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Division of Water and Waste Management
Water Quality Standards Program
Requirements Governing Water Quality Standards Rule

On June 16, 2016, the Division of Water and Waste Management (DWWM) commenced a forty-five day public comment period and subsequently held a public hearing on August 9, 2016 to accept oral and written comments on proposed revisions to the WV legislative rule "Requirements Governing Water Quality Standards," 47 CSR 2 DWWM proposed the following substantive revisions (summarized):

6.2-6.10	Revisions to "Category A - Water Supply, Public" use category
8.2.b	Critical design flow for human health criteria
8.5.a	Adding Biotic Ligand Model (BLM) for copper
8.13	*E. coli* replacing Fecal Coliform
8.23	Additional aquatic life criteria added

Public Notice, Hearing, and Comments

The following sections are included:

A. **Statement of Notices to Public**

B. **DEP response to comments**

C. **Written Comments & Hearing Transcripts**

A. Notices to Public

The public was noticed of WV Water Quality Standards (WQS) proposed rule changes in several ways. On June 17, notice of proposed changes to 47 CSR 2 was published in the WV State Register, Volume XXXIII, Issue 24. On June 17, 2016, DEP Public Information Office (PIO) sent a notice to its email-based mailing list, and DEP WQS Program sent an email notice to previous attendees of WQS public meetings. A legal ad regarding proposed rule changes was published in The Charleston Gazette-Mail newspaper on June 25, 2016. News Releases were sent to press from DEP PIO on June 24, 2016; as a result, news articles throughout West Virginia were written indicating the upcoming public hearing.

B. DEP response to comments

WV Department of Environmental Protection (DEP) response to comments to 47 CSR 2 Rule Revisions

DEP is grateful to every person, organization, and group who participated in this public process to revise West Virginia's standards of water quality. Because water quality is a concern for everyone who lives, works, and recreates in West Virginia, public involvement in this process is invaluable. DEP thanks you for providing your views and concerns on this very important subject. Specific responses to comments may be found below.

Written Comments on 2015 Proposed WQS Rule – DEP Responses

Commenter: Environmental Protection Agency

Comment Summary: *(for full comment see pg 395 of written comments)*

Category A: *USEPA's comment regarding the proposed Category A designated use removal process first notes that the process being proposed "in and of itself is not a water quality standard subject to EPA review under CWA Section 303(c)," also noting that any removal pursuant to this process will at that time be subject to CWA Section 303(c) review, and will require at that time, documentation justifying the consideration of the "use and value" supporting the State's action to remove the use. EPA asks for reiteration in DEP proposed language for subsection 6.7 of this rule, asking that it be stated that existing uses cannot be removed, and further that the use removal is not effective until approved by EPA. EPA concludes this portion of the comment by inquiring as to a legal explanation of how use removals executed through the NPDES process are legally binding after the permit expires.*

DEP Response: DEP understands that while the proposed process for removal of Category A use through NPDES permitting is not a water quality standard for review, any changes made subject to this process will be subject to EPA 303(c) review, and will require documentation justifying the use and value of the stream, taking into consideration downstream protection and existing uses of the water. To reiterate this concept, DEP has amended proposed subsection 6.8 so that it now reads:

> 6.8. Any determination made under subsection 6.3 that the Category A use does not apply will not be effective until approved by EPA.

DEP has decided, however, not to add language to this section specifying that existing uses cannot be removed because this statement already exists in subsection 6.1.b, which states "A designated use which is not an existing use may be removed," and "existing use" is defined in subsection 2.6 as "those uses actually attained in a water on or after November 28, 1975, whether or not they are included in the water quality standards." Furthermore, DEP is not proposing to change the requirements for use removal with this change. The proposed change seeks only to change the process by which the use may be removed for only two of the six reasons for infeasibility specified in subsection 6.1.b.1-6, namely subsection 6.1.b.3 "low flow conditions of water levels prevent the attainment of the use," and subsection 6.1.b.5 "hydrologic modifications preclude the attainment of the use."

Regarding an explanation of how use removals executed through the NPDES process are legally binding after the permit expires, after Legislative approval of the process, submitting documentation justifying how the consideration of the use and value of water supports the State's action to remove the use, and receiving EPA CWA 303(c) approval, the use removal is at that point a legally binding water quality standard, not only while the permit is in place, but afterwards as well. DEP proposes in subsection 6.10 to maintain a list of these water segments on DEP website, and has added language to further solidify this process:

6.10. The Secretary shall maintain a list of water segments determined unsuitable for Category A use pursuant to subsection 6.3-6.8 herein on the West Virginia Department of Environmental Protection website.

47 CSR 2 6.1.b. *EPA requests that the proposed words "permit applicant" be removed from this section, and that it be reverted back to original language.*

DEP Response: This section has been reverted back to its original language.

Critical Design Flow for Human Health Criteria: *EPA recommends harmonic mean flow to be used as the design flow to implement both carcinogen and non-carcinogen human health criteria, because "health criteria are designed to protect an individual over a lifetime of exposure."*

DEP Response: DEP has proposed the use of harmonic mean flow for the design flow for human health carcinogens, but chooses to remain with the more stringent 30Q5 design flow for non-carcinogens, because some criteria, specifically those developed for taste and odor, become problematic at lower flow conditions.

Establishment of Site-Specific Criteria: *EPA again notes that a DEP-proposed revision to allow for the establishment of site-specific criteria for Copper through the NPDES permitting does not constitute a water quality standard change subject to EPA review under CWA Section 303(c), but that these changes will be subject to such review and approval in order for each site-specific criterion change to be effective.*

DEP Response: DEP has amended subsection 8.5.a to 47 CSR 2 so that it says the following:

8.5.a. A site-specific numeric criterion may be established as part of the NPDES permitting process by use of a Water Effect Ratio study pursuant to the procedures described in U.S. EPA's "Interim Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994); or a site-specific numeric criterion for copper may be established by use of a Biotic Ligand Model analysis pursuant to the procedures described in U.S. EPA's "Aquatic Life Ambient Freshwater Quality Criteria – Copper" (February 2007). Any site-specific numeric criterion established under this subsection will not be effective until approved by EPA.

E. coli: *The commenter states "EPA is pleased that West Virginia is proposing to adopt E. coli criteria that for the most part appears to be consistent with EPA's recommendations found in "Recreational Water Quality Criteria" (EPA-820-F-12_058). In order to be wholly consistent with EPA recommendations, EPA recommends WVDEP revise "nor shall E.coli concentration exceed 410 cfu/100 ml in more than ten percent of all samples taken during the same month" to "nor shall E. coli concentration exceed 410 cfu/100 ml more than 10% of the time in the same month. As written it appears that West Virginia's criteria would be based on number of samples collected vs. the intended duration and frequency that not value can exceed 410 cfu/100 ml more than 10% of the time regardless of the number of samples."*

Also, WVDEP should remove the provision "based on no less than three samples per month." Data sufficiency (e.g., sample size) is not a reviewable element of a water quality standards submission as determined by 40 CFR § l31.21(c), but it could be considered in EPA's review as it relates to the criteria's

scientific defensibility and protectiveness of the use. Data sufficiency is more appropriately addressed in the development of the State's assessment methodologies."

DEP Response: Due to EPA's concerns, and to make certain this water quality criterion will best protect the recreational use of all West Virginia waters, DEP has amended subsection 8.13 to 47 CSR 2 to say the following:

8.13 *E. coli*:

Maximum allowable level of *E. coli* content for Water Contact Recreation (either MPN or MF) shall not exceed 126 cfu/100 ml as a monthly geometric mean; nor shall *E. coli* concentration exceed 410 cfu/100 ml more than 10% of the time in the same month.

Aquatic Life Criteria: *The commenter states "Although acute criteria recommendations are available for acrolein, carbaryl and diazinon, WVDEP has not proposed adoption of acute criteria, as those numbers are the same as the chronic recommendations. EPA notes that although the acute and chronic magnitudes for these criteria are the same, the frequency and duration differ, and therefore would make a difference in the implementation of these criteria for CWA purposes such as the development of water quality-based effluent limits in NPDES permits, and assessment of water quality. EPA recommends that WVDEP modify this revision to include the acute criteria for acrolein, carbaryl and diazinon."*

DEP Response: Acute criteria are designed to be protective if not exceeded during a one hour average more frequently than once every three years; chronic criteria, likewise, are protective if not exceeded during a four-day average more frequently than once every three years. Yet, EPA recommends criteria for acrolein, carbaryl, and diazinon which are precisely the same number for both acute and chronic exposure. EPA has not explained how the criteria are accurate given that the magnitude is equal while the frequency differs. DEP proposes to use the chronic exposure rather than the acute for each of these, but is amenable to adding the acute in the future if the reason for doing so becomes clear.

Other: *The commenter stated "For West Virginia's triennial review, the state will need to provide explanations where new or revised criteria are not adopted for parameters where WPA has published new or updated CWA Section 304(a) criteria recommendations since May 30, 2000."*

DEP Response: After West Virginia legally adopts these changes, when DEP submits them to EPA for approval, DEP will provide comment for any newly or updated CWA Section 304(a) criteria not adopted by the state during this Triennial Review.

Commenter: WV Rivers Coalition, and on behalf of WV Highlands Conservancy, WV Citizens Action Group, WV Surface Owners Rights Organization, Ohio Valley Environmental Coalition, Friends of Beautiful Pendleton County, Upper Potomac Riverkeeper, League of Women Voters of WV, Greenbrier River Watershed Association, Advocates of Safe Water System, Kanawha Forest Coalition, Laurel Mountain Preservation Association, and WV Environmental Council

Comment Summary: *(for full comment see pg 361 of written comments)*

Category A: *WV Rivers Coalition et al "strongly support the current, long-standing status of Category A designation for all waters within West Virginia." The comment notes a new state law which makes it "especially crucial to preserve the future use of drinking water in sources where the flow makes it a feasible source." The comment also states that "we cannot allow more carcinogens into our water simply because at that particular location the water is not used for drinking." The comment goes on to cite federal requirements from 40 C.F.R. 131.10 for removal of uses, and 40 C.F.R. 131.12, the antidegradation policy. The comment concludes this section by suggesting changes to proposed 47 CSR 2 subsection 6.3a – Insufficient Flow, regarding flow being compensated for by effluent discharge; subsection 6.6, suggesting that a water's potential as a backup water supply be considered; and subsection 6.6c, suggesting that a groundwater under the direct influence of surface water (GWUDI) determination be made.*

DEP Response: DEP understands your organizations' support for the long-standing policy of West Virginia designating all state waters as Category A Public Water Supply unless otherwise exempted by specific revisions to Water Quality Standards. In fact, beyond being a policy, this practice stems from a statutory responsibility for setting standards of water quality which "protect the public health and welfare, wildlife, fish and aquatic life and the present and prospective future uses of the water" for any legitimate beneficial uses thereof (WV Code §22-11-7b, subsection c). However, DEP was directed by Legislature to consider alternative applications of Category A for 2017 Triennial Review *see* WV Code §64-3-1(h) (2015).

As stated currently in 47 CSR 2, Category A waters are defined as waters which "are used for human consumption." As specified in statute, DEP is seeking to define these waters more consistently with statute as waters which "are used *or are capable of being used* for human consumption" (emphasis added). In making this change, WV can better protect waters which are capable of being used as a future drinking supply, while also allowing for the removal of use when the water could not be used for that purpose. All requirements of 40 C.F.R. 131.10 for removal of uses, and 40 C.F.R. 131.12, the antidegradation policy, will continue to be adhered to with this rule revision, as the revision does not seek to change the requirements for removal of a use, but only to change the process by which this specific use can be removed, in the specific cases of insufficient flow or hydrologic modification.

Even though uses like Category A apply statewide, uses have always been removable if all of the following conditions are met:

- the use sought to be removed is not an existing use
- the use is determined unfeasible due to a condition of 47 CSR 2 subsection 6.1.b.1– 6
- requirements of 40 CFR 131.10 and 40 CFR 131.12 are met
- a 45-day public comment period is given
- Legislative approval is obtained
- it has obtained EPA approval

Of these requirements, the changes proposed to Category A removes only the Legislative approval requirement to remove Category A use, and only specifically when the infeasibility of the use is due to insufficient flow (6.1.b.3) or because it has been hydrologically modified (6.1.b.5).

In proposed 47 CSR 2 Section 6.3.a Insufficient Flow, subsections 1 – 5 specific criteria are identified which shall be considered by DEP before a decision is made which would remove the Category A use based on insufficient flow. Section 6.3.a.1 which states "whether the water, though having insufficient flow to serve as a primary water supply source, could serve as an emergency or backup supply" does not suggest that a water *would* be suitable for public supply; rather, it simply seeks to define a situation in which the use *might not* be able to be removed due to the volume of effluent discharges to that particular section of stream.

Proposed Section 6.6.c details a requirement for the submittal of results of research determining whether drinking water wells or springs are in the vicinity; if they are, a determination of the potential for hydrogeologic connection shall be made. DEP will review this information and determine whether further studies need to be conducted.

Critical Design Flow: *Regarding harmonic mean flow, the comment states that "there are certain instances where the Harmonic Mean Flow is not a good indicator of flow," such as cases of seasonably variable discharges or during low flow periods. The commenters also request that WVDEP work with USGS to develop regression equations for each region of the state to estimate harmonic mean flow statistics. In addition, the comment refers to Affiliated Construction Trades Foundation comments from 2003 regarding harmonic mean, saying that "WVDEP must determine the amount of increased carcinogens to be discharged into WV waters as a result of changing from 7Q10 to Harmonic Mean."*

DEP Response: Harmonic mean flow is the recommended method for implementing human health criteria (USEPA 2014). As stated in 47 CSR 2 subsection 8.2.a, and as indicated in EPA criteria development procedures, criteria developed for human health, whether for recreation, fish consumption, or public water supply, are based on the risk of one additional cancer case per one million people, over a 70-year lifetime of exposure. Human health criteria are developed to be fully protective of human health, and their protectiveness is not dependent upon the current flow of a waterbody, whether it is at flood stage or during drought. Because of the way these criteria are developed, the long-term average flow, or harmonic mean, is the best fit for designing the critical flow for human health carcinogens.

Regarding flow calculations on West Virginia waters, while DEP sees the value in estimating flow using regional data to calculate estimated runoff, due to resource constraints DEP currently uses USGS Procedures for Estimating Selected Streamflow Statistics for gauged locations, partial-record stations, and ungauged locations, in order to calculate estimated stream flow (USGS 2008). DEP partners with other state and federal agencies to work with USGS to maintain stream gauges throughout the state; unfortunately, limited resources at DEP and the other partnering agencies limits the number of gauges that can be added to our streams at this time.

Please see DEP Response to Affiliated Construction Trades comments for response to the portion of your comment referring to ACT's comments from 2003, and for more on the availability of harmonic mean stream flow information.

E. coli: *Regarding using E. coli as a bacterial indicator, this comment suggests a transition process in which fecal coliforms are run concurrently, that this process should be stated in Water Quality Standards, and*

also that impaired streams on 303(d) list remain unless new E. coli data contradict existing impairment. In addition, the comment states "we have serious concern over the daily maximum criterion included in the previously proposed revision. Understanding that when WVDEP collects fecal coliform data, it rarely does so more than once a month during routine testing..."

DEP Response: Using *E. coli* as a bacterial indicator has been recommended by EPA since 1986 (USEPA Ambient Water Quality Criteria for Bacteria 1986), and in 2012 EPA released a Recreational Water Quality Criteria Document supporting *E. coli* as an appropriate bacterial indicator. In 2015, EPA released implementation documents for this recommended criteria, which detail the process by which states should implement *E. coli* as an indicator for recreational waters. Implementing this change to WV Water Quality Standards will not change any established TMDLs, nor will it affect the existing 303(d) list. Furthermore, permit limits for bacterial indicators will continue to be set recognizing achievable disinfection technologies.

In regards to the concern for frequency of *E. coli* testing by DEP, it should be noted that DEP is not the only entity regulating recreational water in West Virginia. Per Legislative rule, local health departments require sampling during the recreational season at bathing beaches throughout the state (64 CSR 16, Recreational Water Facilities). This rule states that bathing beach water shall conform to the "Requirements Governing Water Quality Standards" rule, and:

> "The Commissioner shall collect a series of water samples for bacteriological analysis from each recreational water facility. A series shall consist of one (1) water sample each from the deep end, the shallow end, and the wading pool, if applicable, or two (2) water samples from different locations of a bathing beach" (64 CSR 16 section 7.3.a).

BLM and Aquatic Life Criteria: *WV Rivers Coalition et al supports the revision to use the Biotic Ligand Model (BLM) for Copper and the additional proposed aquatic life criteria, and asks that DEP also adopt the "other 91 standards for organic chemicals that EPA recommends."*

DEP Response: Thank you for providing these comments supporting the biotic ligand model and additional proposed aquatic life criteria. The "other 91 standards" to which you refer are presumably the newly-recommended human health criteria released by EPA in June 2015. DEP is currently reviewing the changes made by EPA in these recommended criteria, and will make a decision regarding their addition to WV water quality standards after this review is complete.

Commenter: West Virginia Manufacturers Association

Comment Summary: *(for full comment see pg 350 of written comments)*

Category A (Comment A): *Essentially, the West Virginia Manufacturers Association (WVMA) asserts four contentions here. First, approval of 47 CSR 2, (Requirements Governing Water Quality Standards (WQS)) by the 2015 West Virginia Legislature "was conditioned on a study by the Department of Environmental Protection (DEP) of . . . possible alternative application of the Category A public water supply" use. Second, the DEP "ignored the Legislature's direction and refused to consider whether distance to an intake should*

be evaluated when determining where . . . Category A use applies." Third, that EPA lacks the authority to approve a Category A determination by DEP as proposed in the modifications to the WQS Rule. Fourth, that the statewide application of Category A is inconsistent with the requirement that a DEP rule adopted after July 1, 1994, cannot be more stringent than its federal counterpart without a written determination that it is necessary.

DEP Response: These contentions are simply incorrect. The Legislature did not direct the DEP "to conduct a study" to determine where to apply Category A. Instead, it merely directed the DEP to "consider" potential alternative applications for the Category A designation. *See* WV Code §64-3-1(h) (2015). The pending modifications to the WQS Rule clearly demonstrate that DEP did in fact not only consider an alternative procedure for making a Category A designation, but also took the Legislature's directive one step further by proposing a legislative rule that establishes a process for removing this designation, even though it was not required to do so.

Moreover, DEP did not refuse to consider distance to an intake as part of a Category A determination. Subsection 6.3 provides that when making a Category A determination, DEP must consider not only flow and hydrologic modifications, but also any other criteria, including distance to a water intake. Additionally, subsection 6.6 clearly provides an NPDES applicant with the opportunity to demonstrate that the distance to a downstream public water intake would not preclude removal of Category A designation at the point of discharge.

Furthermore, there is no merit to the contention that EPA lacks the authority to approve a Category A permit determination as proposed in the pending rule. Section 303(c) of the federal Clean Water Act (CWA) and 40 CFR 123.62 provide that any revision to existing water quality standards must be submitted to EPA for approval. Also, pursuant to 40 CFR 123.44, proposed NPDES permits must be submitted to EPA for approval.

Finally, there is no merit to the assertion that the statewide application of Category A is inconsistent with its federal counterpart because it lacks a written determination that the inconsistency is necessary. There is no federal counterpart to the state Category A use designation. Therefore, the issue of inconsistency is nonexistent.

Critical Design Flow (Comment B): *The commenter supports the use of the harmonic mean flow for calculating permit limits for carcinogens. The WVMA supports DEP's proposal to use 30Q5 flow for non-carcinogens, but requests that DEP modify the rule to allow for the use of harmonic mean flow in certain instances.*

DEP Response: Thank you for these comments. DEP appreciates WVMA's support and believes that 30Q5 is an appropriate flow value to calculate human health criteria permit limits for non-carcinogens, but we do not believe harmonic mean to be an appropriate flow statistics for non-carcinogens.

Mixing Zones (Comment C): *The commenter proposes that DEP modify the provisions governing mixing zones to allow the agency to waive the prohibition against the overlapping of mixing zones.*

DEP Response: Thank you for this comment; however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose any substantive modification to the establishment of spatial limits on mixing zones. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

***E. coli* (Comment D):** *The WVMA supports DEP's proposal to amend the WQS rule to provide for the use of E. coli instead of fecal coliform as an indicator of bacteriological pathogens, but proposes that the agency modify the provision to allow for wet weather exceedances.*

DEP Response: DEP appreciates WVMA's support. In regards to modifying the proposed language to allow for wet weather exceedances, however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose a substantive modification to allow wet weather exceedances. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

Aluminum (Comment E*):* *The commenter asks DEP to consider whether an alternative method should be developed for translating dissolved aluminum criteria into total aluminum limits in NPDES permits.*

DEP Response: DEP does not believe that the WQS rule is the appropriate rule or forum to address this issue or suggestion. Moreover, federal and state regulatory requirements provide that water quality based effluent limits for metals, including aluminum, must be in total recoverable form.

Net Limits (Comment F*):* *The WVMA proposes that the rule be modified to allow "net limits" for pollutants in certain circumstances.*

DEP Response: Thank you for providing these comments. In regards to modifying the proposed rule to allow for "net limits," however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose a substantive modification to the rule to allow "net limits" for pollutants in certain circumstances. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

Aquatic Life Criteria (Comment H): *The commenter is concerned that there are no laboratories certified in West Virginia to analyze discharges for the organics acrogenic, carbaryl, diazinon, nonylphenol, and tributyltin and seeks confirmation that the method detection limits are achievable. The commenter is also concerned about method validation and proficiency test samples for these parameters.*

DEP Response: Thank you for providing these comments. In order for a laboratory to perform NPDES compliance analyses for any West Virginia client, it must be certified by the West Virginia

DEP's Laboratory Quality Assurance Program to perform these analyses. Requirements of the Laboratory Quality Assurance Program include, but are not limited to, adherence to the requirements defined by each analytical method, 40 CFR 136 and 47 CSR 32. Such requirements include method validation, ongoing quality control and assurance, method detection limit (MDL) studies and analyses of proficiency test samples (PTs) from an EPA-approved provider.

