



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

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

[SEP 26 2006]

Dear Ms. *Lisa* McClung:

The United States Environmental Protection Agency (EPA) Region III is pleased to approve the Total Maximum Daily Loads (TMDLs) for metals, pH, selenium, fecal coliform, and biological impairments in the Coal River watershed. The TMDLs were submitted to EPA for approval on September 5, 2006. EPA commends West Virginia on completion of these 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. EPA has approved final Total Maximum Daily Loads (TMDLs) for 142 waterbodies in the Coal River Watershed. The TMDLs are for mine drainage, fecal coliform bacteria, and biologically impaired waterbodies in the Coal River watershed. EPA's decision rationale for approving these TMDLs is 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 Coal River watershed satisfy all statutory and regulatory requirements.

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As you know, any new or revised National Pollutant 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,

A handwritten signature in black ink, appearing to read "John M. Capacasa", with a long horizontal flourish extending to the right.

John M. Capacasa, Director
Water Protection Division

Enclosures

cc: Mr. Patrick Campbell, WVDEP
Mr. David Montali, WVDEP

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