

West Virginia Water Quality Standards Program

Protecting the environment depends on us.



Division of Water and Waste Management



Agenda

- **Welcome and Introductions**
- **Staffing Updates**
- **Overview of Comments Received**
- **Triennial Review Timeline**
- **Updates: Nutrient Criteria, Aluminum Criteria, DEP Selenium Study**
- **Pollutant/Issue Summaries:**
 - **e.g. priority pollutants, e. coli, Public A, etc**
- **Variance review**



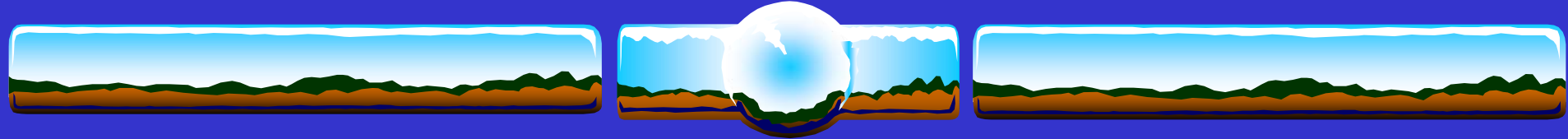
Some basics...

- ❖ **Would like for everyone to sign in**
- ❖ **Meeting is being recorded and minutes taken**
- ❖ **Recognized before speaking**



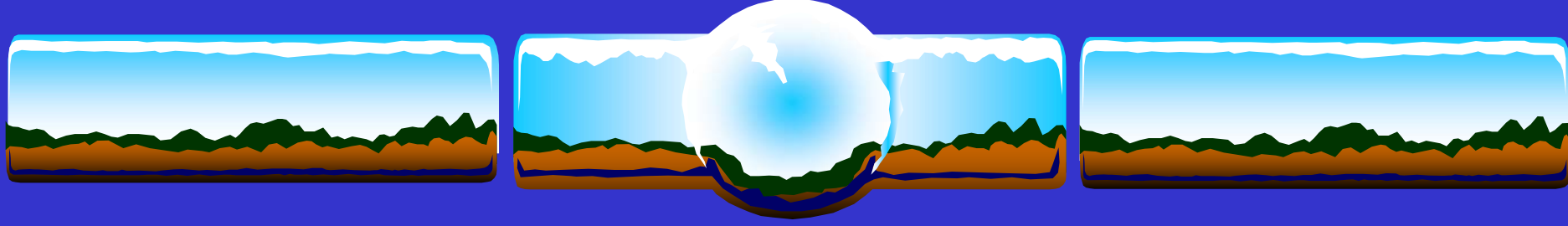
News

- ❖ **Program Leader candidates being interviewed**
- ❖ **WQ Standards Academy Attendance**
- ❖ **Helpful links added to website**
 - ❖ **www.wvdep.org/wqstandards**



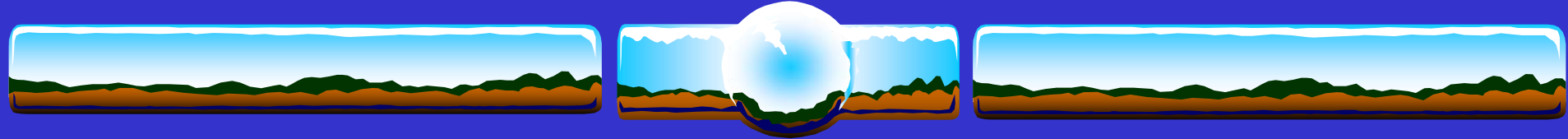
Overview of Comments Received

~20 commentors
Copies available



2007 Triennial Review

Timeline for Completion



September 2005

- **Public meeting to explain DEP process (9/22/05)**
- **Solicit input on new or revised standards to be considered in the triennial review (10/14/05 deadline)**

October-November 2005

- **DEP preliminary evaluation of standards to be addressed**

November 2005

- **Public meeting to discuss standards proposed to be addressed (12/15/05)**

December – March 2006

- **Review of scientific information, fact gathering, drafting of rule revisions
Public meetings(s) as needed**



April 2006

- **Public meeting to explain draft rule revisions and basis**

May 2006

- **Draft proposed rule to DEP advisory council**

June 2006

- **Notice of public hearing/comment period on proposed rule**

July 2006

- **Public hearing on proposed rule**

August 2006

- **Filing of agency approved rule/response to comments with Legislative Rulemaking Review Committee**

Fall 2006

- **Agency approved rule considered by Legislative Rulemaking Review Committee**



2007 Triennial Review Timeline

Fall 2006

- **Agency approved rule considered by Legislative Rulemaking Review Committee**

January 2007 – March 2007

- **Agency approved rule in Legislature**

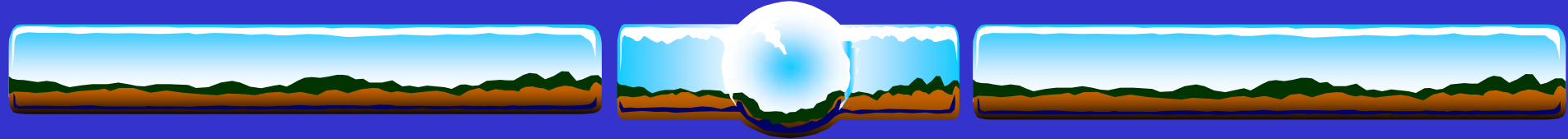
May 2007

- **Filing of final rule with Secretary of State**

July 2007

- **Rationale document and final rule sent to EPA for approval**

Note: The above timelines are approximate dates only.