DEP's Laboratory Quality Assurance Program certifies laboratories to perform organic analyses by method (not by compound), and there are currently several commercial laboratories certified for methodology that can be used to analyze for these compounds (please see Table 1 below). Laboratories which are currently certified for these methods, but do not routinely perform analyses of these compounds, would incur any associated expenses of doing so such as, but not limited to, purchase of any needed equipment, standards and PTs if they wish to perform these analyses. Laboratories not certified for methodology that can be used for these analyses would have to apply for method certification. Which involves an application fee of $50 for a lab already in the Certification Program or $80 for a lab that is not in the Certification Program. The cost for addition of organics is $250 per method to a maximum charge of $750 per category (volatile organics and semi-volatile extractable organics). Therefore additional certification fees could be as high as $1,500. If the laboratory is already certified for at least 3 other organics methods, there is no additional certification charge.

If and when permittees are required to monitor discharges for those organics, laboratories which are certified for these methods but do not routinely analyze these compounds may choose to do so, and laboratories not certified for these methods may become certified as demand is established.
Table 1 below shows the number of laboratories currently certified by DEP's Laboratory Quality Assurance Program to perform analytical methods that can be used for the analysis of the corresponding compounds shown below. This does not mean that all of the laboratories certified for these methods routinely analyze any or all of the compounds listed. The list of methods shown below is not exhaustive, as other methods may be used for analysis of these parameters.

Compound	Method	Number of WV-Certified Labs	
		In-state	Out-of-state
Acrolein	EPA 624	2	20
Carbaryl, Nonlyphenol, and Tributyltin	EPA 625	1	19
Diazinon	EPA 614	0	2

Table 1. Number of Laboratories Certified by DEP for Specific Organic Methods

A current list of laboratories certified by DEP's Laboratory Quality Assurance Program can found on DEP's website: http://www.dep.wv.gov/WWE/Programs/lab/Pages/default.aspx

For any additional questions regarding laboratory certification please contact WVDEP- DWWM-Laboratory Quality Assurance Program.

Regarding Method Detection Limits (MDLs), NPDES permit limits are set to be protective of water quality standards and are not necessarily set at the actual standards themselves. In the event that

an NPDES permit limit is set at a level that is currently not technologically achievable by laboratory instrumentation, the permittee is required to report results down to the level that is achievable, with any results below this level to be reported as "non-detect." The agency has never pursued enforcement action based on "non-detect" in cases such as this. This type of situation has existed for years for compounds such as PCBs and Dioxins.

Commenter: Affiliated Construction Trades

Comment Summary: *(for full comment see pg 190 of written comments)*

Critical Design Flow: *The commenter was opposed to the proposed rule changes stating "The State has not adequately investigated the impact on all streams of West Virginia of abandoning the use of a low flow, such as the 7Q10. The effect of the rule change on our rivers has not been determined'. The commenter further stated "The rationale for embracing harmonic mean flow as the critical design flow is based upon the assumption that the linear lifetime exposure model for carcinogens is correct for all cancer causing substances. While the use of the linear lifetime exposure model for cancer may in many cases be conservative, we believe that applying such an assumption across-the-board for all cancer causing substances fails to account for valid alternative models of cancer."*

The commenter expressed concern regarding the proposed critical design flow for non-carcinogens stating "Prior to changing the design flow for non-carcinogenic human health criteria form 7Q10 to 30Q10, an analysis must be conducted to evaluate the increased health risk to citizens of West Virginia of allowing increased levels of non-carcinogenic toxic pollutants to be discharged to the waters of West Virginia and the legislature must determine that the increased health risk is acceptable."

DEP Response: WV has the ability to evaluate harmonic mean flow in all streams in the state. Regardless of the flow statistic used, all streams designated and existing uses will be protected through effluent limits prescribed in the NPDES permits. Therefore, the proposed rule change will not alter the protection of uses on our rivers. The one in a million cancer risk threshold protections will still be afforded.

DEP agrees harmonic mean is a higher flow value than 7Q10, and WV has the ability to evaluate harmonic mean flow on all streams in the state. Harmonic mean varies with the drainage area, precipitation rates in the state, and the degree of flow regulation. While the switch to harmonic mean theoretically allows more pollutants to be discharged (more mixing/dilution), actual permitting practices limit the amount of mixing to only what is needed to meet water quality standards at the end of mixing. Stated another way, changing to harmonic mean for carcinogens, pollutants does not automatically allow a tripling or higher of the amount of carcinogens being discharged. Each discharge is only given the minimum amount of mixing necessary, per DEP's longstanding mixing zone guidance, which says of sizing a mixing zone :

> "The initial boundary estimations would be the maximum that could be granted. If subsequent evaluations show compliance could be expected with effluent limitations based upon the dilution provided by smaller zones, then the zone boundaries should be

reduced accordingly. The permit writer should follow a principle of granting mixing zones only as large as necessary. However, such minimization should not be so stringent as to place otherwise compliant dischargers into noncompliance." (Water Quality Standards/Mixing Zones Implementation Guidance, 1997).

As far as nonlinear versus linear effect response for carcinogens, Affiliated Construction Trade's comments from 2003 and subsequently this year may be referring to the previous assumption used by EPA in criteria development that all cancer-causing agents were represented by a linear response, meaning it was assumed that there was no threshold below which there was no risk of cancer. Alternatively, for non-cancer-causing substances, it was expected that, while some exhibited a linear response, others had a threshold below which there was no expected effect (EPA 1994, also see EPA Supplemental Module *Historical Approach*). EPA's updated approach to calculating protective human health criteria, however, is to consider both linear and nonlinear response for both carcinogens and noncarcinogens. This new approach involves the determination of an appropriate approach for deriving human health criteria "based on the mode of action for an effect more than whether the effect of interest is cancer or not" (EPA Supplemental Module *Updated Approach*). In any case, the rationale for using harmonic mean flow as the critical design flow for human health criteria is *not* based upon any assumption regarding linear versus nonlinear effect response; rather, using harmonic mean flow for human health criteria is based upon the fact that the duration and frequency for human health criteria is 70 years (an average human lifespan) and the 1 in 1,000,000 risk frequency. This risk factor has been approved by Legislature in the currently-approved water quality standards rule, and is clearly stated as "one additional cancer case per one million persons" (47 CSR 2 8.2.a).

Commenter: League of Women Voters of West Virginia

Comment Summary: *(for full comment see pg 225 of written comments)*

Category A: The commenter opposes allowing Category A exemption through the NPDES permitting process stating "variances from Category A use need full reviews and studies to ensure downstream water uses are protected."

DEP Response: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition, and also the response to EPA in regards to ensuring downstream waters are protected.

Critical Design Flow: The commenter opposes use of harmonic mean stating "Changing the way flow of the waters are determined needs a full study in conjunction with USGS. The method used should take into account the lowest flow of the waters."

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

E. coli: *The commenter "The procedure for determining bacterial count in our waters should use both fecal coliform and E. coli until it is determined which is the more accurate system."*

DEP Response: Using *E. coli* as a bacterial indicator has been recommended by EPA since 1986 (USEPA Ambient Water Quality Criteria for Bacteria 1986), and in 2012 EPA released a Recreational Water Quality Criteria Document supporting *E. coli* as an appropriate bacterial indicator. In 2015, EPA released implementation documents for this recommended criteria, which detail the process by which states should implement *E. coli* as an indicator for recreational waters. Implementing this change to WV Water Quality Standards will not change any established TMDLs, nor will it affect the existing 303(d) list. *E. coli* is a specific group of bacteria within the fecal coliform family, and analytical testing methodologies for this parameter are well established. There are several laboratories certified by the WVDEP's Laboratory Quality Assurance Program to perform *E. coli* analysis.

Aquatic Life Criteria: The commenter stated that DEP should "adopt EPA's recommended standards for aquatic life criteria for organic chemicals."

DEP Response: Thank you for providing this comment.

Commenter: GEI Consultants and Copper Development Association (CDA)

Comment Summary: *(for full comment see pg 234 of written comments)*

BLM: *The commenter supports DEP's proposed rule "which includes language to allow the BLM to be used to derive site-specific criteria for copper". The commenter further stated "we are encouraged to see the adoption of criteria derivation methods that more accurately predict copper bioavailability compared to existing hardness-based standards."*

DEP Response: Thank you for providing these comments.

Commenter: American Electric Power
Comment Summary: *(for full comment see pg 283 of written comments)*

Category A: *The commenter stated "We appreciate DEP allowing some flexibility to the regulated community concerning mechanisms to demonstrate that the Category A use is not appropriate on a site-specific basis. We believe that the proposed provisions do not go far enough, however. We request that DEP re-consider the common sense approach to Category A. This use designation should only apply when an actual drinking water intake is located at a reasonable distance from a permitted facility. This would allow adequate protection of raw river water quality and not incur significant wastewater treatment costs for a facility not located proximal to an intake. If, despite these recommendations, DEP decides to finalize the proposed changes considering applicability of Category A criteria, we believe a cost/benefit analysis*

should be conducted, i.e., what are the treatment (economic) costs relative to the environmental benefits of all waterbody segments attaining Category A use criteria?"

DEP Response: West Virginia has a long-standing policy of designating all state waters as Category A Public Water Supply unless otherwise exempted by specific revisions to Water Quality Standards. In fact, beyond being a policy, this practice stems from a statutory responsibility for setting standards of water quality which "protect the public health and welfare, wildlife, fish and aquatic life and the present and prospective future uses of the water" for any legitimate beneficial uses thereof (WV Code §22-11-7b, subsection c). However, DEP was directed by Legislature to consider alternative applications of Category A for 2017 Triennial Review *see* WV Code §64-3-1(h) (2015).

During comment period provided in September 2015, several suggestions were made regarding Category A, some in line with those stated above, and some suggesting no changes be made. The current notice of proposed rulemaking for the WQS rule does not propose changing the way that Category A designation is currently applied nor does it seek to remove Category A designation from any specific stream (or all streams). The proposed change only relates to the process of attaining Category A exemption; not to its applicability. WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. Therefore, DEP cannot modify the rule to include such a proposal without first submitting it to the public for review and comment. For additional information, please see the response to West Virginia Manufacturer's Association.

Critical Design Flow: *The commenter stated "We support DEP's proposed provision that the harmonic mean streamflow be used for deriving wasteload allocations regarding carcinogenic pollutants. AEP supports the comments submitted by the West Virginia Manufacturers Association."*

DEP Response: Thank you for providing these comments.

Commenter: Ohio Valley Environmental Coalition

Comment Summary: *(for full comment see pg 305 of written comments)*

Category A: *The commenter is opposed to the proposed rule changes stating "We oppose any weakening of the Category A classification for our potential (future) or actual (current) source water stream."*

DEP Response: Thank you for providing these comments. Similar comments regarding Category A were received; please see the response to WV Rivers Coalition.

Critical Design Flow: *The commenter is opposed to the proposed rule changes stating "We also oppose changing the stream flows used in pollution limit calculations from one using low-flow conditions to one using average flow; this is an action that even agency officials acknowledge allows for greater levels of cancer-causing chemicals into our streams and rivers. WV already has some of the highest cancer rates in*

the nation. Given this, it seems imperative to tighten regulations on known or potentially carcinogenic chemical releases, and to fully enforce those regulations throughout the state using every regulatory tool at our disposal. A study to assess this potential (of releasing more chemicals into streams) and to survey exactly what kinds of chemicals would be added in greater quantities to our streams should be done prior to any further consideration of these rule changes."

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

***E. coli*:** *The commenter states "We support DEP's recommendation to utilize the E. coli standards but would encourage establishment of monthly testing procedures to adequately monitor our streams for that pollutant. We also encourage frequent sampling and monitoring of both E. coli and fecal coliform indicators during the transition period while these standards are being implemented, to ensure that our streams are safe for recreational use."*

DEP Response: Thank you for providing this comment. DEP is not the only entity regulating recreational water in West Virginia. Per Legislative rule, local health departments require sampling during the recreational season at bathing beaches throughout the state (64 CSR 16, Recreational Water Facilities). This rule states that bathing beach water shall conform to the "Requirements Governing Water Quality Standards."

Commenter: West Virginia Rural Water Association

Comment Summary: *(for full comment see pg 309 of written comments)*

As an alternative to using the USGS regression equations, WVRWA recommends WVDEP consider a mapping method for estimating low flow values between gauging stations, and suggests using the average annual runoff, subtracting for evapotranspiration. Other comments were similar in substance to those presented at the public hearing.

DEP Response: Regarding flow calculations on West Virginia waters, while DEP sees the value in estimating flows using average annual runoff and evapotranspiration data, due to resource constraints, DEP currently uses USGS Procedures for Estimating Selected Streamflow Statistics for gauged locations, partial-record stations, and ungauged locations, in order to calculate estimated stream flow (USGS 2008). DEP partners with other state and federal agencies to work with USGS to maintain stream gauges throughout the state; unfortunately, limited resources and budget constraints at DEP and the other partnering agencies limit the number of gauges that can be added to the stream gauging network at this time. Where flow information is needed at points between stream gauges, flow statistics from both gauges are utilized, versus simply relying on regional equations.

Commenter: Headwaters Defense Council

Comment Summary: *(for full comment see pg 400 of written comments)*

Category A: *The State of West Virginia cannot afford the monetary cost of removing Class A protections, increasing concentration of any chemicals, or reducing protections of any streams. Current water quality monitoring of drinking source water are grossly insufficient. Sufficient monitoring is not economical for the state of West Virginia and public utility providers under current water quality standards. This impact would be worsened by lifting stream protections and allowing increased concentrations of compounds into waterways."*

DEP Response: Thank you for providing these comments. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

General: *The commenter states "If the proposed changes to water quality apply in any way to the oil and gas waste stream, WVDEP must collaborate with West Virginia Bureau for Public Health (WVBPH) in order to change water quality standards as per the West Virginia Radiological Health Rule.*

DEP Response: Thank you for this comment however DEP believes that it is not applicable to the scope of the proposed changes.

Commenter: West Virginia Coal Association

Comment Summary: *(for full comment see pg 402 of written comments)*

Category A: *The commenter states "The statewide application of the Category A / public drinking water supply use designation maintained by WVDEP continues to be an unsubstantiated interpretation of West Virginia's water quality standards that has created substantial regulatory confusion and imposed significant costs (with not benefit) on the coal industry. WVDEP has largely ignored this comment and the simple solution it offers to end the Category A controversy, choosing instead to hide behind the EQB's fabricated justification for statewide application." With regard to the water quality standard for manganese, the commenter further states "EPA's approval of the 5-mile rule and its supporting justification presents a very practical question to WVDEP with regard to application of drinking water criteria to all state waters: If application pf Category A use designation at the point of intake is protective of "all water withdrawn for drinking" and if application of the Mn 5-mile rule continues to protect the*

public water supply" as EPA observed in its approval documents, then why would a similar approach not be protective and warranted for other parameters?"

DEP Response: Thank you for providing these comments; however, these comments do not seem to be directly related to the proposed rule changes and as such are not within the scope of the changes. WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose an addition of any standards for any parameter within a certain proximity to existing drinking water intakes nor seek to remove Category A designation from any specific stream (or all streams). Therefore, DEP cannot modify the rule to include such proposals without first submitting it to the public for review and comment.

Commenter: Rodney Hytonen

Comment Summary: *(for full comment see pg 256 of written comments)*

General: *The commenter stated "Our government agencies were created to protect the people from its (natural resources extractive industries) not to enable it. Please do not allow this facility to be built or operated at all".*

DEP Response: Thank you for providing these comments; however, it does not appear that they are related to the proposed rule changes.

Commenter: Phil Price PhD, Lori Magana, Reverend Jeff Allen, West Virginia Council of Churches

Comment Summary: *(for full comment see pg 446, 448 and 449 of written comments)*

Written comments were similar in substance to those presented at the public hearing. Please see Oral Comments Response Section of this document for comment summary and DEP response.

Commenter: Lisa Lucas

Comment Summary: *(for full comment see pg 294 of written comments)*

Category A: *The commenter states "Don't remove Category A designations form our streams. I'd suggest that EVERY stream should have such a designation. How can you think it's okay to designate a common resource to just one use-someone else's waste?"*

DEP Response: Thank you for your comment. Currently Category A exemption can be allowed, under certain circumstances, by making application to the Water Quality Standards program

provided that the applicant meets the requirements defined in *Title 46 Procedural Rules Series 6 Procedural Rules Governing Site-Specific Revisions to Water Quality Standards* for such an exemption. The proposed rule change does not negate the requirements of obtaining such an exemption nor does it preclude EPA's approval of such a request, rather it allows for an exemption to occur during the permitting process as opposed to after the permitting process is complete.

Conductivity: *The commenter states "I know that the EPA has concluded that a simple test for electrical conductivity can show whether a stream is getting polluted from things like mine fracking".*

DEP Response: Thank you for your comment; however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule, other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose any establishment of an electrical conductivity standard. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

***E. coli*:** *The commenter states "Testing for bacteria from agricultural run-off is a good idea especially in swimming holes or recreational lakes."*

DEP Response: Thank you for your comment.

Commenter: Mark Blumenstein

Comment Summary: *(for full comment see pg 304 of written comments)*

General: *The commenter states he concurs with the comments submitted by the West Virginia Rivers Coalition. The commenter further expresses concern regarding groundwater contamination from fracking and subsequent water supply contamination.*

DEP Response: Thank you for these comments. Please see response to Rivers Coalition. Although not directly related to the proposed rule revisions DEP appreciates your concern regarding groundwater contamination.

Commenter: Christopher Benison, Brian Dorsey, 2LT Cody A. Jones, Sierra Club, Brian Washington

Comment Summary: *(for full comments see pgs 94, 204, 374, 435 and 465 of written comments)*

Conductivity: *Commenters are in favor of adoption of a 300 µS/cm standard for electrical conductivity.*

DEP Response: Thank you for your comment; however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule, other than an emergency rule, it must first

give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose any establishment of an electrical conductivity standard. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

Category A: *Commenters stated that DEP should "protect Category A drinking water".*

DEP Response: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Critical Design Flow: *Commenters stated that DEP should "reject proposed change."*

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

E. coli: *Commenters state that DEP should "increase monitoring of E.coli and fecal coliform bacterial contamination."*

DEP Response: Thank you for your comment.

Aquatic Life Criteria: *Commenters were in favor of adoption of standards for acrolein, carbaryl, diazinon, nonylphenol and tributyltin.*

DEP Response: Thank you for providing this comment.

Commenters with similar comments regarding proposed revisions: Alloway, Paul; Alonso, Shantha; Anderson, Colleen; Andrew, Ross; Asbury, Tracy; Assadzandi, Shane; Attar, Marz; Badger, Ben; Bair, Judith; Bassett, Carroll; Bouldin, Thomas; Bouman, Ashofteh; Brabec, Charles; Brady, John; Brandy-Condon, Danette; Brewer, John; Briggs, Donald; Burke, Paul; Carson, Jerry; Casebolt, Nicole; Chasengnou, Jessica; Christopher, Linda; Coakley, Doyle; Cooper, Kat; Corley, Sarah; Covington, Beth; Craig, Christopher; Dadisman, Larry and Evelyn; Darrah, Jan; Dennison, Theresa; Dixon, James; Donahue, Michael; Eich, Kevin; Ellis, Cynthia; Ellis, Pamela; Engle, Eric; Erb, Lela; Farewell, Linda; Fedorov, Karen; Flanagan, Claire; Fremaux, Charlotte; Gall, Robert; Gannon-Miller, MaryLois; Gherke, Amy; Glick, Art; Greenhalgh, Diana; Gundrum, Patricia; Hall, Bonnie; Hall, Kelli; Hall, Kerren; Hamilton, Judy; Hancock, Deborah; Hancock, Paul; Hansen, James; Hawbaker, Kathryn; Headden, Dorris; Hicks, William; Higgins, Kent; Holmes, Jack; Hornsby, Suzanne; Howe III, Paul; Howells, Marilyn; Hughes, Angela; Humes, Barbara; Iliff, Jeff; Irwin, Doris; Irwin, Kelly; Johnson, Taylor; Julian, Sue; Justice, Nathan; Kaufman, Barrie; Kearns, Sharon; Keener, Emily; Keener, Leigh Anne; King, Tracy; Klausing, Michael; Koenig, Gabrielle; Kovich, Jenni; L., Mary; Lee, Mary; Leonard, Mark; Lindley, Garth; Little, George; Long, Autumn; Lustig, Bert; Lynch, Grace; Maereneck, Carli; Magana, Lori; Malafy, Steve; Manypenny, Mike; Marion, Rachelle; Marrone, Rhonda; Marsh, Charles; Martin, Beverly; Martin, Julie; McAulay, Jean; McGeorge, Marilyn; McGowan, MaryAnn; McLeod, Michael; McNaull, Patricia; Melear, Erik; Mertz, Mar; Milam, Dwayne; Miller, Norma; Mills, Damon; Mills, Damon; Mizell, Clarence; Moats, Cassie; Moore, Michael; Morgan, Ben; Mueller, Ellen; Mullett, Martha; Nagle,

Tom; Onishi, Nori; Osbourn, Sandra; Pappano, Rachael; Park, Becky; Parker, Gary; Payne, Jerry; Payne, Jerry; Pennington, Christopher; Pennington, Ciera; Preperato, Chris; Presley, Steven; Redd, Mark; Reeder, Betsy; Rose, Lori; Ross, Jody; Royalty, Debbie; Runfola, Steven; Sandy, Joseph; Savage, Edward; Schles, David; Schrader, Gina; Scott, Elizabeth; Sheffield, Carol; Shrader, Sabrina; Shreve, Kelly; Simplicio, Gale; Skaggs, William; Slider, Francis; Smith, Cindy; Smith, Judith; Somers, Stephanie; Stalnaker, Jacqueline; Stanley, Robert; Stockman, Vivian; Stone, Leslie; Stoner, Amanda; Sussman, Ilene; Thiele, Matthew; Thiele, Natalie; Thompson, Natalie; Tonet, Monique; Torchenot, Ferold; Turner, William; Vanmeter, Susan; Vickers, Selina; Vogel, Steven; Walker, Martha; Ward, Nancy; Wellman, Diana; Wenzel, Joseph; Witten, JB; Witten, Jeff; Wolfe, Stacey; Wooddell, David; Woodrum, Joy; Wyatt, Matt; Young, Sara; Yurkovich-Birchford, Annette; Zerbe, Janet; Zorger, Rachel

Comment Summary: *(for full comments see written comments)*
A total of 173 individuals provided emailed comments with the subject "Water Quality Standards." These comments were similar in substance and opposed proposed changes to Category A, opposed proposed Harmonic Mean Flow calculation, suggested collecting more fecal coliform and *E. coli* data, and some also mentioned their support of adopting the proposed additional aquatic life criteria. These comments were very similar to the following:

> *Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.*
> *Keep our water quality standards protective of public health and recreational safety:*
> *Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.*
> *Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.*
> *Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.*
> *Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.**
> *Thank you for the opportunity to comment.*
> *Last item included in comments received after July 29, 2016

DEP Response: Thank you for providing these comments. Please see DEP response to West Virginia Rivers Coalition.

