealed are dismissed as Huntington Alloys has been in compliance with requirements to have a groundwater protection plan in place, has conducted groundwater monitoring as required by the Permit, and has complied with copper and fluoride limits as specified in the Permit and/or Order, as applicable.

All appeal issues having been resolved, the appeal of Huntington Alloys is hereby dismissed from the docket.

ORDERED and ENTERED this 13<sup>th</sup> day of November, 2008.

A handwritten signature in black ink, appearing to read 'E. Snyder', with a long horizontal line extending to the right.

Dr. Edward Snyder, Chairman  
Environmental Quality Board

**ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

***NOTICE OF RIGHT TO APPEAL FINAL ORDER***

In accordance with §22B-1-7(j) of the *West Virginia Code*, you are hereby notified of your right to judicial review of this FINAL ORDER in accordance with §22B-1-9(a) and §22B-3-3 of the *West Virginia Code*. If appropriate, an appeal of this final order may be made by filing a petition in the appropriate circuit court within thirty (30) days from your receipt of this final order in the manner provided by §29A-5-4 of the *West Virginia Code*.