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:
  • 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 Al 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)

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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 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?

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