Commenters who commented via MoveOn.org petition titled Protect West Virginia Water:
Anderson, Karen; Apel, Mark; Aros, Donna; Aryn; Axel, Anne; Baxter, Terri; Belcher, Fred; Bennett, Colin; Bernhard, Janet; Blakeman, Robin; Blalock, Jessica; Boggess, Taylor; Bonner, Charles; Bordo, Lyn; Bouldin, Thomas; Boulis, Daile; Bracken, Rozanna; Buzzard Cherie; Campbell, Kevin; Cantley, Steve; Carpenter, Joshua; Carpenter, Joshua; Cathell, Robin; Chase, J.; Cheremisinoff, Nicholas; Cheremisinoff, Tatyana; Chiotos, Daniel; Click, Caresta; Cockerham, Katherine; Condon, Michael; Del Prete, Tina; Dennis, Elizabeth; Elliott, Mckey; Ervolina, Anthony; Eskew, Whitney; Ewing, DeWayne; Fabbri, Amy; Farrell, Maureen; Ferguson, Tom; Friedmann, Jane; Fuller, Jared; Garrett, Lucas; Giltin, K., Goldstein, Patti; Graham, Mark; Haltom, Sarah; Haltom, Vernon; Hannah Hansen, Joan; Harrington, Linda; Harris, Pam; Hawkins, William; Hendrick-Johnson, Sharron; Hendrix, Regina; Henry, Clint; Hoskinson, Amy; Hunter, Judy; Jarrell, Debbie; Johnston, Wendy; Justice, Al; Keeny-Redden, Sandra; Kemp, June; King, Kenneth; Knadler, Wendy; Lee, Jennifer; Lucas, Angela; Mace, George; Mallamo, Michelle; Malone, Ann; Maness, Danielle; McIntire, Patrick; Miller, Petra; Mitchell, Johnathon; Moore, Michael; Morris, Zoe; Morrison, Michael; Murray, Peggy; Nelson, Nanette; Nelson, Paul; Norton, James; Oliver, Robert; Parcell, Teresa; Parsons, Nancy; Perry, Janet; Price, Jesse; Price, Jody; Price, Scott; Raines, Justin; Rebich, Wayne; Reece, Richard; Reott, Jason; Richard; Ricketts, Margaret; Rose, Debbie; Rose, Lori; Rose, William Scott; Sakkal, Ahmed; Sarah; Saunders, Karen; Scherer, Lisa; Schnell, Terry; Schumacher, Peter; Scott, Elizabeth; Scumacher, Patricia; Sheffield, Carol; Showalter, Donna; Shultz, Jamie; Smith, Patricia; Spencer, Margaret; Stephanie; Stockman, Vivian; Sullivan, Mary; Tamara; Tursia; Tuttle, Alfred; Vaughan, Joanna; Wack, Joseph; Wahl, Jeanne; Walk, Junior; Walker, Michelle; Webb, Bo; Webster, Adam; Welch, Cindy; Wellman, Diane; Whalen, Nancy; Williams, Carole; Wilson, Jeff; Wilts, Sara; Winser, Rita; Woods, Jessica; Yokochi, Laura

Comment Summary: *(for full comment see written comments)*
A total of 131 individuals emailed a petition submittal from MoveOn.org petition titled Protect West Virginia Water." These comments were similar in substance and opposed proposed changes to Category A, opposed proposed Harmonic Mean Flow calculation,

The petition states:
Reject proposed weakening of WV water quality standard 47 CSR 2. WVDEP should: reject the harmonic flow estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; adopt a 300 µS/cm conductivity standard to protect aquatic life from mine runoff and other threats.

DEP Response: Thank you for providing these comments. Please see DEP response to West Virginia Rivers Coalition. Although not directly related to the to the current proposed rule changes, we appreciate your comment regarding adoption of a conductivity standard; however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule, other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the WQS rule did not propose establishment of an electrical conductivity standard. Therefore, DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

Commenters who generally commented on the need to improve and maintain standards of water quality in West Virginia: Niris Bharathae, Dave Harshbarger, Luke, Rostocki, Kent Higgins, Lucy Jenkins

Comment Summary: *(for full comment see pgs 75, 134, 153, 218, 262 and 441 of written comments)* These individuals provided comments which were similar in substance and indicated the need to maintain standards of water quality in West Virginia.

> **DEP Response**: Thank you for providing these comments. Protection of the State's waters and health of its residents are high priorities of DEP.

Public Hearing August 9, 2016 – Oral Comments DEP Response

Speaker: Jeff Allen, West Virginia Council of Churches

Comment Summary: *(for full comment see pg 4 of public hearing transcript)*

Category A: *The commenter states "I am greatly appreciative that all streams of West Virginia are protected through Category A regulations, and I personally would be strongly opposed to the weakening of those standards."*

> **DEP Response**: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Mercury and Selenium: *The commenter states "The Council urges that the narrative standards for mercury, selenium and other toxic metals should not be compromised as these elements pose many dangers to human health."*

> **DEP Response**: Although not directly related to the to the current proposed rule changes, we appreciate your comment and recognize the importance of protecting human health.

Other: *The commenter states "The Council encourages the State and its agencies to adopt and enforce the Federal Clean Water Act standards and supports the highest level of protection possible for our finest water streams."*

> **DEP Response**: Thank you for providing this comment. It is a priority of DEP to adopt and enforce water quality standards that are consistent with the goals of the Clean Water Act and are protective of the designated uses of the State's waters.

Speaker: Philip Price

Comment Summary: *(for full comment see pg 7 of public hearing transcript)*

Category A: *The commenter is opposed to the proposed rule changes stating "Degrading our currently available alternate water supplies will really increase future risks to public health (because) we would be additionally polluting sources that could be used as back-ups in the future."*

> **DEP Response**: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Critical Design Flow: *The commenter is opposed to the proposed rule changes stating "DEP proposes increasing the amount of permissible carcinogens and other pollutants in West Virginia waters by changing the flow dilution calculation factors. Some of the increases would be more than tenfold based on current stream data however to my knowledge there is no data on current carcinogen pollutant identities, current concentrations and proposed future concentrations."*

> **DEP Response:** Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition and Affiliated Construction Trades.

Speaker: Lori Magana

Comment Summary: *(for full comment see pg 8 of public hearing transcript)*

Category A: *The commenter is opposed to the proposed rule changes stating "I believe that changes to the current level of protection would be detrimental to the health and well-being of those who live and play in West Virginia. Please keep Category A standards and maintain the highest level of water testing so that we can drink, bathe, fish and play in West Virginia without worry."*

> **DEP Response**: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Speaker: Junior Walk, Coal River Mountain Watch

Comment Summary: *(for full comment see pg 10 of public hearing transcript)*

General: *The commenter states "I think we can all agree that no matter what any of us come up here and say, the DEP is going to do what the DEP wants to do, and what the DEP wants to do is what the industry wants them to do always, no matter what. We've got enough cancer in the state. We don't need to be letting industry put whatever they want to into our rivers. We disagree with this proposed rule change."*

> **DEP Response**: Thank you for providing this comment. Public comments are of the utmost importance to DEP and to the rulemaking process, particularly in the case of Water Quality Standards, as it is a rule that is of concern to everyone who lives, works, and recreates in West Virginia. All comments are greatly appreciated and thoroughly considered. As a state government agency, it is our duty to consider the concerns of all parties. Our top priority is to protect the waters of West Virginia so that all uses can be fully protected.

Speaker: Autumn Bryson, West Virginia Rivers Coalition

Comment Summary: *(for full comment see pg 11 of public hearing transcript)*

Critical Design Flow: *The commenter is opposed to use of harmonic mean flow stating "Harmonic mean flow is recommended by EPA, but there are certain circumstances where it's not really a good indicator of flow and it should be recognized as such by DEP. Instead of harmonic mean flow, there should be a modeling technique that calculates the average daily concentration of criteria pollutants over time. I would encourage DEP to work with USGS to do a study for the entire state and study the low flows and find the areas where harmonic mean flow might not be the best estimate."*

> **DEP Response:** Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see DEP response to WV Rivers Coalition written comments.

Speaker: James Kotcon, West Virginia Chapter of the Sierra Club

Comment Summary: *(for full comment see pg 15 of public hearing transcript)*

Category A: *The commenter is opposed to the proposed rule changes stating "Protect the Category A drinking water streams; these are potential sources of drinking water in West Virginia and we urge that DEP delete the proposed section 6.3 through 6.9 of this proposed rule."*

> **DEP Response:** Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Critical Design Flow: *The commenter is opposed to use of harmonic mean flow*

> **DEP Response:** Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

Conductivity: *The commenter is in favor of adoption of a standard for electrical conductivity of "at least 300 µS/cm."*

> **DEP Response:** Thank you for your comment; however, WV Code §29A-3-5 provides that whenever an agency proposes to promulgate a rule, other than an emergency rule, it must first give the public the opportunity to review and comment on the proposal. The current notice of proposed rulemaking for the Water Quality Standards rule did not propose any establishment of an electrical conductivity standard. Therefore, the DEP cannot modify the rule to include that proposal without first submitting it to the public for review and comment.

***E. coli*:** *It is the commenter's view that DEP should "Require increased monitoring of both E. coli and fecal coliform bacteria where recreational uses of water are proposed as the designated use."*

DEP Response: Thank you for your comment. The proposed rule change involves replacing the current fecal coliform criterion with an *E. coli* criterion. DEP is not the only entity regulating recreational water in West Virginia. Per Legislative rule, local health departments require sampling during the recreational season at bathing beaches throughout the state (64 CSR 16, Recreational Water Facilities). This rule states that bathing beach water shall conform to the "Requirements Governing Water Quality Standards." All waters of the state are designated as Category C (Water Contact Recreation) unless otherwise defined as exempt from this classification in 47 CSR 2.

Aquatic Life Criteria: *The commenter states "We support the proposed recommended standards for aquatic life for the compounds of carbaryl, diazinon, nonylphenol and tributyltin."*

DEP Response: Thank you for providing this comment.

Speaker: Karen Ireland

Comment Summary: *(for full comment see pg 18 of public hearing transcript)*

General: *The commenter requests that DEP "Please do more to protect our water."*

DEP Response: Thank you for your comment. Protection of the State's waters is a high priority of DEP.

Category A: *The commenter is opposed to the proposed rule changes*

DEP Response: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the response to WV Rivers Coalition.

Critical Design Flow: *The commenter is opposed to use of harmonic mean flow*

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

Speaker: Daile Boulis

Comment Summary: *(for full comment see pg 20 of public hearing transcript)*

General: *The commenter states "Our lives should not be the cost of doing business in West Virginia. We should not be weakening any of our standards, we should be tightening them. You have had 13 years to*

get these studies done. Until you've got the science to back it, I don't want to hear about another case of cancer because we weakened things."

DEP Response: Thank you for your comment. Protection of the State's waters and health of its residents are high priorities of DEP.

Speaker: Angie Rosser, West Virginia Rivers Coalition

Comment Summary: *(for full comment see pg 23 of public hearing transcript)*

General: *The commenter expresses "The state must make clean, safe water for all a priority."*

DEP Response: DEP agrees clean, safe water is a high priority.

Category A: *The commenter was opposed to the proposed rule changes stating "We support the current application of Category A and see the proposed rule change as unnecessary and risky. We do not want or need any more of these dangerous chemicals and toxins introduced into our water, for eventually, they will reach downstream to drinking water intakes. Industrial discharges are currently meeting Category A standards so what it means to relax this rule that industries will remove their treatment systems that protect us? We've got to clean up. It makes no sense to make the problem worse."*

DEP Response: Thank you for providing this comment. Similar comments regarding Category A designation were received; please see the DEP response to WV Rivers Coalition written comments.

***E. coli*:** *The commenter stated "We support the proposed rule's move toward E. coli as the indicator for the bacteria standard (however) the agency must increase sampling to protect public health. We need to know more about where the bacterial hot spots are so we can even begin to tackle this problem."*

DEP Response: Thank you for providing this comment. Similar comments regarding *E. coli* were received; please see the DEP response to WV Rivers Coalition written comments.

Speaker: Stephanie Hysmith

Comment Summary: *(for full comment see pg 28 of public hearing transcript)*

General: *The commenter states "We cannot survive without water. We have the ability to protect what we have and keep it safe. That resource is much more valuable than coal, oil or natural gas."*

DEP Response: DEP agrees that water is an important natural resource in West Virginia.

Speaker: Marilyn Howels

Comment Summary: *(for full comment see pg 32 of public hearing transcript)*

General: *The commenter states "You need more meetings in more places. You need a longer comment period so people can get up to speed on what's being slipped though.*

DEP Response: Thank you for providing these comments. Public comments are of the utmost importance to DEP and to the rulemaking process, particularly in the case of Water Quality Standards, and as such we provide a 45-day comment period for this rule rather than the standard 30 days used for other West Virginia Legislative Rules. We will consider your suggestion for more public meetings in more places throughout West Virginia as resources are available.

Critical Design Flow: *The commenter is opposed to use of harmonic mean flow stating "...that's going to mean more of stuff every year, more chemicals, plus we are going to have times that they mess up. So in droughts we are going to get poisoned more. This is probably a back door way to get some more fracking chemicals in our water. We should be putting less in the water every year, not more."*

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

Speaker: Julian Martin:

Comment Summary: *(for full comment see pg 38 of public hearing transcript)*

General: *The commenter states "I don't understand why you guys let these companies grab ahold of you like that because they already won. These hearings are a big façade; nothing is going to come of it. The streams are all messed up all over West Virginia right now. They (industry) don't need this law....they've got it all already. Down with DEP."*

DEP Response: Thank you for providing this comment. Similar comments regarding Category A designation and the use of harmonic mean flow were received; please see the response to WV Rivers Coalition.

Speaker: Lew Baker, West Virginia Rural Water Association

Comment Summary: *(for full comment see pg 40 of public hearing transcript and page 309 of written comments)*

Critical Design Flow: *The commenter is opposed to the proposed rule changes stating "The DEP needs to have a strong policy of encouraging any permittee to begin monitoring flow at their locations, and as you get more certain flow data, then that would help to issue a permit." The commenter recommends the use of a contour map for plotting data from gauging stations for use in flow estimation. The commenter further states "We ought to support adding more monitoring stations, gauging stations, all over the state, and the USGS.....pay the lion's share of the cost of putting those stations in. If you don't adopt the harmonic mean any time soon you have more time to make more sense of everything before you change the rules."*

DEP Response: Thank you for providing this comment. Similar comments regarding the use of harmonic mean flow were received; please see the response to WV Rivers Coalition and the response to West Virginia Rural Water Association in the written comments section of this document.

References

USEPA 2014. Water Quality Standards Handbook Chapter 5: General Policies. 2014. https://www.epa.gov/sites/production/files/2014-09/documents/handbook-chapter5.pdf

USEPA 1986. Ambient Water Quality Criteria for Bacteria. 1986. https://www.regulations.gov/document?D=EPA-HQ-OW-2007-0808-0001

USGS. Scientific Investigations Report. 2008-5105. Estimating Selected Streamflow Statistics Representative of 1930-2002 in West Virginia. http://pubs.usgs.gov/sir/2008/5105/pdf/sir2008-5105.pdf

USEPA 1994. Water Quality Standards Handbook, Chapter 3: Water Quality Criteria. 1994. https://www.epa.gov/sites/production/files/2014-10/documents/handbook-chapter3.pdf

USEPA . Supplemental Module: Human Health Ambient Water Quality Criteria: "Historical Approach to Human Health Criteria Development" https://www.epa.gov/wqs-tech/supplemental-module-human-health-ambient-water-quality-criteria

B. Written and Oral Comments

Written and oral comments were accepted at a public hearing held at DEP Headquarters in Charleston, WV on Tuesday, August 9, 2016, from 6-8PM. Thirty-three people signed a registration sheet, and thirteen people spoke at the hearing. Written comments were also accepted by mail, by email to Water Quality Standards program staff, and via DEP's web-based public comment system. Two hundred sixteen written comments were received, totaling 465 pages. Comments were accepted until 8PM on August 9; comments received post-marked by that date were also accepted.

This section includes:

Transcript & Sign-in sheet from public hearing

Written Comments on revisions to 47 CSR 2

west virginia department of environmental protection

Written Comments on revisions to 47 CSR 2

Smith, Chris B

From: Francis D. Slider <fslider@frontier.com>
Sent: Wednesday, July 27, 2016 2:45 PM
To: DEP Comments
Subject: re: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper:

As a lifelong West Virginian, I would like to thank you for the opportunity to comment. Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Francis D. Slider
fslider@frontier.com

239 Fluharty Rd

WV, West Virginia 26149

Smith, Chris B

From: Leigh Anne Keener <lakeener@frontier.com>
Sent: Wednesday, July 27, 2016 11:48 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.This is unacceptable!

Water is life and it seems that today, that fact is overlooked. Think of your grandchildren. Google "China Pollution" and click on images. Then think when you review what industry has planned for us. Humans are supposed to be better than this

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Thank you for the opportunity to comment.

Leigh Anne Keener

lakeener@frontier.com

76 McCartney Ave

Morgantown, West Virginia 26505

Smith, Chris B

From: Lori Rose <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 10:18 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Lori Rose
fishnleo6969@yahoo.com

461 19th St.

Dunbar, West Virginia 25064

Smith, Chris B

From: Autumn Long <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 8:47 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Autumn Long
autumnlong11@gmail.com

2127 Big Elk Rd

Wallace, 26448

Smith, Chris B

From: Ellen Mueller <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 8:23 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Ellen Mueller
emueller9@hotmail.com

21 Crystal Dr

Buckhannon, West Virginia 26201

Smith, Chris B

From: Carli Maereneck <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 8:13 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Carli Maereneck
cmareneck@yahoo.com

1394 Sweet Springs Valley

Sweet Springs, West Virginia 24941

Smith, Chris B

From: Nori Onishi <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 8:05 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Nori Onishi
komushio@hotmail.com

252 highland ave

Morgantown, West Virginia 26505

Smith, Chris B

From: claire flanagan <claireflanagan1@comcast.net>
Sent: Wednesday, July 27, 2016 8:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,
I have been a visitor to the Greenbrier Valley county seat of Lewisburg for the past twenty-five (25) years, spending months at a time living, shopping, eating, meeting, greeting, touring, studying, hiking, driving, swimming, rafting: anything that informs my soul through your special citizens and your natural treasures. I promote West Virginia as the most magnificent sets of mountains on this continent. I appreciate that this land is as it was going back generations. Let's honor our nation's heritage and let us keep these waters clean, clear and free of unnecessary chemicals. Let's do our ancestors proud.
Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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watersheds.

Thank you for the opportunity to comment.

claire flanagan
claireflanagan1@comcast.net
1688 Council Bluff Drive
Atlanta, Georgia 30345

Smith, Chris B

From: Carol Sheffield <deepwoodell@wildblue.net>
Sent: Wednesday, July 27, 2016 7:23 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Carol Sheffield
deepwoodell@wildblue.net

297 Upper Childers Run

Buckhannon, West Virginia 26201

Smith, Chris B

From: Jack Holmes <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 7:10 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Jack Holmes
catso56@aol.com

n/a

n/a, West Virginia 26554

Smith, Chris B

From: Tracy Asbury <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 6:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Tracy Asbury
tracyasbury99@gmail.com

PO Box 535
White Sulphur Springs, West Virginia 24986

Smith, Chris B

From: john brady <jkbrady@mac.com>
Sent: Wednesday, July 27, 2016 5:49 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

john brady
jkbrady@mac.com

77 singletree drive

shepherdstown, West Virginia 25443

Smith, Chris B

From: Barbara Humes <bhumes1@comcast.net>
Sent: Wednesday, July 27, 2016 5:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Barbara Humes
bhumes1@comcast.net

PO Box 1186
Harpers Ferry, West Virginia 25425

Smith, Chris B

From: Julie Martin <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 5:18 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Julie Martin
julamartin10@gmail.com

107 1st Ave N

Frederic, Wisconsin 54837

Smith, Chris B

From: Erik Melear <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 4:34 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Erik Melear
h20eng@hotmail.com

4008 Maguire Boulevard

Orlando, Florida 32803

Smith, Chris B

From: Christopher Craig <ccraig@laurellodge.com>
Sent: Wednesday, July 27, 2016 4:18 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

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Thank you for the opportunity to comment.

