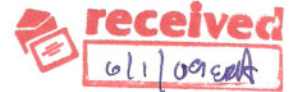




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



VIA CERTIFIED MAIL

MAY 27 2009

Daniel T. Arnold, Program Manager
Division of Waste Water Management
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Re: Request for West Virginia Department of Environmental Protection to withdraw from the DMR-QA Program

Dear Mr. Arnold:

EPA has received your request, dated February 25, 2009, requesting that EPA approve the West Virginia Department of Environmental Protection's (WV DEP) request to withdraw from the Discharge Monitoring Report Quality Assurance Program (DMR-QA).

WV DEP has been operating an internal laboratory certification program since May 1, 1995. Upon determining that benefits of a State run program, WV DEP determined that the 1995 standards required updating to reflect the changes within the agency to include the elevation to a Secretariat level agency. WV DEP submitted these changes to the WV Legislature as part of Senate Bill No. 153 which was approved by Governor Joe Manchin on April 30, 2009. These changes, approved in Senate Bill No. 153, will become effective on June 1, 2009.

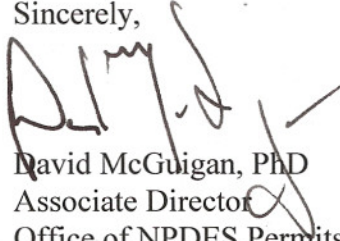
WV DEP has provided EPA with a signed copy of Senate Bill No. 153 and the WV Code of State Rules Title 47, Section 32, (47CSR32), which details the WV DEP laboratory accreditation program. EPA reviewed the full text of the legislation submitted and is satisfied with the following provisions; laboratory requirements (§47-32-4), methodology, quality control and recordkeeping (§47-32-5), and the appeals process (§47-32-6). EPA would like to point out the importance of §47-32-3.13.3. Laboratories that fail to notify clients of the loss of either partial, or full, accreditation place the end user in jeopardy of being in noncompliance with their respective permits.

EPA has requested, and WV DEP has agreed to provide, an annual report of the program. Information in the report will include; number of participants, pass/fail rates, corrective measure plans submitted and approved by WV DEP, number of notifications made by laboratories with accreditation issues, the identification of labs that have lost partial or full accreditation as a result of failing a field of accreditation, and WV DEP response to laboratories that fail to comply. EPA will monitor the program and retains the authority to withdraw this approval upon the request of WV DEP or the indication that the program has not met conditions set forth in 47 CSR 37.

EPA is satisfied that the WV DEP laboratory accreditation program is a suitable surrogate for the EPA administered DMR-QA program. The effective date of the regulations 47 CSR 37, is June 1, 2009. As Study 29 will be underway prior to this date, EPA is requiring WV DEP to participate in Study 29. WV DEP shall notify their Permittees of this as soon as possible. WV DEP will be administering the laboratory accreditation program after the completion of Study 29. Therefore, EPA is granting WV DEP's request to withdraw from the DMR-QA effective upon the completion of Study 29.

If you have any questions, please call Robert Campbell at (215) 814-2374 or Angela McFadden at (215) 814-2324.

Sincerely,



David McGuigan, PhD
Associate Director
Office of NPDES Permits & Enforcement
US EPA Region III

cc: Patrick Yellin, Coordinator, Agriculture Branch, EPA HQ