

DEP Water Quality Standards Program Public Meeting April 24, 2013

Protecting the environment depends on us.



Division of Water and Waste Management



Meeting Agenda/Overview

- Intro/WQS meeting purpose/goals
- Overview of preparation for Triennial Review
 - Review of 2012 efforts/moving forward
 - Proposed revisions for 2014
- 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



Meeting Purpose/Goals (cont.)

- 2013 schedule:
 - April, August, December
 - Tentative meeting in May or June (?)
 - Tentatively last week/end of the month
 - Hearing will be ~ Summer (mid-July)



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

- Prep for 2013 efforts
- Call for revisions (fall 2012)
 - Revisions = additional criteria, update to current criteria, removal of criteria
- 15 submissions, common comments
 - Al, Be, Se, Cond., TDS
 - Cat A, Trout stream
 - Rec Criteria (Bacteria)



2014 Triennial Review

- 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

- 8.13 Fecal Coliform (Rec Criteria)
 - Current criteria is outdated
 - 200/100 (MPN or MF) geo-mean (GM)
 - Not to exceed 400/100 (MPN or MF) in more than 10% of all samples in a month
 - New Recommended Criteria
 - Two Recommendations (“Estimated Illness Rate”), single sample max replaced with STV
 - Still no guidance on how to implement (permitting, assessment, downstream protection)
 - E. Coli proposed (cfu/mL)
 - GM - 126, STV - 410



2014 Triennial Review

- 8.3.a. Lakes Nutrients
 - Ongoing discussion since ~2002
 - 8.3.a.2 EPA approved section (contains criteria)
 - Currently 8.3.a.3. not EPA approved (independent applicability - assessment statement)
 - Propose to drop 8.3.a.3 section and go with what is currently EPA approved
 - Reviewed all lakes data
 - Can address issues via assessment/303d listing
 - Will finalize statewide lakes nutrient criteria (receive full credit for state/EPA R3)



2014 Triennial Review

8.3.a.2. Total phosphorus shall not exceed 40 µg/l for warm water lakes and 30 µg/l for cool water lakes based on an average of four or more samples collected during the period May 1 to October 31. In lieu of such sampling, impairment may be evidenced at any time by noncompliance with section 3.2, as determined by the Secretary. Chlorophyll-a shall not exceed 20 µg/l for warm water lakes and 10 µg/l for cool water lakes based on an average of four or more samples collected during the period May 1–October 31. In lieu of such sampling, impairment may be evidenced at any time by noncompliance with section 3.2, as determined by the Secretary.

8.3.a. [REDACTED] be considered [REDACTED] upon an average total phosphorus concentration [REDACTED] established in section 8.3.a.2, unless [REDACTED] a criterion established [REDACTED] so exceeded.