Christopher Craig
ccraig@laurellodge.com

PO Box 1011
Harpers Ferry, Colorado 25425-1011

Smith, Chris B

From: Rachel Zorger <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 4:11 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

As a practicing physician in rural WV, I strongly believe that environmental factors play a large role in long term health of people today and future generations. Water quality is of utmost importance for health and recreation for our people and our state.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Rachel Zorger

rszorger@gmail.com

30 Boyd St

Elkins, West Virginia 26241

Smith, Chris B

From: Patricia McNaull <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:55 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Patricia McNaull
trishmcnaull@yahoo.com

131 Drennen Ridge Rd

Marlinton, West Virginia 24954

Smith, Chris B

From: William Turner <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:42 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

William Turner
ichthyocentric@hotmail.com

531 Church St.

Lewisburg, West Virginia 24901

Smith, Chris B

From: Charles Marsh <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:25 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators. I appreciate the exposure E. Coli has recently received worldwide, but it is far from the only water born disease. This is especially true in rural areas. Increase sampling frequency to measure average values for more high-risk and priority watersheds as necessary.

Thank you for the opportunity to comment.

Charles Marsh
marshbc@aol.com
138 Old Mill Manor Trail
Berkeley Springs, WV, West Virginia 25411

Smith, Chris B

From: Robert A. Mertz <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:19 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I am a retired science teacher. I spent thirty one years teaching Biology, Environmental Earth Science and Wildlife Management classes in the public school systems of three states. My education was first as a Biologist, teaching came later. I have a Master of Science degree in Biology. As a biologist I am concerned with the effects our large human population is having on the sustainability of our Earth's life support systems. Although there are some impressive natural systems that help to stabilize the living environment on our planet, there are limits to how much abuse these systems can withstand. The fossil records show that in the past there have been several major disruptions of these systems. Today the biggest threat to our space ship Earth comes from the activities of us humans. Our continued population growth combined with the crazy notion that there must always be an expanding economy is a sure-fired prescription for disaster. Misguided economic policies are in direct conflict with the natural limits of Earth. Our finite planet can not provide unlimited resources to allow us to continue on the path we are on.

We must make decisions based on sound ecological principles if we are to bequeath our children and grandchildren with a place to live that is both sustainable and interesting. It will be a tragedy of monstrous proportions if our shortsighted way of making decisions degrades the world that our children inherent. The wonderful diversity of living creatures and wild unspoiled natural places must be preserved for them. It seems that we are unaware that the wild natural places are the ultimate infrastructure of the planet. Our present economic systems of continued growth are nothing more than a Ponzi scheme in which our decedents will be left with nothing of value.

I am writing today to request that you help address one of the issues that will affect future generations, including our two sons and our wonderful seven year old granddaughter. Please

try to throw off the short term considerations and take action that will address the long term welfare of humankind. The welfare of all of our children are depending on us.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Robert A. Mertz
no1ramertz@gmail.com
1205 Mulberry Ridge
West Virginia, West Virginia 25276-8561

Smith, Chris B

From: Martha Mullett <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:17 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Martha Mullett
martha.mullett@gmail.com

Lakeside Estates

Morgantown, West Virginia 26508

Smith, Chris B

From: Joseph Wenzel <josephwenzel@msn.com>
Sent: Wednesday, July 27, 2016 3:00 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Joseph Wenzel
josephwenzel@msn.com

93 Midwest Ave. N

Lake Elmo, Minnesota 55042

Smith, Chris B

From: James Hansen <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 3:00 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Thank you for the opportunity to comment.

James Hansen
seinseifen@yahoo.com

802 Lake Ave.

Wilmette, Illinois 60091

Smith, Chris B

From: Michael Moore <moorem@marshall.edu>
Sent: Wednesday, July 27, 2016 2:34 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

We need Water Quality Standards that protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Please keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Michael Moore
moorem@marshall.edu

RR2, Box 189

Ona, WV, West Virginia 25545

Smith, Chris B

From: Vivian Stockman <viv@spectrumz.com>
Sent: Wednesday, July 27, 2016 2:17 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Vivian Stockman
viv@spectrumz.com

249 Millstone Run

Spencer, West Virginia 25276

Smith, Chris B

From: Deborah Hancock <deborah@manicmeltdown.com>
Sent: Wednesday, July 27, 2016 2:08 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,
Water protection has got to be one of the highest priorities with public policy. We are counting on you to make sure the protections get and stay strong NOT to allow more laxity for polluters.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Deborah Hancock

Deborah Hancock
deborah@manicmeltdown.com
44 Little Queen Road
Clendenin, West Virginia 25045

Smith, Chris B

From: Judith Smith <axisdance@comcast.net>
Sent: Wednesday, July 27, 2016 2:08 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Judith Smith
axisdance@comcast.net

2712 Grande Vista Ave

Oakland, California 94601

Smith, Chris B

From: susan vanmeter <wolfmoon@citlink.net>
Sent: Wednesday, July 27, 2016 1:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

susan vanmeter
wolfmoon@citlink.net

rr1

Paw Paw, West Virginia 25434

Smith, Chris B

From: Ilene Sussman <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:56 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Ilene Sussman
zimajunkie@aol.com

235 Adams Street, 7F

Brookyn, New York 11201

Smith, Chris B

From: David Wooddell <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:46 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

My family has owned the Wooddell Farm on top of Allegheny Mountain, Pocahontas County since the 1870s. We maintain it in a very good ecological balance, and keep the waters that run off our mountain clean enough for native trout.

Your department is charged with keeping the waters of West Virginia clean. You must protect the water, for it is not replaceable. Once water is polluted, especially with fracking waste, it is gone forever.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial

indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment. - David W. Wooddell, land owner in Pocahontas County

David Wooddell
dwooddell@gmail.com
4924 Leeds Ave
Baltimore, Maryland 21227

Smith, Chris B

From: Kat Cooper <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:08 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Kat Cooper
katcooper304@yahoo.com

2928 Mtn Lake Rd

Hedgesville, West Virginia 25427

Smith, Chris B

From: Rhonda Marrone <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:45 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Rhonda Marrone
rmm164@yahoo.com

939 Somerset Dr.

wv, West Virginia 25302

Smith, Chris B

From: Karen Fedorov <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Karen Fedorov
karen.fedorov@gmail.com

8044 Tackett Ln

Bealeton, VA, Virginia 22712-7844

Smith, Chris B

From: Mary L. <mar3336@citynet.net>
Sent: Wednesday, July 27, 2016 1:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Mary L.
mar3336@citynet.net

Lee St.

Charleston, West Virginia 25323

Smith, Chris B

From: Kevin Eich <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:30 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Kevin Eich
shred_head@hotmail.com

113 Arnold drive

Middletown , Ohio 45044

Smith, Chris B

From: Kelly Irwin <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:26 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Kelly Irwin
kellyir01@yahoo.com

352 Valley Brook Rd #C1

Ambler, Pennsylvania 19002

Smith, Chris B

From: Dave Harshbarger <harshbargerd@wvumedicine.org>
Sent: Wednesday, July 27, 2016 1:24 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

For the sake of our economic future with tourism (clean water is at the heart of outdoor based tourism), our children, and our legacy, we need to protect our headwaters and waterways. We need to be the people on watch, not the ones who need to be watched for lessening quality. Please support protecting water quality standards.
thank you,
Dave

Dave Harshbarger
harshbargerd@wvumedicine.org
1009 Vandalia Road
Morgantown, West Virginia 26501

Smith, Chris B

From: Jan Darrah <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:21 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I frequently kayak and swim in our local rivers. Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Jan Darrah
jldarrah@aol.com

HC 77 Box 352
Hinton, West Virginia 25951

Smith, Chris B

From: Robert Gall <rgall17@comcast.net>
Sent: Wednesday, July 27, 2016 1:17 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Robert Gall
rgall17@comcast.net

17 Damian Road

Wheeling, West Virginia 26003

Smith, Chris B

From: Nathan Justice <brookiebumwv@gmail.cim>
Sent: Wednesday, July 27, 2016 1:16 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Nathan Justice
brookiebumwv@gmail.cim

31 Barrcut Rd.

Spencer, West Virginia 25276

Smith, Chris B

From: Steven Vogel <steven.j.vogel@earthlink.net>
Sent: Wednesday, July 27, 2016 1:09 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you very much for this opportunity to comment.

Steven Vogel
steven.j.vogel@earthlink.net

449 Hampton Court

Falls Church, VA, Virginia 22046-4121

Smith, Chris B

From: Jeff Witten <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 1:06 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Jeff Witten
JBWitten@aol.com

2409 Lacewood Dr.
Columbia, Missouri 65201

Smith, Chris B

From: Charles Brabec <chuck@thebrabecs.com>
Sent: Wednesday, July 27, 2016 1:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Charles Brabec
chuck@thebrabecs.com

267 Ridgelawn Road

Canvas, West Virginia 26662

Smith, Chris B

From: Sue Julian <suejulian@suddenlink.net>
Sent: Wednesday, July 27, 2016 1:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Sue Julian
suejulian@suddenlink.net

PO Box 677
Pinch, West Virginia 25156

Smith, Chris B

From: Emily Keener <info@actionnetwork.org>
Sent: Wednesday, July 27, 2016 11:55 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Emily Keener
splishims@gmail.com

76 McCartney Avenue

Morgantown, West Virginia 26505

Smith, Chris B

From: Jody Ross <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 8:56 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Jody Ross
jody0660@gmail.com

2208 Donald Ave

Huntington, West Virginia 25701

Smith, Chris B

From: Cody Jones <jones756@marshall.edu>
Sent: Thursday, July 28, 2016 7:10 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

I would also like to propose stricter regulation regarding waste water injection; that it be made illegal in the state as a protection for the health and wellbeing of our citizens who should be able to enjoy the right to clean spring water sourced from their own backyards. Maintaining

clean water, our most valuable resource is the best investment we can make for the future of West Virginia and for the environment.

I live in Ona and have my water pumped to me via American waters, I then spend extra money just to ensure that I have clean spring water free of chlorine, fluoride and whatever else that could be in the public water.

Thank you for the opportunity to comment.

Cody Jones
jones756@marshall.edu
3 Country Glen Drive
Ona, West Virginia 25545

Smith, Chris B

From: Diana Greenhalgh <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 6:50 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Diana Greenhalgh
diana12759@gmail.com

2051 Red Lick Road

New Milton, West Virginia 26411

Smith, Chris B

From: Robert Stanley <robert-stanley@mocs.utc.edu>
Sent: Thursday, July 28, 2016 6:01 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment. I hope the WVDEP will apply and maintain strict standards in order to protect the health of all citizens.

Robert Stanley
robert-stanley@mocs.utc.edu
PO Box 126
St. Marys, Colorado 26170-0126

Smith, Chris B

From: Gary Parker <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 4:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds. Also...who wants lax standards...could it be industry...I say no to lax standards...would you want to drink a cold glass filled with carcinogens? Would you want to go to a cancer treatment center and receive chemotherapy? I think not!

Thank you for the opportunity to comment.

Gary Parker
icelightning777@yahoo.com
144 Rock Ridge Lane
Charmco, West Virginia 25958

Smith, Chris B

From: Kathryn Hawbaker <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 12:43 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water. I am concerned about strong water standards to protect human health and environmental safety for the present and future. Thank-you for your attention and care.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Kathryn Hawbaker
revkatgreen@gmail.com
650 Ferncliff Dr.
Marietta, Ohio 45750

Smith, Chris B

From: Cynthia Ellis <cdellis@wildblue.net>
Sent: Thursday, July 28, 2016 11:55 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment. I do so as a survivor of the 2014 water crisis and as someone who felt compelled to invest in a drilled well as a consequence. Yet I still would

like to promote and rely upon a local water system. Please do what you can to make it a good one.

Cynthia Ellis
cdellis@wildblue.net
3114 Steel Ridge Rd
Red House, West Virginia 25168

Smith, Chris B

From: Ciera Pennington <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 10:21 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Ciera Pennington
cnpennington17@gmail.com

1210 Garvin Avenue

Charleston, West Virginia 25302

Smith, Chris B

From: Cassie Moats <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 9:42 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Cassie Moats
cassmoats@gmail.com

412 Hunter Ridge Rd.

Crawford, West Virginia 26343

Smith, Chris B

From: JB Witten <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 9:22 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

JB Witten
JBWitten@aol.com

578 Faulkner Rd. Rt 1 Box 113
Elkins, West Virginia 26241-9713

Smith, Chris B

From: Garth Lindley <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 9:07 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Garth Lindley
lindleyjunk@yahoo.com

3215 Bermuda Ave #22
Davis, California 95616

Smith, Chris B

From: Bert Lustig <buybook@earthlink.net>
Sent: Thursday, July 28, 2016 8:06 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Bert Lustig
buybook@earthlink.net

3476 Mauzy Rd

BerkeleySprings, West Virginia 25411

Smith, Chris B

From: Danette Brandy-Condon <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 7:27 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. I am a solar powered organic homesteader. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment. Please protect our water from pollution!

Danette Brandy-Condon
danettecondon@yahoo.com
7958 Lobelia Rd
Hillsboro, West Virginia 24946

Smith, Chris B

From: Edward Savage <info@actionnetwork.org>
Sent: Thursday, July 28, 2016 9:08 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Edward Savage
nedsavage@gmail.com

228 Richfield Ave.

Salem, Virginia 24153

Smith, Chris B

From: paul e alloway <info@actionnetwork.org>
Sent: Friday, July 29, 2016 8:56 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

paul e alloway
pealloway@gmail.com

151 Wood St

Buckhannon, West Virginia 26201

Smith, Chris B

From: John Brewer <brwrj1@msn.com>
Sent: Friday, July 29, 2016 3:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

John Brewer
brwrj1@msn.com

409 Aurora Street

Marietta, Ohio 45750

Smith, Chris B

From: Mark Redd <info@actionnetwork.org>
Sent: Friday, July 29, 2016 3:27 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Mark Redd
usredds@gmail.com

513 Tupper Street

Marietta, Ohio 45750

Smith, Chris B

From: Stacey Wolfe <info@actionnetwork.org>
Sent: Friday, July 29, 2016 3:12 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Stacey Wolfe
narpet7@aol.com

8225 Bodkin Ave

Lake Shore, Maryland 21122

Smith, Chris B

From: Pamela Ellis <info@actionnetwork.org>
Sent: Friday, July 29, 2016 10:51 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permits must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Pamela Ellis
dr.pamelaellis@gmail.com

122 Glory Ridge Place

Kearneysville, West Virginia 25430

Smith, Chris B

From: Debbie Royalty <info@actionnetwork.org>
Sent: Friday, July 29, 2016 9:17 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Debbie Royalty
dar.royalty@gmail.com

199 Brannon Ln

Charles Town, West Virginia 25414

Smith, Chris B

From: Jeff Iliff <info@actionnetwork.org>
Sent: Friday, July 29, 2016 8:50 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

As a member of two watershed associations I am concerned with keeping our water quality standards as strict as reasonably possible.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Thank you for the opportunity to comment.

Jeff Iliff

pfpjeff@gmail.com

21 Riggs LN

Berkeley Springs WV, West Virginia 25411

Smith, Chris B

From: Niris Bharathae <nrb@wsims.com>
Sent: Friday, July 29, 2016 8:34 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

The changes proposed by WVDEP to the Water Quality Standards are a clear indication of collusion between your department and fracking interests who seek easy access to in-state resources. This is counter to the will of the people and is already perceived as a betrayal. West Virginians have a long memory and will not forget who fought for their rights nor those who shrank against the corporations. My hope is that you will do the right thing and cease your attempt to contravene the Water Quality Standards.

Thank you for the opportunity to comment.

Niris Bharathae
nrb@wsims.com
P.O.Box 229
Alderson, West Virginia 24910

Smith, Chris B

From: Nicole Casebolt <info@actionnetwork.org>
Sent: Friday, July 29, 2016 7:59 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Thank you for the opportunity to comment.

Nicole Casebolt
ncasebolt23@gmail.com

RR1 Box 192D

Poca, West Virginia 25159

Smith, Chris B

From: Lela Erb <erbl@suddenlink.net>
Sent: Friday, July 29, 2016 9:43 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Because my family owns land in WV, I work in WV and have been looking to move to WV, the Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit. Permittees must follow the rules outlined in the Clean Water Act which require use attainability analysis in order to remove Category A use designation from our rivers and streams. Allowing removal of Category A use through the NPDES permit process will endanger public health and reduce protections for drinking water users downstream.

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Thank you for the opportunity to comment.
Thank you, Sincerley,

Lela Erb
228 Ingleside Ave.,
Marietta, OH 45740

Lela Erb
erbl@suddenlink.net
228 Ingleside Ave.,
Marietta, Ohio 45750

Smith, Chris B

From: Kerren Hall <info@actionnetwork.org>
Sent: Monday, August 01, 2016 10:57 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Kerren Hall
kerrengh@yahoo.com

167 hess rd

Fayetteville, West Virginia 25840

Smith, Chris B

From: Paul Hancock <paul@bouncinghedgehog.com>
Sent: Friday, August 05, 2016 11:16 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

In my opinion, the aim of any regulatory body for water standards should be water with zero

pollution and that, of course, means stricter not slacker standards. Water is precious and should be treated as such.

Thank you for the opportunity to comment.

Paul Hancock
paul@bouncinghedgehog.com
44 Little Queen Road
Clendenin, West Virginia 25045

Smith, Chris B

From: Steven Runfola <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:27 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Steven Runfola

stevenrunfola@gmail.com

45 Park Ridge Dr

Morgantown, West Virginia 26508-4032

Smith, Chris B

From: Nancy Ward <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:15 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Nancy Ward

naward57@gmail.com

703 Laurel road

Charleston , West Virginia 25314

Smith, Chris B

From: Tom Nagle <tom@tnagle.com>
Sent: Friday, August 05, 2016 11:05 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

The reason we moved to Great Cacapon WV was BECAUSE of the beautiful Cacapon River and its high quality water.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Tom Nagle

Tom Nagle
tom@tnagle.com
362 Fishers Bridge Lane
Great Cacapon, West Virginia 25422

Smith, Chris B

From: Carroll Bassett <bmsrescue@frontiernet.net>
Sent: Friday, August 05, 2016 11:20 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Carroll Bassett

bmsrescue@frontiernet.net

HC 68 Box 64B

Friars Hill, West Virginia 24938

Smith, Chris B

From: Janet Zerbe <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:15 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Janet Zerbe
janetjz.1234@gmail.com
106 Shafer Road
Dunbar, West Virginia 25064

Smith, Chris B

From: Luke Rostocki, MD <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:18 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I cannot think of a more important issue than protecting the waters in West Virginia.
Please ,help
luke a. rostocki, md

Luke Rostocki, MD
rostocki@aol.com
435 Dominick Circle
Summersville, WV, West Virginia 26651

Smith, Chris B

From: Aaron Jewell <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:13 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sincerely,

Aaron Jewell

Aaron Jewell
ajewell82@gmail.com
30 Pappy Court
Bunker Hill, West Virginia 25413

Smith, Chris B

From: Jean McAulay <chesbayretr@juno.com>
Sent: Friday, August 05, 2016 11:54 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Jean McAulay
chesbayretr@juno.com
10315 Geranium Ave
Adelphi, Maryland 20783-1231

Smith, Chris B

From: Ross Andrew <randrew4@mix.wvu.edu>
Sent: Friday, August 05, 2016 12:13 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Ross Andrew
randrew4@mix.wvu.edu
971 Valley View Ave
Morgantown, West Virginia 26505

Smith, Chris B

From: Linda Christopher <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:53 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Linda Christopher

lchristopher615@gmail.com

P.O. Box 225

Snowshoe, West Virginia 26209

Smith, Chris B

From: Marilyn Mcgeorge <mandw@suddenlink.net>
Sent: Friday, August 05, 2016 12:11 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Marilyn Mcgeorge
mandw@suddenlink.net
1529 Virginia st east
Charleston wv, West Virginia 25311

Smith, Chris B

From: Judy E. Hamilton <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:51 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Judy E. Hamilton
annasmomjudy@yahoo.com
907 Mathews Ave
Charleston, West Virginia 25302

Smith, Chris B

From: Ben Badger <info@actionnetwork.org>
Sent: Friday, August 05, 2016 12:04 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Ben Badger
badger_benjamin@yahoo.com
216 Eastland Ave
Morgantown, West Virginia 26505

Smith, Chris B

From: Eric Engle <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:47 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

P.S. I live next to the Ohio River. The Ohio is considered one of if not the most polluted rivers in the country for the last 7 years running. West Virginians deserve cleaner, safer water than what we've become accustomed to.

Eric Engle
ericengle85@yahoo.com
324 Point Drive
Parkersburg, West Virginia 26101

Smith, Chris B

From: Sandra Osbourn <info@actionnetwork.org>
Sent: Friday, August 05, 2016 12:04 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sandra Osbourn
ssosbourn301@gmail.com
134 Hensel Drive
Shepherdstown, West Virginia 25443

Smith, Chris B

From: Rachael Pappano <info@actionnetwork.org>
Sent: Friday, August 05, 2016 11:39 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Rachael Pappano
shamrock.magic@yahoo.com
330 River Rd.
Mattawamkeag, Maine 04459

Smith, Chris B

From: Michael Klausing <info@actionnetwork.org>
Sent: Friday, August 05, 2016 12:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Michael Klausing
mike_klausing@hotmail.com
624 Cross Lanes Dr Apt 11
Nitro, West Virginia 25143

Smith, Chris B

From: Art Glick <omb00900@mail.wvnet.edu>
Sent: Friday, August 05, 2016 11:37 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Art Glick

omb00900@mail.wvnet.edu

HC 67 Box 539BB

Renick, West Virginia 24966

Smith, Chris B

From: David Schles <schles_law@wirefire.com>
Sent: Friday, August 05, 2016 12:00 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

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Thank you for the opportunity to comment.

