

# DEP Water Quality Standards Program Public Meeting May 8, 2014

Protecting the environment depends on us.



Division of Water and Waste Management



# Meeting Agenda/Overview

- Intro/WQS meeting purpose/goals
- Final 2014 Triennial Review
- Update on program efforts
- Other agency news/updates
- Open forum/adjournment



# Meeting Purpose/Goals

- Previous feedback:
  - Need more outreach for WQS Program
- Public Meetings:
  - Informal format
  - Not bound by formal hearing procedures
  - Present information/gain feedback



# Meeting Purpose/Goals (cont.)

- Information/Topics:
  - WQS Program related (47CSR2)
    - *46CSR6*
  - DWWM news/info
  - Other agency info (EPA, ORSANCO)
  - Other news/announcements
- No formal decisions/commitments



# 2014 Triennial Review

- CWA requirement - state must review and update WQS (47CSR2) every three years
- Triennial review requirements/basic procedures:

*Advisory Council*

2013

- Environmental ~~Review Committee~~ (June)
- Public comment/response (June/July)
- Public hearing (July)
- Submitted to Leg. Rulemaking Review Comm. (August 2013) for submittal to 2014 Legislature
- Final approval (“*effective*”) by EPA ~ 2014/2015



# 2014 Triennial Review *(Nov. 2012)*

- Tentative list of potential revisions\*:
  - BacT - Fecal to E. coli
  - Revise final piece of lakes criteria
  - Reviewing hardness based Al criteria (Cat. B)
  - Revising Beryllium - match EPA criteria
  - Site-specific Zinc
  - Selenium (EPA), potential site specific
  - Bromide (no recommended criteria at this time)



\*Not complete list, only draft for presentation purposes

# 2014 Triennial Review

- Final agency approved revisions (August 2013)
  - 2.2. and 2.2.1. Revision to “Cool water lakes” definition and addition of “Warm water lakes” definition
  - 7.2.d.8.1. Cat A use removal, UNT Daugherty Run and Fly Ash Run
  - 7.2.d.19.3. Variance removal, Ward Hollow of Davis Creek (Dow Chlorides)
  - 7.2.d.29.1. Zinc site specific, Marr Branch (WV American Water – Fayetteville)
  - 8.3.a.2. Lakes nutrient criteria - Finalizing language (removed sampling language)



# 2014 Triennial Review

- Final agency approved revisions (2013)
  - 8.1. Aluminum (hardness based approach)
  - 8.6. Beryllium (adopted the EPA recommended criteria of 4)
  - 8.12.1. Dissolved Oxygen - Kanawha River main stem, Zone 1 - Removal of 4
  - 8.29.2. River specific temperature criteria - Removal of “intermediate temp” zones
  - 8.23. Indeno (1,2,3-cd) Pyrene spelling correction





# 2014 Triennial Review

## 47CSR2

- August 2013 - Agency Approved Rule to SOS/LRMRC
  - November 2013 - LRMRC Hearing
    - Revised Cool/Warm lakes definition
  - January 2014 - Session
    - Removal of proposed A1 revision (revert back to current criteria)
      - March 2014 - Approved by Leg.
      - April 2014 - Signed by Gov.
        - Next? EPA approval



# 2014 Triennial Review

- Final leg. approved rule (April 2014)
  - 2.2. and 2.2.1. Revision to “Cool water lakes” definition and addition of “Warm water lakes” definition
  - 7.2.d.8.1. Cat A use removal, UNT Daugherty Run and Fly Ash Run
  - 7.2.d.19.3. Variance removal, Ward Hollow of Davis Creek (Dow Chlorides)
  - 7.2.d.29.1. Zinc site specific, Marr Branch (WV American Water – Fayetteville)
  - 8.3.a.2. Lakes nutrient criteria – Finalizing language (removed sampling language)
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# 2014 Triennial Review

- What is next?
  - DEP final WQS Rule to EPA for approval
    - To EPA ~ June 2014
      - EPA Approval ~ late 2014/January 2015
        - EPA Approval = Revisions become “effective”
  - Items for future consideration
    - Continue review - EPA recommended Rec Criteria (E coli), Ammonia, Se, Al, ?
    - Proposed Rulemaking 2015



