

# Suggestions for 2017 Triennial Review

November 17, 2015

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# Public Comment Period



On August 25, 2015 DEP held a public meeting in which we requested suggestions from the public regarding subjects for consideration for our upcoming 2017 triennial review

DEP received comments until September 30, 2015

A total of 39 comments were received from 18 commenters

This presentation provides a brief summary of the comments received

# Public Comments: Category A Designation

- ▶ Category A designation of all waterbodies is not appropriate
- ▶ DEP should support all of its specific use designations with appropriate evidence
- ▶ DEP should maintain Category A use designation for all rivers and streams

# Public Comments: Methylmercury and Thallium

- ▶ Evaluation of the methylmercury fish criterion for compliance is not defined in the WQS rule.
- ▶ Current methylmercury WQS of 0.012 µg/l is too low.
- ▶ Water quality-based effluent limits (WQBELs) are expressed as total mercury to protect for a criterion that is based on the most toxic, bioavailable form of mercury (methylmercury).
- ▶ The drinking water and drinking water/fish consumption human health criteria for thallium should be removed from the WQS rule

# Public Comments: Design Flow for Calculation of Wasteload Allocations

- ▶ Harmonic mean flow should be used for the calculation of wasteload allocations instead of 7Q10
- ▶ WQBELs are set in a manner which can cause NPDES permit effluent limits to be exceeded due to the concentration of pollutants in intake water

# Public Comments: Mixing Zones

DEP should consider revising the size limitations for calculating mixing zones that govern human health-based water quality standards.

# Public Comments: Narrative Water Quality Criteria

DEP needs to develop a method to assess impairment with respect to the state's narrative water quality criteria.

# Public Comments: Antidegradation

- ▶ WV's WQS rule does not appropriately implement antidegradation to protect narrative criteria in receiving streams.
- ▶ TDS, Conductivity and Sulfate numeric criteria are needed



# Public Comments: Copper

- ▶ Copper limits are too stringent and very difficult for some dischargers to meet.
- ▶ DEP should consider adopting the Copper BLM

# Public Comments: Bromide

- ▶ WV should adopt a bromide standard

# Public Comments: Algae

- ▶ WV needs algae standards that are protective of recreational uses as well as drinking water uses.

# Public Comments: Bacteria

- ▶ DEP should consider revising its fecal coliform bacteria criterion to be consistent with EPA recommendations of using *E. coli* or enterococci.

# Public Comments: Aquatic Life

- ▶ WV should consider whether the following criteria should be adopted into the WQS rule to protect aquatic species in the state: Carbaryl, Acrolein, Diazinon, Nonylphenol and Tributyltin.
- ▶ As DEP reviews its aquatic life criteria, it should consider the level of protection the national water quality criteria recommendations offer threatened and endangered species in WV

# Public Comments: Ammonia

- ▶ DEP should review its ammonia criteria taking into account the more recent EPA recommendation.

# Various Other Public Comments

- ▶ Water quality parameters tend to vary with depth.
- ▶ Pollutant concentrations tend to change with flow.
- ▶ Spills could be considered violations of water quality standards and treated accordingly.
- ▶ DEP should consider the EPA's 2015 Updated Human Health criteria recommendations
- ▶ DEP has adopted revisions to the regulations governing coal-related NPDES permits and should do the same for the regulations governing non-coal NPDES permits.