Nutrient Criteria Committee Update



Nutrient Criteria Development

**States are required to develop and adopt
criteria or EPA will promulgate**

Origins in Clean Water Action Plan

- ❖ **EPA deadlines**

- ❖ **States need plan w/milestones by 10/2002**



Draft Recommended Lakes Criteria document debated within NCC, also forwarded to EPA for comments

Both groups identified certain weaknesses:

- Statistical relationships not strong
- Skepticism in causal link between TP and DO
- Data not compared to that of others with similar sizes and residence times



EPA recommended further study

- NCC subcommittee drafted grant proposal to address
- Worked with WVU researchers – who submitted proposal
Included specific tasks.
- Project should be completed in March '06
- Unofficially been awarded – may be funding/timing issue.
- NCC met to clarify tasks with WVU researchers: Dr. Todd Petty and Dr. Lance Lin
- Lakes criteria anticipated in this review



Aluminum Criteria Revision

- ❖ **2004 HB 4193 required EQB action on Aluminum Criteria**
- ❖ **State Approved rule to EPA 5/9/05**
 - ❖ **Suspending 87 ug/l chronic; interim 750 ug/l dissolved chronic warmwater std 'til 7/4/07**
- ❖ **EPA evaluating submission (60 approve/90 disapprove)**
- ❖ **DEP has met w/ R3 on the pending action**
- ❖ **Supplemental information provided on WQ and fisheries 10/27/05**



Aluminum Criteria Revision

- ❖ EPA R3 technical staff recommending approval/drafting rationale
- ❖ Will then proceed to “concurrence”



Selenium

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Selenium	

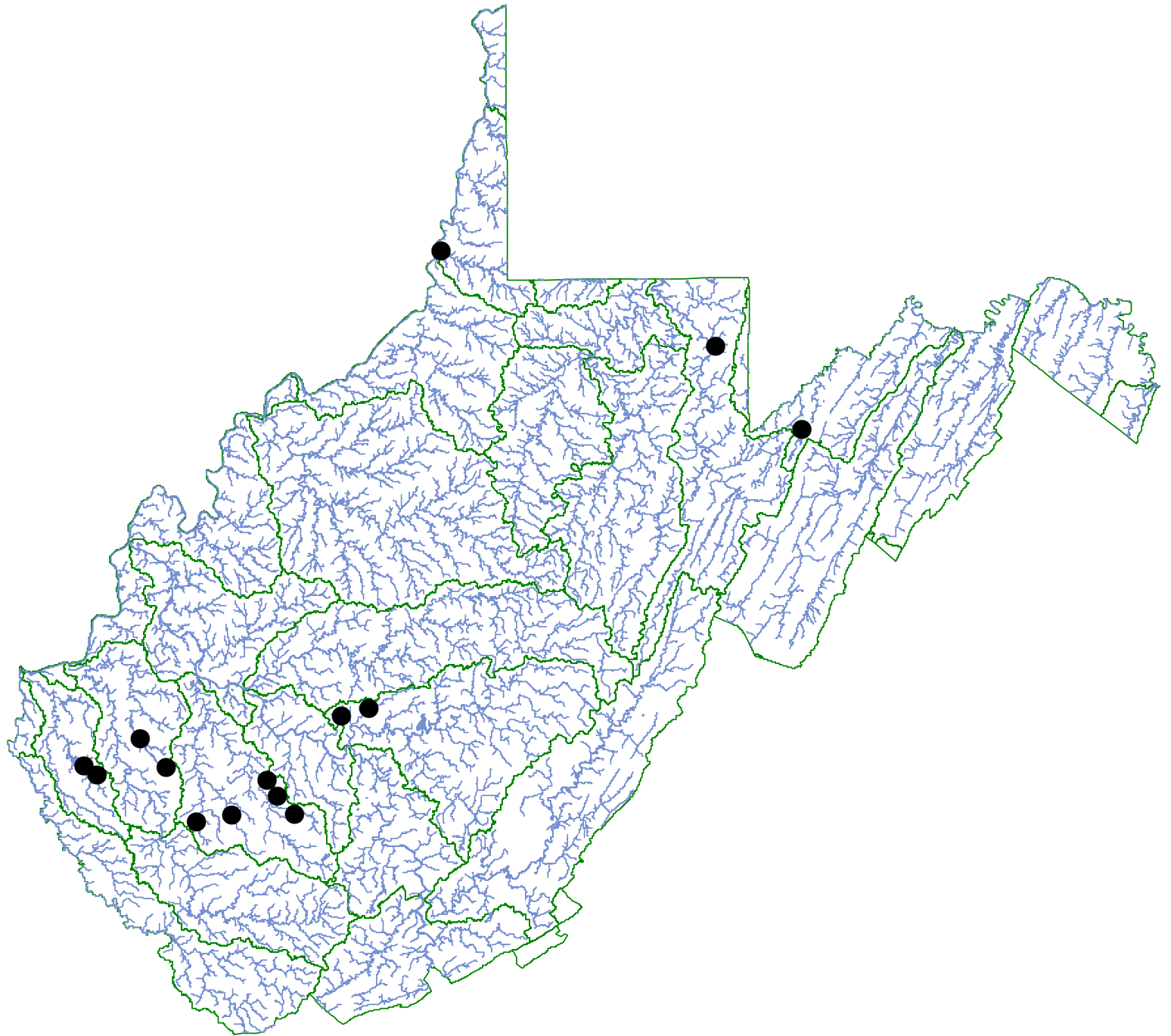
- ❖ Comment received from multiple entities
 - ❖ Revise Acute #, Consider 7.91, Concern w/ 7.91, keep existing #'s
- ❖ Federal word – significant comment on draft selenium aquatic life criterion
- ❖ Late 2008 before revision & implementation guidance
- ❖ Will not be considered in '07 review