David Schles

schles_law@wirefire.com

815 Quarrier Street, #306

Charleston, WV, West Virginia 25301

Smith, Chris B

From: Paul Burke <paul@numbersinstitute.com>
Sent: Friday, August 05, 2016 1:22 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Paul Burke

paul@numbersinstitute.com

PO Box 1320

Shepherdstown, West Virginia 25443

Smith, Chris B

From: Chris Preperato <info@actionnetwork.org>
Sent: Friday, August 05, 2016 1:04 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Chris Preperato
chrispreperato@gmail.com
4101 Medford Drive Apt 3
Annandale, Virginia 22003

Smith, Chris B

From: Mark Leonard <mleonard8181@gamil.com>
Sent: Friday, August 05, 2016 1:14 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Mark Leonard
mleonard8181@gamil.com
19499 Coshocton Rd.
Mount Vernon, Ohio 43050

Smith, Chris B

From: James Dixon <james@harehill.com>
Sent: Friday, August 05, 2016 12:54 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

James Dixon

james@harehill.com

206 W. Washington Ave.

Terra Alta, West Virginia 26764

Smith, Chris B

From: Jenni Kovich <jjkov1ch-charity@live.com>
Sent: Friday, August 05, 2016 1:09 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Jenni Kovich
jjkov1ch-charity@live.com
50 Dud Bennett Rd
Leon, West Virginia 25123

Comments On The Proposed Changes To The Amendment to Water Quality Standards Rule
Prepared by Carpenter Environmental Associates, Inc.
On behalf of the Affiliated Construction Trade Foundation
August 2016

The West Virginia Department of Environmental Protection (WVDEP) Water Resources Division of Water and Waste Management as part of the triennial review has proposed changes related to regarding the critical design flow for compliance with human health water quality criteria. Specifically, WVDEP proposes replacing the use of the lowest 7-day average flow occurring on average once every 10 years (7Q10) with harmonic mean flow as the critical design flow for human health criteria effluent limits for carcinogens. We disagree with the WVDEP proposed change to allow Harmonic Mean Flow to be the critical design flow for determining the amount of a carcinogen an industry can legally discharge to the State's waters.

Critical Design Flow For Human Health Carcinogens

We believe that adoption of the harmonic mean flow as the critical design flow for carcinogens is inappropriate for at least two reasons. First, the State has not adequately investigated the impact on all the streams of West Virginia of abandoning the use of a low design flow, such as the 7Q10, in favor of the harmonic mean flow. The effect of the rule change on our rivers has not been determined.

The harmonic mean flow is always greater than the 7Q10 for a particular stream, therefore, the adoption of the harmonic mean flow as the critical design flow necessarily results in an increase in the amount of cancer causing chemicals allowed in all rivers and streams. The State must determine the magnitude of the increase in each river and stream in order to make a fully informed decision.

Second, the rationale for embracing harmonic mean flow as the critical design flow, as discussed in previous revision recommendations, is based upon the assumption that the linear lifetime exposure model for carcinogens is correct for all cancer causing substances (see Rationale Document, Water Resources Board of West Virginia, August 19, 1991). While the use of the linear lifetime exposure model for cancer may in many cases be conservative, we believe that applying such an assumption across-the-board for all cancer causing substances fails to account for valid alternative models for cancer.

Establishing the harmonic mean flow as design flow rather than the 7Q10 would allow polluters to discharge up to 8 times (and perhaps more as would be determined in needed investigations) more cancer causing substances to West Virginia's rivers and streams and would increase cancer risk. The increased cancer risk which would result by establishing harmonic mean flow as the design flow can and must be determined before allowing such a change. Therefore, we believe that the use of harmonic mean flow as the critical stream flow for carcinogens should not be allowed until it is fully investigated and the legislature determines that the increased cancer risk to the citizens of West Virginia is acceptable.

Critical Design Flow for Non-Carcinogenic Human Health Criteria

WVDEP has proposed that the critical design flow for human health criteria effluent limits for noncarcinogens be the minimum mean thirty consecutive day drought flow with a five year return frequency (30Q5). The recommended critical design flow would result in a less stringent design flow for non-carcinogenic human health criteria (30Q10 rather than 7Q10). Prior to changing the design flow for non-carcinogenic human health criteria from 7Q10 to 30Q10, an analysis must be conducted to evaluate the increased health risk to citizens of West Virginia of allowing increased levels of non-carcinogenic toxic pollutants to be discharged to the waters of West Virginia and the legislature must determine that the increased health risk is acceptable. This evaluation must take into

account that the neighboring Commonwealths of Kentucky and Pennsylvania both utilize the 7Q10 flow to determine discharge limitations for these pollutants.

Smith, Chris B

From: MaryLois Gannon-Miller <info@actionnetwork.org>
Sent: Friday, August 05, 2016 2:41 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

MaryLois Gannon-Miller
marialouisa2001@yahoo.com
502 S George St
Charles Town, West Virginia 25414

Smith, Chris B

From: jerry carson <jcarson1@suddenlink.net>
Sent: Friday, August 05, 2016 1:46 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

jerry carson
jcarson1@suddenlink.net
5215 beechcrest dr
cross lanes, West Virginia 25313

Smith, Chris B

From: William Hicks <whicks@bethanywv.edu>
Sent: Friday, August 05, 2016 3:08 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

As a West Virginian and ecologist, I love this state in large part because of its forests and streams. I agree with the WV Rivers Coalition as described below:

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

William Hicks
whicks@bethanywv.edu
101 Roosevelt Ave
Bethany, West Virginia 26032

August 7, 2016

Comment on WV DEP Proposed Modifications to 47 CSR 2 WQS Rules:

My name is Philip C. Price. I have a PhD in Analytical Chemistry, with over 40 years' experience in industrial chemistry, trace analyses, spill/release incident investigations, and Superfund Site remediation. I have comments on two areas of the proposed changes:

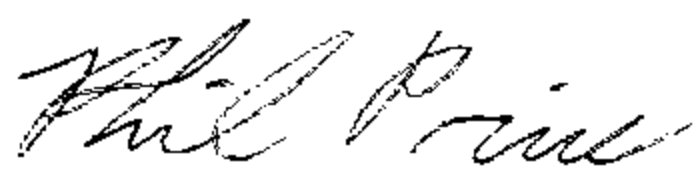
Drinking Water Use Designation

DEP proposes to remove these designations of ***potential*** future source water use. One prediction we can all agree with is that WV will see more change in the future: new industries, shifting populations, economic challenges, and new environmental events (algae blooms, spill events, floods). Last summer's sudden algae bloom events clearly demonstrated the usefulness of an alternate clean emergency water source for Huntington. Degrading our currently-available alternate water supplies increases future risks to Public Health.

This change seems driven mainly by WV manufacturers. Are there any data to demonstrate specific WV economic benefits "if we could only degrade the water quality of this specific stream"?

Implement EPA-recommended Harmonic mean flow

DEP proposes ***increasing*** the amount of permissible carcinogens (and other pollutants) in WV waters by changing the flow/dilution calculation factors. Some of the increases would be more than 10-fold, based on stream flow data. However, there is a lack of data on carcinogen and polutant identities, current concentrations, and proposed future concentrations. Without this data, the rule would be changed, but without any information as to its impact on Public Health or specific aquatic toxicity increase.



Philip C. Price
1391 Nottingham Rd.
Charleston, WV 25314
PriceWV@gmail.com

Smith, Chris B

From: Steven Presley <Presley.Steven@mail.com>
Sent: Monday, August 08, 2016 8:29 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Steven Presley

Presley.Steven@mail.com

1838 Lovely Lane

Letart, wv, West Virginia 25253

Smith, Chris B

From: Larry & Evelyn Dadisman <info@actionnetwork.org>
Sent: Sunday, August 07, 2016 6:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Larry & Evelyn Dadisman
ldadisman@yahoo.com
912 Greendale Dr
Charleston, West Virginia 25302-3224

Smith, Chris B

From: Christopher Benison <cbenison@gmail.com>
Sent: Sunday, August 07, 2016 12:44 PM
To: DEP Comments
Subject: Laura Cooper, Water Quality Standards

33 Maple Avenue

Morgantown, West Virginia 26501

August 7, 2016

Laura Cooper
Water Quality Standards
DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304

As a proud West Virginia resident, I am interested in protecting and even strengthening safe water resource standards. The WVDEP is considering relaxing current regulations governing the protection and use of West Virginia's water resources. Such a decision is the wrong course for our state. Current regulations should be maintained and, in some cases, even strengthened. At a minimum, I suggest the WVDEP take the following actions to protect our water resources, now and in the
future:

1. The WV-DEP should adopt a 300 uS/com standard for electrical
conductivity in West Virginia Water Quality Standards. Water with higher conductivity than 300 uS/com is acutely toxic to many species of aquatic life and therefore undermines biodiversity in a given water source. Biodiversity is a key indicator for the overall health of a water system. Since conductivity is easily measured, numerous scientific studies and EPA have concluded that electrical conductivity greater than 300 uS/com is harmful to aquatic life.

2. The WV-DEP should more aggressively protect Category A Drinking
Water Streams that can serve as a source of public drinking water. It is my understanding that WV-DEP proposes allowing pollution discharge permits to remove the Category A designation from a number of rivers and streams in the state. WV-DEP should reverse itself on this position and, at a minimum, delete sections 6.3 through 6.9 of the applicable proposed rule. The language in the referenced sections would explicitly enable active pollution of the streams, which no West Virginian should have to tolerate.

3. The WV-DEP should reject proposed changes to the "Critical Design
Flow." The current proposal would allow higher rates of carcinogenic substances in current streamflows. Higher carcinogen flow rates is particularly inappropriate during drought or other low flow periods but ideally should not be allowed at all.

4. The WV-DEP should work toward a higher level of E. coli monitoring
in West Virginia water resources. Such E. coli monitoring is especially important for water resources used for recreational purposes.

5. The WV-DEP should adopt the proposed EPA standards for five organic compounds (acrolein, carbaryl, diazinon, nonylphenol, and tributylin) in terms of their impacts on the quality of aquatic life systems in West Virginia's water resources.

These proposed steps represent a meaningful commitment to protect the quality of our state's water resources and the overall beauty of West Virginia. Thank you for the opportunity to express my opinion on this important issue.

Yours in good faith,

Christopher J. Benison

Smith, Chris B

From: Julie Archer <julie@wvcag.org>
Sent: Sunday, August 07, 2016 9:18 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Julie Archer

julie@wvcag.org

PO Box 207

Sumerco, West Virginia 25567

Smith, Chris B

From: Steve Malafy <info@actionnetwork.org>
Sent: Monday, August 08, 2016 7:52 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Steve Malafy
smalafy@gmail.com
280 Centerville Harp Rd
French Creek, West Virginia 26218

Smith, Chris B

From: Gale Simplicio <galesviento@comcast.net>
Sent: Sunday, August 07, 2016 6:30 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Gale Simplicio
galesviento@comcast.net
1275 Tartan Lane
Morgantown, West Virginia 26505

Smith, Chris B

From: Grace Lynch <info@actionnetwork.org>
Sent: Sunday, August 07, 2016 11:19 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Grace Lynch
gglynch@gmail.com
PO Box 114
Rock Cave, 26234

Smith, Chris B

From: April Pierson-Keating <info@actionnetwork.org>
Sent: Sunday, August 07, 2016 8:23 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I am a citizen of West Virginia. I was born here. My mother, Iris Bell, wrote our state and centennial song, "This is My West Virginia." Iris loved our state and I have become an advocate for her environment and citizens. We are proud of our state and our heritage, and we don't want to see West Virginia's water quality and citizen health be destroyed in favor of corporations and industry.

West Virginia is a national treasure. We have been abusing the environment and people for over a century. The new standards would undo national protective measures and make it harder to hunt, fish, and live in our state. It will also foul the water for those downstream.

West Virginia is a water-producing state. Our water goes to 13 states and 46 rivers. We have a duty to keep it clean, not only for future generations of West Virginians, but for all those living downstream, and those who depend on the streams for their food, water, and livelihood.

There could be no other reason for loosening the standards set in place by the Clean Water Act than to favor industry. We know that we can do better with a diversified economy, not a mono-economy. Coal, oil, and gas are killing the planet and poisoning the water, causing earthquakes, and putting radionuclides into our water. Your agency is one of those that is charged with protecting the streams and all those who depend on them, which is about 1/3 of the country, not to mention all the creatures in the food chain of this diverse state. Our biodiversity is second only to the Amazon Rain Forest, which we are also destroying at an alarming rate.

Please consider the following as you make your decision:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The

provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

April Pierson-Keating
apkeating@hotmail.com
115 shawnee dr
Buckhannon, Colorado wv 26201

Smith, Chris B

From: Doyle Coakley <dcoakley@frontiernet.net>
Sent: Sunday, August 07, 2016 10:55 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Doyle Coakley

dcoakley@frontiernet.net

P O Box 245

Cowen, West Virginia 26206

Smith, Chris B

From: Kent Higgins <info@actionnetwork.org>
Sent: Sunday, August 07, 2016 4:14 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I appreciate the opportunity to comment on the Water Standards. Some of what follows is the wording of the West Virginia Rivers Coalition, whose positions I support in general. I have left out some of their points in order to say to you that I view clean, safe water as critical to the future of West Virginia - it is in fact the last natural resource which we have in abundance and which is desired by others - we would be fools to adopt standards which allowed further degradation of water quality. We should be improving quality.

I am from Fayetteville, which now relies on tourism as its industry. The coal business, which supported my family and many others for so long, is declining and not coming back. Tourism is our current growth industry, and we desperately need it.

In my youth (I am nearly 72) a significant obstacle to tourism was that one could not purchase liquor by the drink. The point was made over and over than tourists would look at the beauty of our state during the day, but they wanted a drink with dinner. Churches preached against it as sinful, but eventually rational minds prevailed and tourism increased. Do you think that tourists want to encounter polluted water as part of their West Virginia experience?

I realize that some see the proposed changes as incremental and not significant, but I think the issue is so important that any slippage is bad. For too long, the people of this state have traded their right to a clean and safe working environment for current jobs. Now that the jobs are gone, we're left with the environmental mess. Let's not repeat that part of our history.

Here are some of WVRC's points:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The

provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Kent Higgins

Kent Higgins
revkenthiggins@gmail.com
1520 Dogwood Rd
Charleston, West Virginia 25314

Smith, Chris B

From: codya.jones10@gmail.com
Sent: Sunday, August 07, 2016 11:22 AM
To: DEP Comments
Subject: WV-DEP Water Standards Hearing Aug. 9

Laura Cooper, WV-DEP,

As a member of the US Army currently stationed in Fort Benning, GA. I'm from Ona, WV where my wife still currently lives, and we'd like to have a family in WV but we want our children to have a better WV than we inherited. We know that the grass is greener on the other-side especially in Maryland but West Virginia is home. I'd like to ask for five favors to improve the quality of the water in my home state.

Five Key "Asks"

1) Include a 300 uS/cm standard for electrical conductivity in West Virginia Water Quality Standards. Electrical conductivity is abroad measure of the level of chemical ions such as sulfate, bicarbonate, calcium, chlorides, and many other dissolved solids. Sources include mining operations, gas well development, road salts, and other activities. Water high in conductivity is acutely toxic to many species of aquatic life. Since conductivity is easily measured, numerous scientific studies and EPA have concluded that electrical conductivity greater than 300 uS/cm is harmful to aquatic life.

2) Protect "Category A Drinking Water". Streams that can serve as sources of public drinking water are designated "Category A". Current standards apply this designation to almost all waters in West Virginia, thereby protecting those streams for current and future water supplies. WV-DEP proposes to allow pollution discharge permits to remove this Category A designation from a stream. Urge DEP to delete sections 6.3 through 6.9 of the proposed rule. This proposed language is entirely focused on allowing more pollution. Tell WV-DEP that Water Quality Standards should be about protecting drinking water and other water uses!

3) Reject proposed changes to the "Critical Design Flow". The Critical design Flow is used to estimate the water's flow rate in receiving streams. WV-DEP proposes to change this calculation to allow higher rates of carcinogens in water. While EPA has supported this in some cases, it is not appropriate during drought or low flow periods because that will allow higher concentrations of carcinogens. Demand that WV-DEP establish procedures to reduce the amount of carcinogens during low flow periods.

4) Require increased monitoring of E. coli and fecal coliform bacterial contamination. Water with high levels of fecal coliform bacteria is unsafe for recreation. Ask WV-DEP to increase the required sampling frequency to assure safety for swimming and boating.

5) Adopt as proposed EPA's recommended standards for aquatic life criteria for five organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin. These compounds are toxic and West Virginia needs these water quality standards.

Thank you for helping to protect West Virginia's water.

Sincerely,
2LT Cody A. Jones

Smith, Chris B

From: Mary A Borchers <abigail@raven-villages.net>
Sent: Sunday, August 07, 2016 12:44 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Mary A Borchers
abigail@raven-villages.net
1801 Middle Ridge Rd
Romney, West Virginia 26757

Smith, Chris B

From: Lori Magana <info@actionnetwork.org>
Sent: Sunday, August 07, 2016 7:32 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Please protect our water. Please keep Category A standards as we have utilized over these last years.
Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Lori Magana

lorimagana@gmail.com

304 Gail Drive

Charleston, West Virginia 25314

Smith, Chris B

From: Helen Gibbins <gibbins@frontier.com>
Sent: Sunday, August 07, 2016 3:24 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

The League of Women Voters of WV wishes to make comments on WV's Water Quality Standards. In general we urge the protection of our waters for now and the future. We oppose weakening the standards as well as increasing pollution into WV's waters. We need to protect our waters for human and fauna health.
If more pollution is allowed, the costs of cleaning up the pollution will also go up.
1. We oppose allowing Category A use for the waters of our state to be changed through NPDES permits. Variances from Category A use need full reviews and studies to ensure downstream waters uses are protected.
2. Changing the way flow of the waters are determined needs a full study in conjunction with the USGS. The method used should take into account the lowest flow of the waters.
3. The procedure for determining bacterial count in our waters should use both Fecal Coliform and E. Coli until it is determined which is the more accurate system. 4. Adopt EPA's recommended standards for aquatic life criteria for organic chemicals.
Thank you for allowing us to comment on the Triennial Review.
League of Women Voters of WV President, Nancy Novak, and board member, Helen Gibbins

Helen Gibbins
gibbins@frontier.com
6128 Gideon
Huntington, WV, West Virginia 25705

Smith, Chris B

From: Colleen Anderson <motherwit@suddenlink.net>
Sent: Sunday, August 07, 2016 11:01 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Colleen Anderson
motherwit@suddenlink.net
6 Arlington Court
Charleston , West Virginia 25301

Smith, Chris B

From: jim hatfield <info@actionnetwork.org>
Sent: Saturday, August 06, 2016 10:47 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Although West Virginia will continue to mine less coal, it can share its other natural resources more, including abundant and clean water. Do not allow our overall water quality to be degraded by changing the Category A criteria through an NPDES or any other permit. If a business or industry cannot afford to discharge safe, clean water, they are not paying all their expenses and, instead, shifting the cost to the public domain.

Do not shift to a new method of measuring stream flow without understanding, through a statewide scientific study, how the proposed method compares to the current one. Let science dictate which is best or if they both have a place in producing the most accurate numbers.

Also allow science to determine the differences between measuring E. Coli and Fecal Coliform as a gauge of public water safety. Adequate sampling frequency must also be taken into account.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

jim hatfield
hatfield.jch@gmail.com
1077 foley drive
saint albans, West Virginia 25177

Smith, Chris B

From: Scott Price <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 1:23 PM
To: DEP Comments
Subject: I'm the 6th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 18 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> You can't keep people from their God giving Rights

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838571&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838571&target_type=custom&target_id=73331&csv=1

Scott Price
Cleveland, OH

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Debbie Jarrell <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 1:23 PM
To: DEP Comments
Subject: I'm the 2nd signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 18 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Please, our kids and grandkids do matter!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838568&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838568&target_type=custom&target_id=73331&csv=1

Debbie Jarrell
rock creek, WV

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Janet Perry <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 1:23 PM
To: DEP Comments
Subject: I'm the 7th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 18 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> The destruction of miles upon miles of streams in West Virginia due to the practice of Mountaintop Removal (or 'bombing' as it should be called...) by the coal industry is, in and of itself a travesty of humanity and justice. The destruction of this vital part of local ecosystems, as well as the drinking water of hundreds of thousands of people is something that cannot be overlooked. The state and federal government must step up and hold the coal industry responsible for the clean-up of its mess.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838569&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838569&target_type=custom&target_id=73331&csv=1

Janet Perry
San Clemente, CA

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to

receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Mark Graham <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 1:23 PM
To: DEP Comments
Subject: I'm the 13th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 18 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Clean Water is for everyone

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838570&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838570&target_type=custom&target_id=73331&csv=1

Mark Graham
Hyattsville, MD

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

August 8, 2016

Laura Cooper
Water Quality Standards, DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304

Re: Proposed Triennial Review of Legislative Rule 47CSR2, "Requirements Governing Water Quality Standards"

Dear Ms. Cooper,

Thank you for this opportunity to provide comments on the items to be considered during the West Virginia Department of Environmental Protection's (DEP) 2016 Triennial Review of aquatic life water quality standards, on behalf of our client, the Copper Development Association (CDA). CDA played a significant role in sponsoring scientific research used in the development of the freshwater Biotic Ligand Model (BLM) for copper, which was adopted by the United States Environmental Protection Agency (USEPA) as the basis for its latest nationally recommended freshwater aquatic life ambient water quality criteria for copper (USEPA 2007).

The purpose of this letter is to support DEP's proposed rule which includes language to allow the BLM to be used to derive site-specific criteria for copper. We are encouraged to see the adoption of criteria derivation methods that more accurately predict copper bioavailability compared to the existing hardness-based standard.

While the model is useful for derivation of site-specific water quality criteria, we suggest its best application is on a state-wide basis for any discharger with sufficient water quality data to run the BLM. We suggest that the DEP explore full replacement of the hardness-based standards with the BLM, or include the BLM as a site-wide alternative. Several states are already working towards full replacement of the hardness-based criteria for copper with the BLM as the basis (i.e., DE, ID, KS, and OR).
This would enable individual permit writers and permittees to collaborate directly to use the BLM to derive permit limits, thereby minimizing or eliminating the need to go through a lengthy and expensive rulemaking process. BLM-based criteria provide a practical means of deriving demonstrably more accurate levels of aquatic life protection across a broad range of water quality conditions, and with sufficient flexibility to support most any regulatory application framework.

