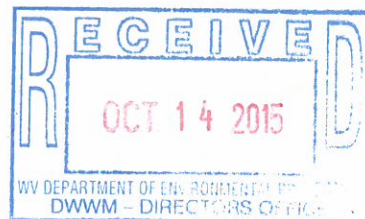




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Scott Mandirola, Director  
Division of Water & Waste Management  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

OCT 02 2015



Dear Mr. Mandirola:

On March 12, 2015, the West Virginia Legislature approved revisions to the State's water quality standards rule (47CSR2 Requirements Governing Water Quality Standards). Those revisions were then signed by the Governor on March 31, 2015. The West Virginia Department of Environmental Protection's (WVDEP) General Counsel certified on June 9, 2015 that the regulations were duly adopted in accordance with State law. In accordance with Section 303(c)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. §1313(c)(2)(A), and 40 CFR §131.20(c), WVDEP forwarded the amended regulation to the Environmental Protection Agency, Region III, on June 25, 2015, and we received it on July 6, 2015.

Prior to these revisions, the state's regulations exempted the Kanawha River main stem, Zone 1 (from mile point 0, at its confluence with the Ohio River, to mile point 72 near Diamond, West Virginia) from the application of the state's public water supply use, Category A (Water Supply, Public). The revised rule submitted for review removes that exemption, resulting on the designation of the Kanawha River main stem, Zone 1 as Category A waters. West Virginia's rationale for this revision is the vastly improved water quality in this segment of the river, making the exemption no longer necessary.

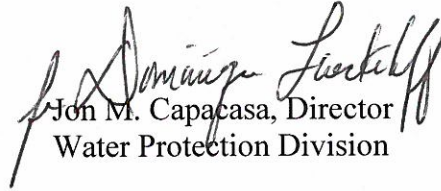
EPA is approving the removal of the Category A exemption in accordance with CWA Section 303(c)(3). EPA has determined that West Virginia is specifying the appropriate designated uses to be achieved and protected for this segment of the river based upon consideration of the use and value of the water in accordance with 40 CFR 131.10(a). EPA commends West Virginia for putting the provisions in place to protect the improvements to the water quality of the Kanawha River.

The submitted revisions also include a copper Water Effect Ratio for the Sanitary Board of the City of Charleston. This revision establishes a site-specific copper criterion for the protection of aquatic life in this segment of the Kanawha River. EPA is still considering the potential impact of this site-specific criterion on federally listed threatened and endangered species and is not taking a CWA 303(c)(3) action at this time.



If you have any questions regarding this action, please do not hesitate to contact me or have your staff contact Denise Hakowski, at 215-814-5726.

Sincerely,



Jon M. Capacasa, Director  
Water Protection Division

cc: Laura Cooper (WVDEP)  
John E. Schmidt (USFWS)