Selenium – DEP Study

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Selenium	

- **Notice of Study issued on 11/10/05**
- **Insight into bioaccumulation rates**
- **Collecting fish from areas where elevated instream concentrations observed/believed to be present**
- **Will do 12 months WQ sampling**
- **Target species whole body bluegill/green sunfish; creek chub/stoneroller as backup**
- **Concerns – whole body, edible tissue, organs, detection limits, speciation**
- **Questions**





Mercury

80

Hg

200.59
Mercury

- ❖ Comment received from multiple entities
 - ❖ Adopt federal 0.3 ppm; concern w/ federal 0.3 ppm
- ❖ EPA is encouraging revisiting
- ❖ Issue of national consumption rates used for 0.3 ppm criteria raised
 - ❖ Suggest WV consumption rate may be lower
- ❖ Consumption advisory committee participating in recreational survey– answers will be evaluated for possible use
- ❖ Hg. advancement possible



Appendix B-2: Trout Waters

- ❖ Comment received from multiple entities
- ❖ Comment for including DNR confirmed reproducing streams; comment requesting removal of streams; request for better documentation and/or hearings
- ❖ DEP will pursue issue further



Public A

- ❖ Comment received from multiple entities
- ❖ Summary of prior EQB actions
- ❖ Continued analysis - rule revision may be pursued



Bacteria & Wet Weather Criteria

- ❖ Comment received from multiple entities
- ❖ General support to move forward w/ e.coli
- ❖ History of fecal coliform criteria
- ❖ Agency will pursue revision of criteria to e.coli
- ❖ Wet weather criteria – participating in ORSANCO process



EPA Priority Pollutants

- ❖ Comment received from multiple entities
- ❖ Agency will evaluate and prioritize each pollutant
 - ❖ Pollutant discharged to WV waters
 - ❖ Pollutant observed in WV waters
 - ❖ EPA science appropriate/valid
 - ❖ Future potential of pollutant to be in WV
 - ❖ Comparison w/ drinking water #'s



CURRENT WQS VARIANCES

Company Name	Stream Name	Criterion	Rule
3M Corporation	Opequon Creek	Aluminum	§46-1-7.2.d.2.1
Dupont	Simmons Creek	Temperature	§46-1-7.2.d.20.3
Virginia Electric & Power Company	Stony River /Mount Storm Lake	Temperature (thermal mixing zone)	§46-1-7.2.d.6.1
Appalachian Power	Connors Run	Public A Use Removal, Selenium, Iron	§46-1-7.2.d.16.1
Appalachian Power (John Amos Plant)	Little Scary Creek	Public A Use Removal, Selenium, Copper	§46-1-7.2.d.20.2
Allegheny Power (Albright Power Station)	Unnamed tributary and Fly Ash Run of Daughtery Run	Manganese, Iron, Aluminum, Selenium	§46-1-7.2.d.8.1
Weirton Steel	Harmon Creek	Public A Use Removal, Lead, Temperature, Iron	§46-1-7.2.d.16.2



Variations

- ❖ All variations to be reviewed as part of triennial review
- ❖ Section 7.2 parties may be asked for updated information

www.wvdep.org/wqstandards

Thank you for your attendance!

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