We appreciate the opportunity to provide comments on the topic to consider for updating West Virginia's water quality standards. Please let us know if you have any questions. We look forward to discussing this with you further.

Sincerely,
GEI CONSULTANTS, INC.

Robert W. Gensemer, Ph.D., GEI
Senior Ecotoxicologist

Carrie Claytor, CDA
Director of Health, Environment and Sustainable Development

RWG
cc: Steven Canton, GEI
John Gondek, GEI
David DeForest, Windward Environmental
Eric Van Genderen, International Zinc Association

References

U.S. Environmental Protection Agency (USEPA). 2007. Aquatic Life Ambient Freshwater Quality Criteria – Copper. EPA-822-R-07-001. U.S. Environmental Protection Agency, Washington, D.C.

Smith, Chris B

From: Shane Assadzandi <info@actionnetwork.org>
Sent: Monday, August 08, 2016 12:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Shane Assadzandi
shane.assadzandi.wv@gmail.com
106 Ashley Oaks
Morgantown, West Virginia 26505

Smith, Chris B

From: Ferold Torchenot <info@actionnetwork.org>
Sent: Monday, August 08, 2016 12:51 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Ferold Torchenot

feroldtorchenot@yahoo.com

7080Cradlerock way

COLUMBIA, Maryland 21045

Smith, Chris B

From: JL Summers <summersimac@frontier.com>
Sent: Monday, August 08, 2016 12:20 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

It is hard to believe anyone would think it proper to weaken water standards. Please stop kowtowing to industries asking this be done. The citizens of WV are being done a large disservice by the WVDEP. It is no wonder WV continues to loose population every year. Cater to the residence population that deserves clean pure water both to drink and for recreation. Thank you.

JL Summers
summersimac@frontier.com
13004 Winfield Rd
Winfield, West Virginia 25213

Smith, Chris B

From: Norma Miller <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:10 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Norma Miller

n0k9miller@aol.com

2010 Weberwood Dr.

Charleston, West Virginia 25303

Smith, Chris B

From: Betsy Reeder <ereeder44@msn.com>
Sent: Monday, August 08, 2016 12:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Betsy Reeder

ereeder44@msn.com

HC 85 Box 305

Jumping Branch, West Virginia 25969

Smith, Chris B

From: Elise Keaton <info@actionnetwork.org>
Sent: Monday, August 08, 2016 12:08 PM
To: DEP Comments
Subject: Protect our water!!

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Please reject the proposal to allow removal of Category A drinking water protection through the permitting process. I support protecting all waters as current or future drinking water sources and oppose any rollback of this long-standing policy.
Please reject changes to the "critical design flow" that would allow more carcinogens into our water. WVDEP proposes to change flow rate calculation to a system that is not as protective during low water or drought conditions, allowing for higher, more dangerous concentrations of pollutants into our water. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions. I recommend WVDEP work with the USGS to conduct a statewide study to determine the best estimates for flow.

Please support increased statewide monitoring for bacteria in our waters. I support using E. Coli, instead of Fecal Coliform, as the new bacterial indicator as long as a procedure is in place to monitor both indicators during the transition process, and that frequency of sampling is adequate to measure a monthly average value.

Please adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Sincerely,

Elise Keaton

Elise Keaton

elise.keaton@gmail.com

PO Box 481

Hinton, WV, West Virginia 25951

Smith, Chris B

From: Linda Farwell <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:01 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Linda Farwell

farwell4775@gmail.com

756 Gordon Drive

Charleston, West Virginia 25303

Smith, Chris B

From: Joseph Sandy <info@actionnetwork.org>
Sent: Monday, August 08, 2016 12:56 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Joseph Sandy
josephsandy040@aol.com
103 Pinewood Road
Clarksburg, West Virginia 26330

Smith, Chris B

From: Angela Hughes <info@actionnetwork.org>
Sent: Monday, August 08, 2016 12:30 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Angela Hughes
scampyhughes@aol.com
2101 Rays Branch Road
Charleston, West Virginia 25314

Smith, Chris B

From: wes holliday <wes@suddenlink.net>
Sent: Monday, August 08, 2016 12:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,
We do not need to go back to the old ways, when the river actually caught on fire, when you could not eat the fish, or swim in the waters.
West Virginia needs to go forward, we have never had progress when we sold out our Environment to 'out of state" interests, or manufacturers. Every time we compromise our environment for a few jobs, it ends up hurting all of us !
Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

wes holliday
wes@suddenlink.net
141 notyurbusiness
charleston, West Virginia 25311

Smith, Chris B

From: Steve Cantley <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 1:23 PM
To: DEP Comments
Subject: I'm the 12th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 18 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> save our streams PLEASE

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838572&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838572&target_type=custom&target_id=73331&csv=1

Steve Cantley
Naoma, WV

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Rodney Hytonen <rodneyhytonen@frontier.com>
Sent: Monday, August 08, 2016 1:44 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Why ANY Fossil Fuel facilities are being, or have been, permitted in West Virginia, is completely beyond my understanding, and that of any thinking person.

And the immediate proof of its harm, in the real world, continues to torture many thousands of West Virginians daily, myself and my family very much included. Our (nightly, now) asthma has gone through the roof, and I had until now, only had ONE attack in 68 years! Ghis began when the drilling and fracking pads north of our town, Pennsboro, grew from 11 pads to over 75 Pads recently, according to ARCGIS and the Earthworks online map!

West Virginia is suffering from the irresponsible proliferation of this EXPORT-level gas drilling and fracking. We will not forget it, as we grow to recognize the source, the corrupt enablers, and the feculent reason -irresponsible greed- for all this permanent harm and immediate suffering.
Our government agencies were created to PROTECT the people from its harm
- not to ENABLE it!

The still-emerging scientific proof is already overwhelming, that the use of fossil fuels has been a two century long, colossal mistake, made by mankind out of the pure, irresponsible greed of a few criminally harmful industries, and their lies that these deadly and death-dealing "jobs" are "the only ones available."
We could easily have made other, far less harmful jobs- and energy sources- available.

END the drilling, fracking, piping, shipping, and other EXPORTING of our very land from beneath us, do it overnight!
Create those jobs NOW, to actually clean it up (not just the cosmetic minimum)
and pay for them by exacting ALL the losses and costs, in Public Health, Infrastructure, and

Private Property; which the Industries have EXTERNALIZED to a public that could ill afford them. How much LESS will we be able to afford it, when the inevitable BUST comes. Have we learned NOTHING?

PLEASE do not allow this facility to be built or operated AT ALL,
and mandate an immediate END to the MISTAKE of protecting and enabling
this irresponsible, marauding, poisonous, devastating industry of
nonconventional, horizontal drilling and "slickwater" hydraulic fracturing;
NOW.
Protect the people's health, our mountains wildlife, and streams, and the planet -
NOT CORPORATE PROFITS. BANKRUPT this criminal imdusry, SEIZE their assets,
NATIONALIZE energy to keep our resources HERE, and CREATE those new Green Energy jobs TODAY.

Rodney Hytonen
rodneyhytonen@frontier.com
109 Pine Drive
Pennsboro, West Virginia 26415

Smith, Chris B

From: Jacqueline Stalnaker <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:27 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Jacqueline Stalnaker
jmstalnaker@outlook.com
19091 Barbour County Ave
Philippi, West Virginia 26416

Smith, Chris B

From: Patricia Gundrum <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:48 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Patricia Gundrum
gundrum2@gmail.com
252 STAUNTON AVE
SOUTH CHARLESTON, West Virginia 25303

Smith, Chris B

From: Lucy Jenkins <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:43 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Hello Laura,

I have been concerned for some time about the quality of our drinking water here in West Virginia. We constantly receive notifications that we are not to drink the water because of potential contamination. Water is a basic necessity, and whilst I realize we have cleaner water than most developing countries, it is of grave concern to me that I and several of my friends and acquaintances have developed cancerous tumors in the 16 years since I have lived in this area. We need to make water quality a priority. Please ensure our drinking and cooking water is safe.
Please also work to develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

It has been suggested I ask you to adopt the proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Much of the chemistry of this is unclear to me, but I am currently buying water from the grocery store or otherwise filling containers from sources outside the town.
Thank you so much for the opportunity to comment.

Lucy Jenkins
lumaze@hotmail.com
15 Valley Court
Shepherdstown, West Virginia 25443

Smith, Chris B

From: George Little <info@actionnetwork.org>
Sent: Monday, August 08, 2016 1:59 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

George Little

george.wilbur.little@gmail.com

307 Hillside Pass

Frankford, West Virginia 24938

Smith, Chris B

From: Michael McLeod <info@actionnetwork.org>
Sent: Monday, August 08, 2016 2:42 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Michael McLeod

holdfastmclemi@gmail.com

4 Penrose Street

White Hall, West Virginia 26554

Smith, Chris B

From: Dorris Headden <dorrie6s@comcast.net>
Sent: Monday, August 08, 2016 3:20 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Dorris Headden

dorrie6s@comcast.net

399 All American Way

MARTINSBURG, West Virginia 25405

Smith, Chris B

From: Michael Condon <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 3:39 PM
To: DEP Comments
Subject: I'm the 40th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 40 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Legislators seem to have little regard for our state's water ways. We need higher standards to protect our drinking water. Additionally the Birthplace of Rivers National Monument would illustrate a commitment to honoring the value of water to everyone.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838611&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838611&target_type=custom&target_id=73331&csv=1

Michael Condon
Hillsboro, WV

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here:

http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Natalie Thompson <info@actionnetwork.org>
Sent: Monday, August 08, 2016 2:25 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Natalie Thompson
Thompson4change@gmail.com
140 Westview Avenue
Huntington, West Virginia 25701

Smith, Chris B

From: Elizabeth Scott <info@actionnetwork.org>
Sent: Monday, August 08, 2016 2:36 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Elizabeth Scott
scottbetsy40@gmail.com
114 Shady Ln
Winfield, West Virginia 25213

Smith, Chris B

From: Monique TONET <tonet.monique@neuf.fr>
Sent: Monday, August 08, 2016 3:25 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Monique TONET
tonet.monique@neuf.fr
14 boulevard Jean Baptiste Verany
Nice, Provence-Alpes-Côte d'Azur 06300

Smith, Chris B

From: Thomas Bouldin <info@actionnetwork.org>
Sent: Monday, August 08, 2016 3:19 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Increasingly the state's lawmakers seem to believe that lowering demands on industry we can somehow get people to invest in the state's economy. That is a foolish and ill-conceived strategy. If our state's environment is more seriously polluted because of reduced regulatory standards, there will be less meaningful investment, not more.

Keep our water quality standards protective of public health and recreational safety. This is more productive long-term investment than some cow-towing to corporate demands to oppose Federal Standards for protection of environment.

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream. Such detailed testing may be more time-consuming and more expensive, but the results are far more empowering than any inconveniences entailed by meeting high expectations.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions. Current misrepresentations of flow rates by various gas-industry interests show that we really must

insist on such standard measures as are supplied by national organizations like USGS. More localized and less rigorous standards will ultimately work against the state and its people.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

I have been deeply concerned about the DEP's evaluation of water-related issues as impacted by the Mountain Valley Pipeline proposal, and will be sending further expressions of that concern as time permits.

Sincerely
Thomas T. Bouldin
Pence Springs, WV

Thomas Bouldin
tybouldin@outlook.com
PO Box 431
Talcott, WV, West Virginia 24910

Smith, Chris B

From: Beth Covington <info@actionnetwork.org>
Sent: Monday, August 08, 2016 2:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Beth Covington
covington925@hotmail.com
PO Box 57
Greenville, WV, West Virginia 24945

Smith, Chris B

From: Rick Abel <rickabel@excite.com>
Sent: Monday, August 08, 2016 3:32 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Rick Abel

rickabel@excite.com

P. O. Box 431

Pursglove, West Virginia 26546

Smith, Chris B

From: Robin J Reash <rjreash@aep.com>
Sent: Monday, August 08, 2016 12:41 PM
To: Cooper, Laura K
Cc: Smith, Chris B; Jill N Lukehart; Alan R Wood
Subject: AEP comments - proposed rules for 2017 triennial review

Hello Laura. American Electric Power (AEP) submits the following comments on proposed changes to the "Requirements Governing Water Quality Standards, 47 CRS 2". AEP submitted comments in 2014 and 2015 regarding our suggested changes to the water quality standards (WQS) pursuant to the 2017 triennial review.

- Category A Use Designation: we appreciate DEP allowing some flexibility to the regulated community concerning mechanisms to demonstrate that the Category A use is not appropriate on a site-specific basis. We believe that the proposed provisions do not go far enough, however. They are administratively onerous and can be challenged by 3rd-parties and/or US EPA. We request that DEP re-consider the common-sense approach to Category A. This use designation should only apply when an actual drinking water intake is located at a reasonable distance from a permitted facility. This would allow adequate protection for raw river water quality and not incur significant wastewater treatment costs for a facility not located proximal to an intake. This scheme is also predictable - a regulated entity and all stakeholders know, in advance, what criteria apply when there is a new source or an expanded source of an existing discharge. If, despite these recommendations, DEP decides to finalize the proposed changes considering applicability of Category A criteria, we believe a cost/benefit analysis should be conducted, i.e., what are the treatment (economic) costs relative to the environmental benefits of all waterbody segments attaining the Category A use criteria? The regulated community can forecast the cost implications of attaining certain criteria in downstream water. To be fair to them, an understanding of the environmental or human health benefits should be made available.

- Default permitting flow: We support DEP's proposed provision that the harmonic mean streamflow be used for deriving wasteload allocations regarding carcinogenic pollutants (human health protection).

- AEP supports the comments submitted by the West Virginia Manufacturers Association.

Feel free to contact me at 614-716-1237 if you have any comments on the above comments.

Rob Reash
American Electric Power – Environmental Services Department
Consulting Environmental Scientist
Certified Fisheries Professional

Smith, Chris B

From: Michael Donahue <shenandoah117@comcast.net>
Sent: Monday, August 08, 2016 3:49 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Michael Donahue
shenandoah117@comcast.net
327 Blue Bird Ln
Harpers Ferry, West Virginia 25425

Smith, Chris B

From: Jeff Wilson <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 4:29 PM
To: DEP Comments
Subject: I'm the 45th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 45 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> We are led by ignorant hicks. Shame on you.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838622&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838622&target_type=custom&target_id=73331&csv=1

Jeff Wilson
Morgantown, WV

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Martha Walker <info@actionnetwork.org>
Sent: Monday, August 08, 2016 4:30 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Martha Walker
marthalee3@hotmail.com
202 Joseph St
South Charleston, West Virginia 25303

Smith, Chris B

From: Sam Golston <info@actionnetwork.org>
Sent: Monday, August 08, 2016 6:11 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sam Golston

sam_golston@hotmail.com

Sam

Elkins, West Virginia 26241

Smith, Chris B

From: Richard D. Reece <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 3:35 PM
To: DEP Comments
Subject: I'm the 39th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 39 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Air and water are our most precious and life giving pesuxs of nature. Without them we would die. Therefore, keep them both pure as we can have them.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838606&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838606&target_type=custom&target_id=73331&csv=1

Richard D. Reece
Romney, WV

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=tVUo0ChI09uo.VobkFLowERFUC5Db21tZW50c0B3di5nb3Y-&petition_id=112579.

Smith, Chris B

From: Stephanie Somers <info@actionnetwork.org>
Sent: Monday, August 08, 2016 4:53 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Stephanie Somers
jhs_thespian@yahoo.com
54 Lindsey Dr
Charles Town, West Virginia 25414

Smith, Chris B

From: Llysse <llysse@gmail.com>
Sent: Monday, August 08, 2016 4:57 PM
To: DEP Comments
Subject: Proposed changes to water standards: Public Comment

Dear DEP:

I am truly dumbfounded by the changes you're proposing. You should be at all times making the water safer for us. Why are you weakening protections? It really makes no sense given the poisoning of 300,000 people in the Charleston area, and the decades long poisoning I myself have been a victim of with c-8 in the Parkersburg area. How many people do you know who have died from kidney cancer? Zero... one? I know two *on the same street.* I nearly died from the pre-eclmapsia associated with the poisoning. Having moved away... now I have to worry about you allowing my stream to be poisoned? I will fight you tooth and nail.

I have a creek on my property--beautiful little thing. Very tinkly in the spring, but it doesn't flow much in the summer. Changes to the "Critical Design Flow" are ridiculous. We have so many seasonal streams like my own. All my little fishes would die. All the crawdads. Heck, the DEER might get sick drinking from the streams if you change these standards. Don't be evil; protecting our water is not about allowing corporations to pollute us more and sicken us more in order to pad their bottom line.

Our waters are a resource that should be protected for all uses. I live in rural WV, and many out here depend on non-municipal sources. Don't remove Category A designations from our streams. I'd suggest that EVERY stream should have such a designation. How can you think it's okay to designate a common resource to just the one use--someone else's waste?

I know that the EPA has concluded that a simple test for electrical conductivity can show whether a stream is getting polluted from things like mining or fracking. And testing for bacteria from agricultural run-off is a good idea, too, especially in swimming holes or recreational lakes. Why not ADD a safety measure or two. You're meant to update standards to protect us, not to profit others at our expense.

Don't get me wrong, I appreciate that you're wanting to adopt the EPA's recommended standards to test for those five chemicals, including carbaryl. But please, don't weaken standards elsewhere. I'm a person, dammit. It's my creek, too. I like to fish and camp, and I don't want to have to break out the map and do complex calculations to determine if it's safe to stand in the water or eat what I catch there.

You know, I have health problems because of corporate bad faith and absolute disregard for the welfare of others. Don't do this to other people here in WV, too. You're here to protect us.

Sincerely,
Lissa Lucas
Cairo, WV
26337

Smith, Chris B

From: Leslee McCarty <info@actionnetwork.org>
Sent: Monday, August 08, 2016 6:10 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Leslee McCarty

lesleemac1@gmail.com

486 old Powell Rd

Lewisburg, West Virginia 24901

Smith, Chris B

From: Judith Bair <info@actionnetwork.org>
Sent: Monday, August 08, 2016 4:15 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Judith Bair

judithbair@gmail.com

315 Red Wing Ln.

Sinks Grove, WV 24976

Smith, Chris B

From: Carol Sheffield <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 4:55 PM
To: DEP Comments
Subject: I'm the 46th signer: "Protect West Virginia Water"

Dear 47CSR2 Water standards rule comments,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 46 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73331-20260808-MPKRic

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Just NO! Our waterways are a precious resource...FIRST, DO NO HARM!!!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838634&target_type=custom&target_id=73331

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838634&target_type=custom&target_id=73331&csv=1

Carol Sheffield
Buckhannon, WV

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Smith, Chris B

From: Judy Hunter <judyandcap@comcast.net>
Sent: Monday, August 08, 2016 7:17 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Judy Hunter
judyandcap@comcast.net
1834 Woodmont
Huntington, West Virginia 25701

Smith, Chris B

From: David Fox <info@actionnetwork.org>
Sent: Monday, August 08, 2016 5:54 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

David Fox

lissadavidfox@gmail.com

431 Nansfield Dr

HARPERS FERRY, West Virginia 25425-3161

Smith, Chris B

From: Cooper, Laura K
Sent: Tuesday, August 09, 2016 10:58 AM
To: Smith, Chris B
Subject: FW: Comment on water quality standards

Laura K. Cooper
Assistant Director - Water Quality Standards Division of Water and Waste Management WV Department of Environmental Protection
Office: 304-926-0499 x1110
Mobile: 304-206-8901
Email: Laura.K.Cooper@wv.gov
Room 2169, 601 57th St SE; Charleston, WV

-----Original Message-----
From: Mark Blumenstein [mailto:markb@mountain.net]
Sent: Tuesday, August 09, 2016 7:31 AM
To: Cooper, Laura K
Subject: Comment on water quality standards

The WV Rivers Coalition has covered the extremely technical aspect of protecting our life source , WATER and I agree . What our State needs ,is to lead the way and not follow . We are the headwaters to surrounding states and how many millions of citizens and yet we continue to turn our heads where serious pollutants are pumped into our ground and then we find out months down the road contaminants in our water supply I.e. Lockjelly injection well for an example . We allow fracking which is contaminating entire regions of subgeo strata , just waiting for these highly toxic chemicals to appear miles from the injection source . Then trying to identify the impossible source of these leaks in the substrata . We know this happens and we know that our waters are threatened !
Just look at the surrounding health of that community's not the rim of the New River Gorge . This goes directly to water quality standards. You must consider and question practices and methods of disposal ! You must consider oversight! You must consider the health of your community . Setting standards must go hand in hand with oversight . Killing our citizens slowly with poorly regulated waters with chemical contamination that is not regulated for, will cause mass extinction . You can see it now in the numbers of cancer cases in our state !
Fix this issue now before it's too late Mark Blumenstein , past president and board member of Greenbrier River Watershed Assoc. and Friends of the Lower Greenbrier River.
365 Sky View Farm Lane
ALDERSON WV 24910

Sent from my iPad

Smith, Chris B

From: Cooper, Laura K
Sent: Tuesday, August 09, 2016 10:58 AM
To: Smith, Chris B
Subject: FW: Comment re: WQS Triennial Review proposed standards

Laura K. Cooper
Assistant Director - Water Quality Standards
Division of Water and Waste Management
WV Department of Environmental Protection
Office: 304-926-0499 x 1110
Mobile: 304-206-8901
Email: Laura.K.Cooper@wv.gov
Room 2169, 601 57th St SE; Charleston, WV

From: Robin Blakeman [mailto:rbrobinjh@gmail.com]
Sent: Monday, August 08, 2016 4:48 PM
To: Cooper, Laura K
Subject: Comment re: WQS Triennial Review proposed standards

Please see our (OVEC) comments below and include them in your public record for the 8/9 scheduled public meeting. Thanks for taking our concerns into consideration!

