



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ms. Allyn Turner, Director
Division of Water and Waste Management
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, West Virginia 25304-2345

JAN 07 2005

Dear Ms.  Turner:

The United States Environmental Protection Agency (EPA) Region III is pleased to approve the Total Maximum Daily Loads (TMDLs) for metals, pH, fecal coliform, and biological impairments in the Upper Kanawha River Watershed and the Upper Ohio North Watershed. The TMDLs were submitted to EPA for review in August 2004 with revisions sent in November 2004. EPA commends West Virginia on completion of their first TMDLs developed under the West Virginia TMDL program that follows the Watershed Management Framework cycle. We recognize the significant effort and dedication of you and your staff in developing these TMDLs.

These TMDLs are consistent with obligations under the Consent Decree (entered by the United States District Court for the southern District of West Virginia on July 9, 1997) and Settlement Agreement for the case OVEC Inc., et al., v. Browner, et al. The U.S. Environmental Protection Agency (EPA) has approved final Total Maximum Daily Loads (TMDLs) for 80 waterbodies in the Upper Kanawha River Watershed and 26 waterbodies in the Upper Ohio North Watershed. The TMDLs are for mine drainage, fecal coliform bacteria, and biologically impaired waterbodies in the Upper Kanawha River and Upper Ohio North watersheds. EPA's decision rationales for approving these TMDLs are enclosed.

In accordance with Federal regulations found in 40 CFR §130.7, a TMDL must comply with the following requirements: (1) be designed to meet water quality standards, (2) include, as appropriate, both wasteload allocations for point sources and load allocations for nonpoint sources, (3) consider the impacts of background pollutant contributions, (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated), (5) consider seasonal variations, (6) include a margin of safety (which accounts for any uncertainties in the relationship between pollutant loads and instream water quality), (7) consider reasonable assurance that the TMDLs can be met and, (8) be subject to public participation. The TMDLs for the Upper Kanawha River Watershed and the Upper Ohio North Watershed satisfy all statutory and regulatory requirements.

Following the approval of these TMDLs, the West Virginia Department of Environmental Protection shall incorporate these TMDLs into the State's Water Quality Management Plan

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pursuant to 40 CFR §130.7(d)(2). As you know, any new or revised National Pollution Discharge Elimination System permits, with applicable effluent limits, must be consistent with the TMDL's wasteload allocation pursuant to 40 CFR §122.44(d)(1)(vii)(B)(2). Any such permit should be submitted to EPA for review consistent with EPA's letter dated October 1, 1998.

If you have any questions concerning these TMDLs, please contact Ms. Jennifer Sincock, West Virginia TMDL Coordinator at (215) 814-5766 or Mr. Thomas Henry, TMDL Program Manager at (215) 814-5752.

Sincerely,



Jon M. Capacasa, Director
Water Protection Division

Enclosures

cc: Mr. Patrick Campbell, WVDEP

*Congratulations on this
milestone and the superb work
that has gone into these TMDLs!*