# 2014 Proposed Rulemaking

- More? Yes
  - Two proposed revisions:
    - Copper Water Effect Ratio (WER) for CSB WWTP
      - EPA approved method (*EPA-822-R-01-005, Streamlined Water-Effect Ratio Procedure for Discharges of Copper*)
        - Streamlined approach replaces 1994 method
        - DEP looking into adoption of BLM into WQS for future use
      - DEP/EPA reviewed plan/lab results (2013/2014)
      - WV requires WQS revision/most states do not (permitting effort)
      - WER only applies to copper - aquatic life use (Cat B), no other parameters/uses
    - Removal of Cat A Use Exemption, Zone 1 Kanawha River



# 2014 Proposed Rulemaking

- Removal of Cat A Use Exemption, Zone 1 Kanawha River
  - 7.2.d.19.1. For the Kanawha River main stem, Zone 1, ~~Water Use Category A shall not apply; and~~ T the minimum flow shall be 1,960 cfs at the Charleston gauge.*
- Brief History
  - Kanawha River - Zones 1 & 2 - pre 1970
  - Assume that end point “Zone 1” corresponded to the upper most location of the chemical plants in Belle
  - ~1985/86 zones flipped (so what is now Zone 1 was originally Zone 2)
  - ~1980 the drinking water use was removed from the area we now consider Zone 1



# 2014 Proposed Rulemaking

- Zone 1 location

*7.1.e.2. K - Kanawha River Zone 1. The main stem of the Kanawha River from mile point 0, at its confluence with the Ohio River, to mile point 72 near Diamond, West Virginia.*

(~Upstream of Belle/just downstream from Chelyan)

- What it means?

- Cat A use is restored

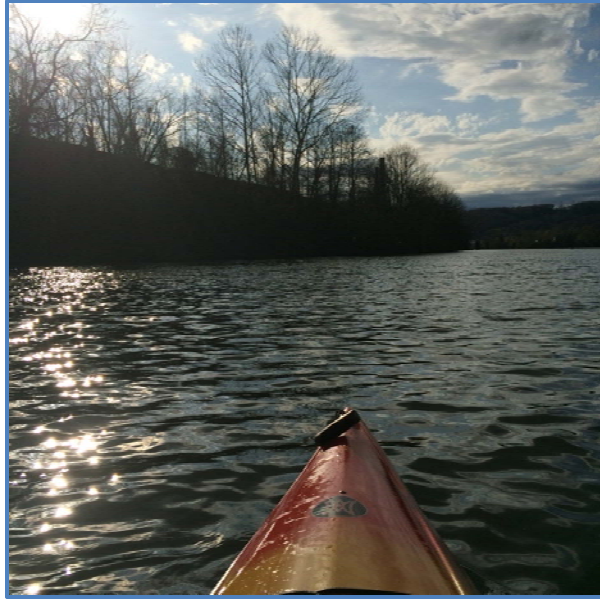
- Is Zone1 meeting all Cat A criteria? Unknown at this time