2014 Triennial Review

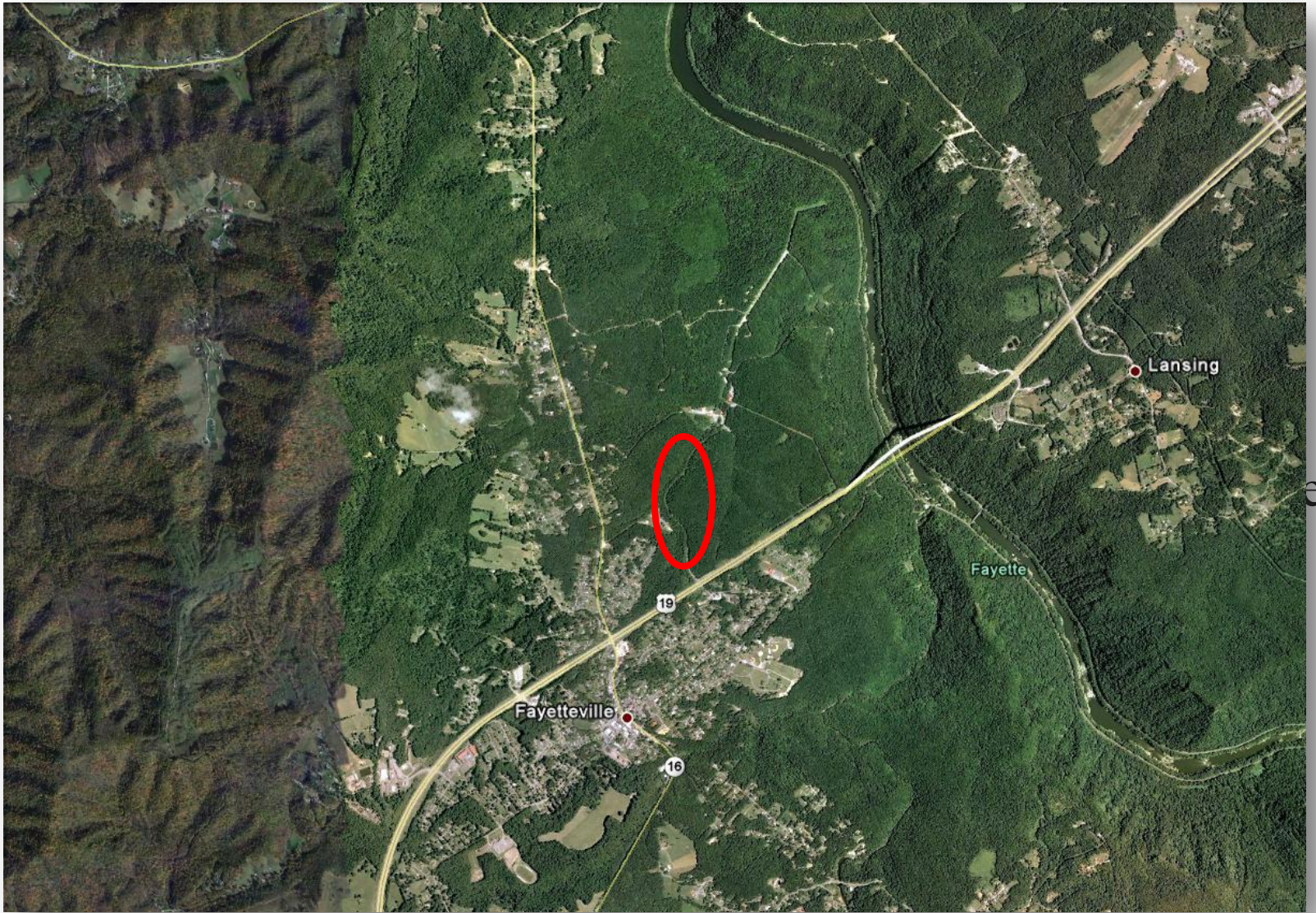
- 8.1 Dissolved Aluminum
 - Hardness based equation in streams that meet pH requirements (6.5-9) and has upper/lower hardness boundaries (category B)
 - Submitted as emergency rule (still in the works)
 - Worked with EPA on final version & still working with EPA
 - Triennial Review will replace emergency rule - and there may be revisions to the criteria if necessary



2014 Triennial Review

- 8.6 Beryllium
 - Replacing old criteria with EPA recommended criteria for human health
 - 0.0077 to 4 ($\mu\text{g/L}$)
 - Submitted as emergency rule (still in the works)
 - Worked with EPA on the revision
 - Triennial Review will replace emergency rule





2014 Triennial Review

Site-Specific Items

- Cat A removal - UNT Daugherty Run and Fly Ash Run
 - Discussed at WQS meeting 6/30/2011 (Albright/Mon Power facility)
 - Representative from facility and Sierra Club spoke.
 - Use removal based on low flow conditions as outlined in 46CSR6
 - All other uses will remain
 - Most likely additional language to 7.2.d.8.1





Albright, WV • Albright

1st St
2nd St

St. Joe Rd

Clarks
Pop Rd

Crane Rd
Co Route 45/3

Co Route 45/1

Co Route 26/61

County Route 7/12

Flyas

© 2013 Google
Image USDA Farm Service Agency

Google earth

Imagery Date: 7/9/2011 1997

39°29'29.23" N 79°37'25.14" W elev. 1656 ft

Eye alt 14087 ft

2014 Triennial Review

Site-Specific Items

- Chloride variance - removal of 7.2.d.19.3
 - Location - Ward Hollow of Davis Creek
 - Variance adopted, approved, and re-approved in past Triennial Reviews (set to expire 7/1/2014)
 - EPA approved method (variance is a temporary solution)
 - Dow has worked to address issue and now meeting WQS
 - Variance will be removed from the Rule (statewide Chloride standard will now apply)



2014 Triennial Review

Site-Specific Items

- Temperature - 8.29.2 removal
 - Intermediate temperature for specific sections of Bluestone R & L, East, New, Gauley, and Greenbrier Rivers
 - Carryover from pre-CWA days (from what we can tell)
 - Under protective in some instances (B2 waters will get correct temp criteria)



2014 Triennial Review

Site-Specific Items

- Dissolved Oxygen - 8.12.1 removal
 - Site specific DO (4 mg/L) for main stem Kanawha Rive Zone 1
 - River is meeting WQS of 5 mg/L
 - Provision is not needed and being removed



2014 Triennial Review

- Other items that may be included
 - Will be moved from double to single column
 - Reformatting will include “clean-up”
 - Definitions - may be revised to be accurate/up to date
 - Match ORSANCO/DEP Rec Criteria on Ohio R.
- Opportunities for input
 - Potential public meeting in May/June prior to (or after) Advisory Council meeting
 - Environmental Advisory Council
 - Public Comment Period



Thank you
Next meeting - ?May/June? August 2013
Questions? Comments? Discussion?



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