Ohio Valley Environmental Coalition comments:

Ohio Valley Environmental Coalition

www.ohvec.org

August 8, 2016

Laura Cooper
601 57th St SE
Charleston, WV 25304

Dear Ms. Cooper:

Comment Re: Triennial review proposed amendments to existing water quality standards

We join with many of our allies, including WV Rivers Coalition, to strongly oppose these proposed rule changes. We oppose any weakening of the Category A classification for our potential (future) or actual (current) source water streams. We also oppose changing the stream flows used in pollution limit calculations from one using low-flow conditions to one using average flow; this is an action that even agency officials acknowledge allows greater levels of cancer-causing chemicals to flow into our streams and rivers.

WV already has some of the highest cancer rates in the nation, according to the Center for Disease Control (CDC): http://www.cdc.gov/cancer/dcpc/data/state.htm. Given this, it seems imperative to tighten regulations on known or potentially carcinogenic chemical releases, and to fully enforce those regulations throughout our state using every regulatory tool at our disposal. This is *not* the direction the DEP seems to be moving with these proposed rule changes.

As DEP officials have admitted, there is great uncertainty about how much more chemicals would be allowed into our streams with these rule changes. A study to assess this potential and to survey exactly what kinds of chemicals would be added in greater quantities to our streams should be done prior to any further consideration of these rule changes. The data from this study should be put into an accessible public record. Also, a geological survey must be carried out to accurately assess the correct calculations for a so-called "harmonic mean." Again, we are strongly opposed to a transition to use of the harmonic mean standard from the low-flow standards.

This proposed rule change seems to clearly preference industry demands over human health, which seems strongly in opposition with the published mission of the WV DEP to "promote a healthy environment" presumably for the citizens and communities of WV.

On the subject of bacteria, we support DEP's recommendation to utilize the E. coli standards, but would encourage establishment of monthly testing procedures to adequately monitor our streams for that pollutant. We also encourage frequent sampling and monitoring for both E. coli and fecal coliform indicators during the transition period while these standards are being implemented, to ensure that our streams are safe for recreational use.

Thanks for considering these comments and adding them to your public record regarding these issues.

Sincerely,

Robin Blakeman, Ohio Valley Environmental Coalition

Smith, Chris B

From: Cooper, Laura K
Sent: Tuesday, August 09, 2016 11:00 AM
To: Smith, Chris B
Subject: FW: 62 signers: Protect West Virginia Water petition

Laura K. Cooper
Assistant Director - Water Quality Standards
Division of Water and Waste Management
WV Department of Environmental Protection
Office: 304-926-0499 x1110
Mobile: 304-206-8901
Email: Laura.K.Cooper@wv.gov
Room 2169, 601 57th St SE; Charleston, WV

From: Vernon Haltom [mailto:petitions@moveon.org]
Sent: Monday, August 08, 2016 9:18 PM
To: Cooper, Laura K
Subject: 62 signers: Protect West Virginia Water petition

Dear Laura Cooper,

I started a petition to you titled *Protect West Virginia Water*. So far, the petition has 62 total signers.

You can post a response for us to pass along to all petition signers by clicking here:
http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838693&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838693&target_type=custom&target_id=73330&csv=1

Thank you.

--Vernon Haltom

If you have any other questions, please email petitions@moveon.org.

The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.

This email was sent through MoveOn's petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=n_gEeZd8232FwN6IAqruekxhdXJhLksuQ29vcGVyQHd2Lmdvdg--&petition_id=112579.

WVRWA Comments on WV Water Quality Standards (8/8/16):

These comments are made in addition to WVRWA's previous comments to WV Division of Environmental Protection, regarding WVDEP's Triennial Review of its Water Quality Standards. These comments are in regard to estimating stream flow for ungauged streams, and the uncertainty in those estimates.

WVDEP proposes changes in the critical design flow for permitted dischargers, specifically changing 47CSR2 Section 8.2.b, to allow for use of the Harmonic Mean Low Flow for discharges of carcinogens and 30Q5 Low Flow for non-carcinogens, rather than the currently used 7Q10 Low Flow. These changes would allow for significantly greater loads of such pollutants being discharged, as Harmonic Mean and 30Q5 flows are significantly greater than 7Q10. This point was debated in the 1990s, and 7Q10 flow was kept as the critical design flow.

Part of the debate in the past dealt with the potential inaccuracy of 7Q10 low flows for locations where actual flow measurements don't exist, and the need for better low flow data. In recent years the US Geological Survey has published several studies of streamflow in West Virginia, including regression equations for estimating low flows at unmeasured locations throughout the state.

WVDEP has a webpage where a map of the state can be queried to find the flow statistics for such locations, using the USGS historical data for gauged locations and the regression equations for ungauged locations. The low flow values estimated by these equations are only approximations, with the resulting values for Harmonic Mean, 30Q5 and 7Q10 calculated for the gauged locations being as much as 3 times more or less the historic record.

As an alternative to using the USGS regression equations, WVRWA recommends WVDEP consider a mapping method for estimating low flow values between gauging stations. To visualize the mapping, first consider that WVDEP's Water Use Section has a map layer for Average Annual Precipitation, which is a variable in some of the USGS equations. In WV, we average between 2 and 5 feet of precipitation per year, with the lowest values along the Ohio River, in the Southern Coalfields and in the Eastern Panhandle. The wettest part of the state is in the east central highlands, where the highest mountains capture more of the west-east flows of moisture.

WVDEP could easily add another mapping layer that could be of more value to the Water Use Section, which would be a map of the Average Annual Runoff across the state. Statewide, Average Annual Runoff is generally about 2 feet per year less than Average Annual Precipitation, with the difference being what is lost to Evapotranspiration. All three of these variables could be mapped, either as inches per year, or as cubic feet per second per square mile (cfsm). (one cfsm = 13.6 inches/yr)

Low flow statistics, such as Harmonic Mean, 30Q5 and 7Q10, could also be mapped as cfsm, or as % of Average Annual Runoff, using values for gauged locations. Low flow statistics (as cfsm or % of AAR) for locations between gauging stations could be contoured, and then low flow flows in cfs calculated for a watershed from its area in square miles.

One advantage to such mapping of contoured flow statistics could be the added insights gained from visualizing the data. For example, low flows tend to be a higher % of Annual Runoff in the karst and pseudo-karst (deep mined) watersheds, as well as in watersheds with above ground reservoirs. The effect on low flows from other watershed variables, such as soil type or soil organic carbon content, % impervious surfaces, etc may also become apparent.

A key advantage for WVDEP's Water and Wastewater Permitting Section from mapping low flow data in this way could be a reduction of the uncertainty in the flow values relative to the uncertainty in values from the regression equations. WVDEP should assess this possibility.

In addition, WVDEP should maintain a policy of promoting the collection of streamflow data where it is currently lacking, which will help validate low flow data for such locations. For example, if a party were to question the low flow value being estimated for an ungauged location, WVDEP may promote the collection of flow data at or near that location by the interested party and/or other stakeholders. If a permit applicant were to begin collecting flow data on a previously ungauged stream, and had a year's worth of data for example, could this be sufficient data to amend a previous low flow statistic which was based solely on data from other sites?

Perhaps WVDEP could include a measure of uncertainty (a "margin of safety") in its low flow statistics for ungauged locations. If the margin of safety, for example, made for a critical design flow 100 cfs instead of an otherwise estimated 500 cfs, but the permitee could get a critical design flow of 500 cfs (or potentially much more) by collecting sufficient local stream flow data, the permitee would have an incentive to collect the flow data.

http://petitions.moveon.org/delivery_unsub.html?e=n_gEeZd82322FwN6IAgruekxhdXJhLksuQ29vcGVyQHd2Lmdvdg--&petition_id=112579.

Smith, Chris B

From: ann malone <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 8:09 PM
To: Cooper, Laura K
Subject: I'm the 55th signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 55 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> People's health should be more important than corporate profit!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838670&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838670&target_type=custom&target_id=73330&csv=1

ann malone
sugar grove, VA

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Smith, Chris B

From: Tom Ferguson <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 7:51 PM
To: Cooper, Laura K
Subject: I'm the 54th signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 54 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> We all live downstream .Headwater streams are where pure water is made. Clean water is our most valuable resource!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838664&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838664&target_type=custom&target_id=73330&csv=1

Tom Ferguson
Mesa, AZ

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Smith, Chris B

From: Michael A. Moore <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 7:31 PM
To: Cooper, Laura K
Subject: I'm the 51st signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 52 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> Yeah. I agree that more corporations should make more insane amounts of money off of polluting our natural resources, while we are left with nothint when their toxic resources spill over into our water because they dont actually care sbout standards. And i think its great that no one is ever held accountable. We should not be allowing more pillutants, and more streams desecrated. We should ve cutting back and attempting to fix the streams that are damaged.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838655&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838655&target_type=custom&target_id=73330&csv=1

Michael A. Moore
Charleston, WV

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receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=n_gEeZd8232FwN6IAgruekxhdXJhLksuQ29vcGVyQHd2Lmdvdg--&petition_id=112579.

Smith, Chris B

From: Daile Boulis <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 8:59 PM
To: Cooper, Laura K
Subject: I'm the 60th signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 60 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> WVDEP has a poor track record using "estimates". The water quality standards should not change until a true study has been completed.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838686&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838686&target_type=custom&target_id=73330&csv=1

Daile Boulis
Charleston, WV

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Smith, Chris B

From: Jennifer Lee <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 7:49 PM
To: Cooper, Laura K
Subject: I'm the 53rd signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 53 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> What's in this for us? This change would be a real step backward. It's a betrayal of the many to benefit the few.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838661&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838661&target_type=custom&target_id=73330&csv=1

Jennifer Lee
Parkersburg, WV

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Smith, Chris B

From: Jessica Blalock <petitions-noreply@moveon.org>
Sent: Monday, August 08, 2016 9:18 PM
To: Cooper, Laura K
Subject: I'm the 61st signer: "Protect West Virginia Water"

Dear Laura Cooper,

I just signed a petition addressed to you titled *Protect West Virginia Water*. So far, 62 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-112579-custom-73330-20260808-sUj5cm

The petition states:

> "Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

My additional comments are:

> We need to find better ways to protect our water!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1838692&target_type=custom&target_id=73330

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1838692&target_type=custom&target_id=73330&csv=1

Jessica Blalock
Charleston, WV

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Smith, Chris B

From: Ashofteh Bouman <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 1:40 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Ashofteh Bouman

ashbouman@hotmail.com

282 Ashwood Dr.

Meadow Bridge , West Virginia 25976

Smith, Chris B

From: Shantha Alonso <shantha@creationjustice.org>
Sent: Tuesday, August 09, 2016 12:53 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Shantha Alonso
shantha@creationjustice.org
9901 Woodland Dr.
Silver Spring, Maryland 20902

Smith, Chris B

From: Taylor Johnson <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:27 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Please protect our water, do not weaken our water protect. Please adopt the following standards.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Taylor Johnson
taylorj24945@gmail.com
3227 Ellison Rdg
Greenville, Colorado WV 24945

Smith, Chris B

From: Leslie Stone <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:55 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water is the world's most precious and vital resource. We are blessed with an abundance in WV. At all costs, for both human life and the state's economy, we must protect and preserve our water.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Leslie Stone
leslie.stone4@gmail.com
5294 DeWitt Road
Charleston , West Virginia 25314

Smith, Chris B

From: Selina Vickers <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 1:41 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water standards need to be very strict! We all need water. Do everything to protect our water, please!

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Selina Vickers
emailtheselina@gmail.com
2821 Lansing Edmond Rd
Edmond, West Virginia 25837

Smith, Chris B

From: Diane Wellman <dwellwv@comcast.net>
Sent: Tuesday, August 09, 2016 12:47 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

It's crazy that a letter like this needs to be written at all, given that 300,000 people had their drinking water contaminated due to lax laws and lax oversight. We need stricter laws to protect our water, not weaker.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Diane Wellman
dwellwv@comcast.net
PO Box 2546
Huntington, West Virginia 25726

Smith, Chris B

From: Rachelle Marion <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:21 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Rachelle Marion
rachelle304@gmail.com
836 White Oak Hgts
Elkview, West Virginia 25071

Smith, Chris B

From: Dwayne Milam <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:49 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

As a resident of Summers County, I am writing today to express my concern regarding water quality in my county, and within our state. Unfortunately our county, and farm lies within the path of the proposed Mountain Valley Pipeline (MVP). Almost everyone in rural areas rely on wells and springs for water. Massive construction and blasting in the vicinity of wells and springs will likely negatively effect our water supply. Runoff from construction will also negatively impact our water. As you know our mountains are very steep and the soil is very close to bedrock...we get large quantities of rain from micro-bursts, hurricanes and strong thunderstorms (as the destruction in Greenbrier and Summers County has recently shown). As this rain was falling, I thought that we are very fortunate that the MVP had not been constructed. You and I both know what would have happened...all of the dirt would have washed away and eventually ended-up in our streams and rivers. Our wells would likely had been contaminated in addition to various public water supplies. Protect our water, strengthen the rules and regulations that safeguard all of the citizens of West Virginia.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sincerely,
Dwayne Milam

Dwayne Milam
dlmilam2010@hotmail.com
418 Doc Miller Lane
Alderson, West Virginia 24910

Smith, Chris B

From: Natalie Thiele <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 1:40 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I am very concerned about the possibility that West Virginia water quality standards may soon be undermined instead of upheld or strengthened. My family drinks West Virginia water, bathes in it, and all the produce we grow and eat has been watered with it-- and I would like our municipal water source (a West Virginia river) to remain as clean and safe as it currently is, if not cleaner and safer. All West Virginians have a right to clean and safe drinking water and access to clean recreational bodies of water, and I hope that the WVDEP does their part to help protect that right. Thank you for your advocacy.

What follows is the suggested letter from the West Virginia Rivers Coalition:

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Natalie Thiele
natalie.a.a.thiele@gmail.com
905 Walnut St
Glenville, West Virginia 26351

Smith, Chris B

From: Amy Gherke <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:43 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

WV is known for her beautiful land, rivers, streams, and mountains. Please help keep our water clean. Actually, please do not allow any more pollution into our waters. We are made primarily of water, so when our sources become polluted, so do our bodies. -Amy S. Gherke

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Amy Gherke
amysue913@yahoo.com
2088 Atkinson Ridge Rd
Walker, West Virginia 26180

Smith, Chris B

From: Cindy Smith <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:06 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Cindy Smith
buz.cindy.smith@gmail.com
3808 Wash Ave SE
CHARLESTON , West Virginia 25304

Smith, Chris B

From: Sara Young <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:39 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sincerely,

Sara Young

Sara Young
syoung1145@yahoo.com
112 Airview Lane
Craigsville, West Virginia 26205

Smith, Chris B

From: Donald Briggs <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Please do not sacrifice our public health and outdoor recreation-based economy; I urge you to:

- Remove the provision to allow Category A use change through a NPDES permit which is contrary to the Clean Water Act.

- Conduct a statewide study in collaboration with USGS to determine the best estimates for flow taking into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances.

- Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation—this is important to maintain the health of our outdoor recreation economy as well as our drinking and fishing waters.

- Adopt as proposed EPA's recommended standards for aquatic life criteria for acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Donald Briggs
1donaldbriggs@gmail.com
P. O. Box 733
Shepherdstown, West Virginia 25443

Smith, Chris B

From: Damon Mills <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 12:28 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Damon Mills

five5tbird@aol.com

338 11th ave west

Huntington , West Virginia 25701

Smith, Chris B

From: Bonnie Hall <bhall42@live.com>
Sent: Tuesday, August 09, 2016 12:01 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Bonnie Hall

bhall42@live.com

164 Allen Ridge Road

New Martinsville, West Virginia 26155

Smith, Chris B

From: Sharon Kearns <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:34 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I agree with the following below but want to insert my own comments, too.

I have a farm in Hillsboro but my permanent home is in Virginia so I can easily contrast some of what I experience in both states. Virginia tries to listen to its' people and is not as easily influenced by corporations that don't have the interests of their people in mind.
I see the proposed changes as an effort to weaken the rights of West Virginians to have clean drinkable water. Hillsboro, where I have a farm, has wonderful water. I tested the water before we bought our farm and those results and our soils are exactly the reason we are in WV.
Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation.

Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Please consider the people of West Virginia before you allow the weakening of water standards.
Thank you for your service,
Sincerely,
Sharon Kearns

Sharon Kearns
skwalks@gmail.com
110 Kestrel Lane
Hillsboro, West Virginia 24946

Comments of the

West Virginia Manufacturers Association

regarding the

Requirements Governing Water Quality Standards

47 CSR 2

These comments are filed on behalf of the West Virginia Manufacturers Association (WVMA) on the proposed rule titled "Requirements Governing Water Quality Standards," 47 C.S.R. 2 (the Proposed Rule). Formed in 1915, the WVMA represents the interests of manufacturers throughout West Virginia. The WVMA promotes balancing environmental protection and economic development in order to provide safe and productive opportunities for citizens of the state of West Virginia. Our members have a tradition of technological innovation and providing jobs for West Virginians. Moreover, the WVMA has experience working with environmental regulators and community members in order to protect the environment and promote economic development. It is in this spirit of experience and partnership that the WVMA offers these comments.

A. The Category A Public Water Use Definition Should Be Re-Evaluated and Revised

During the 2015 Legislative Session the approval of revisions to water quality standards in HB 2283 was conditioned on a study by the Department of Environmental Protection (DEP) of the possible alternative application of the Category A public water supply use described in 47 CSR 2-6.2 (the Category A use):

> (h) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (requirements governing water quality standards, 47 CSR 2), is authorized.; Provided; that the Secretary of the Department of Environmental Protection shall consider, for the 2017 triennial review, potential alternative applications for the Category A drinking water use designation to the waters of the state, taking into consideration stream flow, depth, and distance to a public water intake.

Currently, the DEP applies Category A criteria in all locations in all state waterbodies, even where the water is not being used as a public water supply. The study mandated by the Legislature presented an opportunity for the DEP to reconsider its application of the Category A use, by exploring the function of the Category A use and how alternatives to the DEP's present approach might provide relief to industry without affecting public protections. Instead, the DEP has proposed a very convoluted procedure that would only apply to water bodies that, by their very description, are not feasible as public water supplies. The DEP gave no consideration to how industry might have demonstrated, during the permit process, that existing public water supply intakes were too far away to be affected by an industrial or municipal discharge.

We are very disappointed that the DEP ignored the Legislature's direction and refused to consider whether distance to intake should be evaluated when determining where the Category A use applies. The reason the DEP has given for refusing to allow relief from Category A criteria is that *W. Va. Code* §22-11-7b(c) obligates the agency to protect future uses, and that it must apply Category A in all streams so that all of them are available as future drinking water supplies. That interpretation of the DEP's authority represents a selective reading of the statute. The relevant sentence provides that:

> Standards of quality with respect to surface waters shall protect the public health and welfare, wildlife, fish and aquatic life and the present and prospective future uses of the water for domestic, agricultural, industrial, recreational, scenic and other legitimate beneficial uses thereof.

In the hierarchy of considerations set forth in that sentence, domestic use of water resources is not afforded pre-eminence over the need to foster industrial growth in West Virginia. To imply, as the DEP does with its interpretation of the statute, that it need give no consideration to future industrial growth when applying water quality standards, is disturbing.

The WVMA is not suggesting that public water supplies are not deserving of protection; it would merely point out that those protections already exist, and will remain in place, even if the changes that it has proposed are implemented. First, a drinking water use has priority of right. If a public water supply decides to put its intake 10 feet downstream of an existing industrial or municipal discharge, the drinking water use becomes an existing use, and Category A criteria must be met. In that situation, the DEP will set limits on upstream dischargers to protect the new intake. Second, the number of new intakes that have been proposed in the state over the past few years has been vanishingly small, and there have been no siting disputes between industrial and potable water uses. Both domestic and industrial uses can be accommodated. Third, the DEP is essentially prohibiting development in the state by any new manufacturer or other business that might discharge Category A pollutants above criteria levels. There is no difference between existing dischargers asking for minor relief from strict Category A criteria-based permit limits for their discharges, and new dischargers who will need a mixing zone to meet Category A-based permit limits. Both are, in the DEP's view, preventing future use of a stream segment as a public water supply. Accordingly, we can only conclude that the DEP will not permit any new discharger, if it would need a Category A mixing zone, because that would mean that limited area is no longer available for use as a public water supply.

The WVMA had proposed to the DEP that we set aside years of arguing over whether the Category A use is intended to apply in all locations, in all state streams, and instead develop a system that allows dischargers to demonstrate, by modeling or otherwise, that no one downstream of their intakes would be affected by Category A pollutants, in which case the Category A criteria would not apply to that discharger. That is, after all, what someone would demonstrate if he or she wanted to remove the Category A use from a stream segment, and by

following the WVMA's suggested approach, the permittee would not waste tens of thousands of dollars in consultant and legal fees, and lose at least a year or two seeking approval from the DEP, the Legislature, and the EPA. We know that such a system would work, because the mining industry does it right now, in order to avoid stringent Category A limits for manganese. Mines that are seeking relief from the Category A criteria for manganese survey the area 5 miles downstream of their discharges, to determine whether there are any public or private intakes. If there are not any intakes, the stricter Category A manganese criteria do not apply. If there are intakes in that stream segment, the mine has to meet the Category A criteria.

Rather than take this sort of common sense approach, the DEP proposes a cumbersome process that allows only limited relief, and only for those streams with insufficient flow or a hydrologic modification. Even then, the relief would not be available if "insufficient flow may be compensated for by the discharge of sufficient volume of effluent discharges" or "reasonable provision for storage or impoundment of the water could be made" or if the stream may be capable of serving as an emergency water supply. 47 CSR. § 2.6.3.a.. Even if that hurdle is crossed, the permittee would be required to provide the same information that is mandated for a use removal or other change, such as a description of general land use in the area and an assessment of aquatic life, even though that information is irrelevant to removal of a drinking water use. The proposed rule goes on to require that EPA approve the determination that Category A does not apply, despite the fact that EPA does not have that authority in this sort of permitting situation.