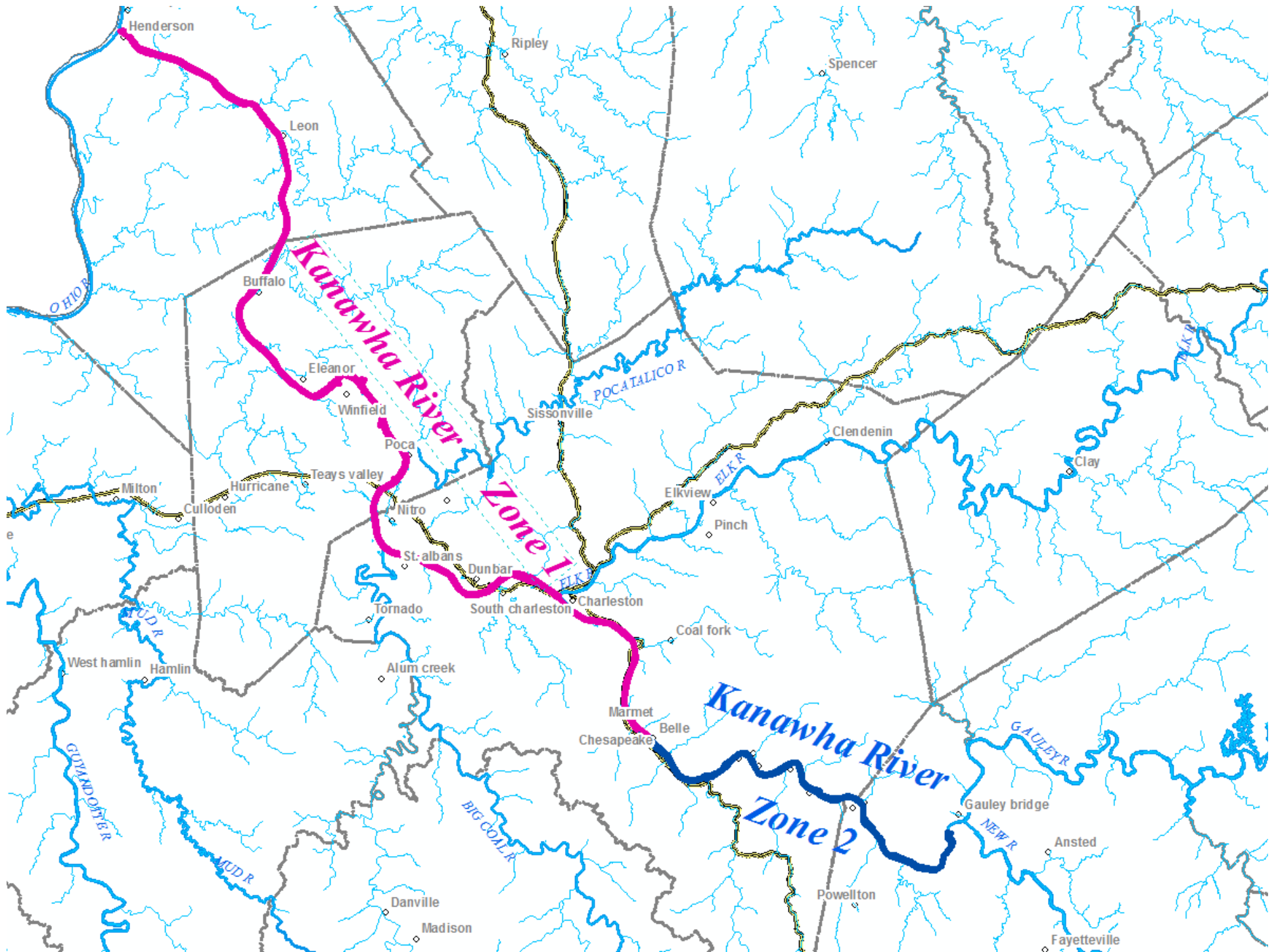
- Policy decision

- Significant historical data

- Drinking water source? In future, yes, facility will need to assess treatment costs/requirements









# 2014 Proposed Rulemaking

- Next steps
  - Draft proposed rule (May)
  - Open review/comment period (June/July)
  - Agency approved rule to SOS/LRMRC (August)
  - 2015 Session
  - EPA approval 2015/2016

*(striking similar to triennial review...)*



# What else?

- WQS Program
  - Expanded to two, soon to be three
  - Increased filamentous algae sampling effort (ICPRB)
    - Will be focus of July meeting
  - Reviewing EPA proposed criteria
    - Rec Use (E coli)
    - Ammonia
    - Selenium (?)
    - Aluminum (?)
    - Bromide study results (?)
- ORSANCO
  - Starting PCS review
    - Accepting comments (5/9/14)



**Thank you**  
**Next meeting – July 2014**  
**Algae/Data Update**  
**Questions? Comments? Discussion?**