In evaluating how the Category A use should be applied, the DEP should have looked at how the use was originally meant to be interpreted. The Category A use was never intended to apply in all places state-wide. When the Water Resources Board, the entity that formerly

developed water quality standards, adopted the Category A definition, it said in its response to comments about this section that:

> The Board responded to the first group of comments [relating to the types of water intakes that would be protected] by agreeing that all waters actually used for human consumption should be included in the definition and therefore protected. They further agreed that defining where the criteria are to apply as part of the definition might be improper. **Above all, they agreed that the category and criteria for public water supplies should not be applied to streams or stream segments where no one is using the waters for drinking**.

State Water Resources Board of West Virginia Rationale Document for Revision of Legislative Rules Series I, II, III and IX (January 6, 1986) at 19-20 (bold emphasis added). The Board never meant for the Category A use to apply where there was no public drinking water intake. A review of the rule, and the observations of the Board that adopted the rule, clearly establish that the goal is to protect public drinking water that is drawn through surface water intakes and subjected to conventional treatment (e.g., settling, clarification, chlorination).[1] The water that is drawn into those intakes must meet human health criteria. As long as the water meets those criteria, the water quality standards are being properly applied.

Imposing the Category A use in all locations in the state, regardless of actual use, is inconsistent with the requirement in the Code that DEP rules adopted after July 1, 1994 cannot be more stringent than a counterpart federal program without a written demonstration that such additional stringency is needed "to protect, preserve or enhance the quality of West Virginia's environment or human health or safety, taking into consideration the scientific evidence, specific environmental characteristic of West Virginia or an area thereof . . ." *W. Va. Code* §22-1-3a. We know the DEP's position is more stringent than required by the federal water quality standards program because neighboring states with EPA-approved water quality standards do not

[1] "'Conventional treatment' is the treatment of water as approved by the West Virginia Bureau for Public Health to assure that the water is safe for consumption." 47 CSR 2-2.1.

treat every waterbody as a public water supply. Maryland, Kentucky, Ohio and Virginia all limit Category A-equivalent protections to those areas where public water supplies might actually be affected. There is no reason for West Virginia to be more exacting than neighboring states, and more stringent than federal requirements.

The WVMA proposes the following as a more appropriate revision to 47 CSR 2-6.3, in lieu of the DEP's proposal:

> For purposes of setting limits in permits, the Category A criteria in Appendix E and human health narrative criteria for drinking water developed pursuant to Section 3 of this rule shall apply at the point of discharge (subject to any mixing zone developed in accordance with Section 5) unless the permittee demonstrates that there is no public water supply intake that would be affected by the discharge. A public water supply intake is affected by a permittee's discharge when substances discharged by the permittee would exceed the criteria in Appendix E, or any human health narrative criterion developed for drinking water, at the point of intake, or at some other point established by the Director at a distance not to exceed one-half mile upstream of the intake. The permittee may establish the location of the nearest downstream public water supply intake using the Bureau of Public Health list of public water supplies, and by performing a survey of downstream water users.

B. The WVMA Supports the Use of the Harmonic Mean Flow for Calculating Permit Limits for Carcinogens

The WVMA agrees that the appropriate design flow for calculating permit limits for carcinogens is the harmonic mean flow. This is the flow regime used by neighboring states and is endorsed in EPA's *Technical Support Document for Water Quality-based Toxics Control*, EPA/505/2-90-001 (March 1991) (the TSD). Human health criteria for protection of water supplies is developed assuming many years of drinking water drawn from affected streams, and it is appropriate to assume that average, not low flow, conditions apply over the course of many years.

C. The Human Health Design Flow Basis for Noncarcinogens Should Be Modified to Include Measures Based on Human Health Exposure

The Proposed Rule includes the use of 30Q5 flow to calculate permit limits for human health criteria that are noncarcinogens. The WVMA supports the use of the 30Q5 flow for noncarcinogens; however, a design flow value that is representative of the human health exposure time period should also be allowed. The TSD states that "if the effects from certain noncarcinogens are manifested after a lifetime of exposure, then a harmonic mean flow may be appropriate." TSD 89. By allowing different flow measures based on the human health exposure time period to calculate permit limits, the DEP would enhance the ability of manufacturers and citizens alike to use West Virginia's water resources.

The WVMA proposes that the DEP delete the period at the end of the last sentence of §8.2.b, as proposed for amendment by the DEP, and add the following: ", unless it is established that the harmonic mean flow would be a more appropriate design flow."

D. Spatial Limitations on Mixing Zones Established for Human Health Should be Removed.

The Proposed Rule still includes limits on the spatial area allowed for mixing zones, regardless of whether the mixing zone is established for the protection of aquatic or human life. For instance, "the mixing zone shall not exceed one-third (1/3) of the width of the receiving stream, and in no case shall the mixing zone exceed one-half (1/2) of the cross-sectional area of the receiving stream." 47 C.S.R. 2-5.2.e. Moreover, the Proposed Rule prohibits mixing zones that "extend downstream at any time a distance of more than five times the width of the receiving watercourse at the point of discharge" or that "overlap one another". 47 C.S.R. 2-5.2.h.2 and 5.2.h.5. Although such rules may make sense for mixing zones established for the protection of aquatic life, there is no need to extend spatial limitations to mixing zones

established for the protection of human health because water quality at the water intake is still protected.

The DEP has sufficient authority to waive the restrictions in §§ 5.2.e and 5.2.h.2 but not the prohibition against overlapping mixing zones in §5.2.h.5. All three waivers are appropriate for human health, because the receptor is the public water intake, not an instream organism. As long as the mixing zone does not overlap the half mile area above an intake, as provided in §5.2.h.6, human health will be protected regardless of how large the mixing zone is upstream. There are other protections as well that are not waivable, such as "mixing zones for human health criteria shall be sized to prevent significant human health risks." 47 C.S.R. § 2.5.2.c. This language preserves the DEP's ability to restrict the size of mixing zones in situations where there are adverse human health effects, while allowing relief where there is no demonstrable risk posed by a larger mixing zone.

The WVMA proposes that the DEP add §5.2.h.5 to the list of sections in §5.2.j that can be waived by the DEP.

E. Bacteria Standard Should Include Wet Weather Exceedances

WVMA supports the use of *E. coli* as an indicator for bacteriological pathogens. However, the DEP should consider including an allowance for wet weather exceedances where the permittee can demonstrate that bacteria exceed the criteria because of runoff, not industrial or municipal operations. This would allow manufacturers to focus their energies on mediating the discharge of bacteriological pathogens actually related to their industrial activities.

F. The Aluminum Testing Method Should Be Re-Evaluated or the Limits Should Be Revised

Recently, two West Virginia University professors published a study calling into question the reliability of EPA's recommended method for analyzing aluminum. Y. Thomas He and Paul F. Ziemkiewicz, *Bias in Determining Aluminum Concentrations: Comparison of Digestion Methods and Implications on Al Management*, 159 Chemosphere 570 (2016). The investigators found that EPA's method 200.7 significantly over-estimates the amount of dissolved aluminum in the water supply, especially in high pH conditions with clay particulate. *Id.* Because only dissolved aluminum harms aquatic life, there is no environmental reason to include aluminum attached to particulate in the discharge calculations. In light of this report, the DEP should consider alternative means of analyzing aluminum discharges and consider whether an alternative method should be developed for translating dissolved aluminum criteria into total aluminum limits in NPDES permits.

In order to maintain water quality standards that properly balance the environmental and economic development interests at play, alternative techniques and protocols are available. For instance, ASTM International recommends using a process involving atomic absorption in order to determine the amount of aluminum in water. ASTM D857-12, Standard Test Method for Aluminum in Water, ASTM International. Whatever the correct analytical method or approach, West Virginia's businesses should not be forced to comply with an unnecessarily stringent aluminum standard.

G. Net Limits

Under the state's NPDES permit regulations, 47 CSR. 10, a procedure for setting net limits is allowed for certain technology-based limits. There is no reason that netting should not

also be allowed for water quality-based permit limits, such as where a permittee causes a reduction in the pollutants in a certain waterbody. For instance, where a permittee could establish that high levels of iron are present in the intake water, and lower levels of iron are present when that water is discharged into the same waterbody, the discharge should be allowed even if it would exceed the water quality criteria for iron. In that situation, the net effect of the permittee's actions is less iron in the water. The permittee should not be punished by criteria requiring further removal of a substance that it has already helped to reduce from its ambient concentration.

The WVMA recognizes that netting may not be appropriate for all pollutants, that it would not be available where the net effect of the discharge was an increase in loading, and that allowing netting might require additional monitoring of intakes. However, we believe permittees should be given the option to use netting in setting permit limits. This could be done by adding the following language as Section 8.6: "Water quality-based permit limits may be developed for pollutants on a net basis upon demonstrating to the Secretary that the pollutant is discharged in lower concentrations than the concentration of the same pollutant in the permittee's intake, or upon such other demonstration approved by the Secretary."

H. New Criteria

The proposed rule incorporates aquatic life criteria for five organic chemicals: acrolein, carbaryl, diazinon, nonylphenol, and tributyltin. We are concerned that there are not laboratories certified in West Virginia to analyze for these substances. The WVMA is requesting a list of certified laboratories that are approved to perform the test methods for each organic chemical, and we seek confirmation that the method detection limit is achievable, and will allow

dischargers to establish compliance with the proposed aquatic life criteria. We would also like to know whether the DEP has data demonstrating that that the methods have passed data validation reviews consistently without qualifiers or rejection, and are requesting any information the DEP has on proficiency test samples for these chemicals. We are also interested in any information the DEP has on the additional costs for this testing and for approval certifications by a lab.

F. Conclusion

WVMA appreciates the opportunity to provide these comments to WVDEP and requests that they be given careful consideration by the DEP.

Respectfully Submitted,

Rebecca McPhail, President
West Virginia Manufacturers Association

August 9, 2016

WEST VIRGINIA RIVERS COALITION

3501 MacCorkle Ave. SE #129 • Charleston, WV 25304 • (304) 637-7201 • www.wvrivers.org

August 9, 2016

Laura Cooper
Water Quality Standards Program
WV Department of Environmental Protection
601 57th St., S.E.
Charleston, WV 25304

Submitted electronically to Laura.k.cooper@wv.gov

RE: Requirements Governing Water Quality Standards

Dear Ms. Cooper,

These comments elaborate on our previous triennial review comments as well as respond to some of the information presented in the proposed rule governing Water Quality Standards. They are being submitted on behalf of West Virginia Rivers Coalition and the organizations and individuals signed below.

Category A

West Virginia is a headwaters state. Eleven other states depend on WV's waters for their drinking water after it leaves our state, therefore all waters upon leaving the state should meet Category A use for human consumption as a good faith effort to our neighboring states. We strongly support the current, long-standing, status of Category A designation for all waters within West Virginia.

The current definition of Category A says the state must protect future use. A new state law requires utilities to develop source water protection plans which study the feasibility of secondary intakes or backup sources. Over the next several years, water utilities will be identifying a backup source of water in the event of an emergency. This law makes it especially crucial to preserve the future use of drinking water in sources where the flow makes it a feasible source. Making sure the State's rivers and streams are adequately protected for future drinking water use is prudent management. We applaud the state's policy to protect all of our water supplies with adequate flows for future drinking water use.

Category A is the most stringent standard for 60 parameters that are known or suspected carcinogens. Removing Category A Use Designation from any portion of a state water would allow higher concentrations of known or suspected carcinogens into the waters of the state. If the state allows a use removal though an NPDES permit, more carcinogens will be discharged into a waterbody that has insufficient flow for dilution. Those carcinogens will then flow downstream into a waterbody that has sufficient flow for drinking water use which would adversely impact the health and safety of our current and future populations and users downstream. We cannot allow more carcinogens into our water simply because at that particular location the water is not used for drinking, because the water is still used for drinking downstream of that point. Pursuant to Clean Water Act (CWA) regulations, "[i]n designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters." 40 C.F.R. § 131.10(b). Because the Category A Use Designation protects the population from known carcinogens, the statewide designation must be preserved in the interest of public health.

The new rule allows WVDEP to limit the application of Category A use designation through the National Pollutant Discharge Elimination System (NPDES) process based on insufficient flow or hydrologic modification. Allowing a use removal of Category A through the NDPES permitting process may circumvent the process outlined in the Clean Water Act. Pursuant to 40 C.F.R. § 131.10, "[t]he classification of waters of the State must take into consideration the use and value for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes, including navigation." If a state wishes to remove a designated use it must submit to EPA, "documentation justifying how their consideration of the use and value of water for those uses. . . appropriately supports the State's action."

Additionally, a revision to water quality standards (as well as the issuance of a NPDES permit) must comply with the minimum requirements of the CWA's antidegradation policy. In the case of high quality waters—those exceeding the fishable/swimmable goals of the CWA—the state must make certain required findings before the lowering of water quality is allowed. Specifically, "the State shall find, after an analysis of alternatives, that such a lowering is necessary to accommodate important economic or social development in the area in which the waters are located. The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity." 40 C.F.R. § 131.12(a)(2)(ii). which requires a use attainability analysis and approval of the legislature and EPA. The provisions for Category A use removal should be improved to

include evaluations of water quality, not simply the physical properties of the stream at issue. We object to this proposed method to remove the use of Category A.

Under Section 6.3a Insufficient Flow, the rule states that the Secretary shall consider whether the insufficient flow may be compensated for by the effluent discharge to meet the use. We question whether an effluent dominated flow should be considered as potential source water. If there is insufficient flow to meet Category A, then there may not be sufficient flow to provide dilution for the effluent discharge. A case in point is the 1988 incident in the City of Buckhannon in Upshur County when the Buckhannon River (source of the public water supply) was quite low and the effluent from the large surface mine upstream at Tenmile constituted a major source of water in the river. Water treatment systems were overwhelmed and complaints of nasty water and cream curdling in coffee were plentiful. More expensive water treatment measures have since been added to the basic operation of the water plant and cost to local users increased.

As stated previously, water utilities are currently identifying secondary or backup water sources. Section 6.3.a.3 states that the Secretary shall consider whether the water could serve as a backup water supply. The criteria should also be included in Section 6.6 where it states that the Secretary shall ensure that the water is not currently used as a water supply and shall require the applicant to demonstrate that the water supply has no potential for future use as a backup water source.

Under Section 6.6c the rule states that the applicant shall make a determination of the connection between the wells or springs and the surface water in question. Groundwater under the direct influence of surface water is a common occurrence in West Virginia. The applicant must be required to hire a qualified individual to make a GWUDI determination based on criteria such as physical parameters in wells and surface waters in nearby streams and monitoring bacteria (bacti test) to determine which groundwater sources are affected by surface water sources.

Critical Design Flow for Human Health Criteria

Although the Harmonic Mean Flow is the critical design flow recommended by EPA, there are certain instances where the Harmonic Mean Flow is not a good indicator of flow and should be recognized as such by DEP. The Harmonic Mean Flow is not an appropriate flow measurement when there are seasonably variable effluent discharge rates and hold and release treatment systems. At effluent dominated sites, the effluent load and downstream flow are not independent of each other. Instead of harmonic mean flow, a modeling technique should be used which calculates the average daily concentration of criteria pollutants over time.

Harmonic Mean is not designed for low flows because it assumes the flows are log-normally distributed. It's less protective of exposure to carcinogens during low flows, allowing more pollution when there is not enough of a dilution factor. Knowledge of magnitude and frequency of low flows for streams is imperative for calculating waste load allocations (WLA), recreational contact safety, and protecting aquatic life. Low-flow statistics are needed for water quality regulatory activities to be used as thresholds when setting allowable pollutant loads to meet water quality standards. Reliable estimates of stream flow must be calculated for low-flow periods when determining TMDLs or WLA for NPDES permits.

Since stream gages are not located within every stream in the state, accurate methods are needed for estimating harmonic mean flows and low flow frequencies at un-gaged streams. Therefore, we request WVDEP work with USGS to conduct a statewide study to develop regression equations for low-flow frequency statistics and estimation equations for harmonic mean flow statistics to update and improve the accuracy of the estimates.

We request that WVDEP use best-fit equations for calculating harmonic mean flow. Simple equations based on drainage area only have larger prediction errors than the best-fit equations. Best-fit equations quantify the basin characteristics using GIS. Simple equations that do not account for basin characteristics exhibit geographic biases for most stream flow statistics. We urge WVDEP to use a regionalization approach to calculate flow rates based on hydrologic characteristics, landform regions, and soil regions to provide the best estimates of flow. We encourage WVDEP to work with USGS to develop weighted-least-squares regression equations for each region to estimate harmonic mean flow statistics. Caution should be used when applying equations for basins with characteristics near applicable limits of equations and basins within karst topography, which underlies much of the eastern part of the state.

We refer WVDEP to the comments submitted by Affiliated Construction Trades Foundation in 2003 when the change to Harmonic Mean was first proposed. Those comments prepared by Carpenter Environmental Associates gave recommendations on the areas of study to determine the impacts of the proposed changes. Specifically, they recommended a determination of the need for revisions to critical design flow for human health carcinogens, a determination of health impacts as a result of the proposed change to Harmonic Mean Flow, and a determination of the economic impact of revising the critical design flow. The use of Harmonic Mean for critical design should not be adopted until the impacts of the revision is fully investigated. It is vital to the future health of West Virginians that prior to adopting this change, WVDEP must determine the amount of increased carcinogens to be discharged into WV waters as a result of changing from 7Q10 to Harmonic Mean.

Biotic Ligand Model for Copper

We support the revision to use the Biotic Ligand Model (BLM) for Copper to develop site-specific numeric criteria. The BLM represents the best current and available science. Application of this model is the best way to ensure that resulting criteria will be protective of aquatic life designated uses. The BLM provides better accounting for the effects of individual parameters and can be used to develop site-specific criteria for copper by characterizing the bioavailability of metals at a site. The BLM can significantly improve predictions of acute toxicity of certain metals across an expanded range of water chemistry parameters.

Replacing Fecal Coliform with E. Coli as Bacterial Indicator

Other states that have converted from fecal coliform to E. coli have a transition period where both the old and the new bacterial criteria run concurrently until the department has adequately collected E. coli data on the streams. This transition process should be explicitly stated in the water quality standard. All streams listed as impaired based on the existing fecal coliform criterion should remain on the 303(d) list, unless new E. coli data are collected that specifically contradict the existing impairment.

Additionally, we have serious concern over the daily maximum criterion included in the previously proposed revision. Understanding that when WVDEP collects fecal coliform data, it rarely does so more than once a month during routine testing done under the watershed management framework, we are concerned that the proposed daily value for E. coli "not to exceed a concentration level of 1074 cfu/100 ml" is likely to become the default criterion - this would result in criteria less stringent than our existing criteria. This daily maximum criterion should be dropped and the proposed 410 cfu/100 ml should be interpreted the same as the prior fecal coliform criterion i.e., that one sample > than 410 cfu/100 ml is an exceedance of the water quality standard as it would be equal to 10% exceedance even if 10 samples were taken in that month and 9 of those samples were less than 410 cfu/100ml. The added daily value provision to the proposed was confusing and could be interpreted and applied as a weakening of the current bacteria standard and should be removed.

Aquatic Life Criteria

We commend WVDEP on taking EPA's recommendations and adopting standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin and encourage WVDEP to adopt the other 91 standards for organic chemicals that EPA recommends.

Thank you for taking these comments into consideration.

Sincerely,

Angie Rosser & Autumn Bryson
West Virginia Rivers Coalition

Cindy Ellis & Cindy Rank
West Virginia Highlands Conservancy

Gary Zuckett
West Virginia Citizens Action Group

Julie Archer
West Virginia Surface Owners' Rights Organization

Janet Keating
Ohio Valley Environmental Coalition

Larry V. Thomas
Friends of Beautiful Pendleton County

Brent Walls
Upper Potomac Riverkeeper

Nancy Novak & Helen Gibbins
League of Women Voters of West Virginia

Leslee McCarty
Greenbrier River Watershed Association

Cathy Kunkel
Advocates for a Safe Water System

Chad Cordell
Kanawha Forest Coalition

Arthur W. Dodds, Jr.
Laurel Mountain Preservation Association

Cierra Pennington
West Virginia Environmental Council

Smith, Chris B

From: Matthew Thiele <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 3:09 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I am writing to ask you to please make sure that West Virginia's water quality standards continue to protect public health and recreational safety. Please do not let industry degrade the public's water quality and quality of life.

The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Matthew Thiele
thielem@hotmail.com

905 Walnut Street

Glenville, WV, West Virginia 26351

Smith, Chris B

From: Mike Manypenny <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:33 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,
It is much easier and more cost effective to mitigate pollution before it happens rather than try to clean it up later on the taxpayers dime. We cant have this pollute for profit mentality too continue. We need to responsible and hold all industry accountable for its actions.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Mike Manypenny
manypenny51@gmail.com
Rt 3 Box 202
Grafton, West Virginia 26354

Smith, Chris B

From: Matt Wyatt <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:14 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Matt Wyatt
matt.wyatt1980@gmail.com
4320 wells st
Weirton, West Virginia 26062

Smith, Chris B

From: Brian Dorsey <bdorsey@aol.com>
Sent: Tuesday, August 09, 2016 3:27 PM
To: DEP Comments
Cc: Chris Hale
Subject: WV Waters - Today's Meeting and Beyond!

Laura Cooper
Water Quality Standards
DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304

Dear Ms. Cooper:

Please know that I stand in solidarity today and every day with the "Friends of Water" organization in regard to protecting WV's precious rivers, lakes and streams!

WE RESPECTFULLY URGE the WV-DEP:

1) to include a 300 uS/cm standard for electrical conductivity in West Virginia Water Quality Standards. Since conductivity is easily measured, numerous scientific studies and EPA have concluded that electrical conductivity greater than 300 uS/cm is harmful to aquatic life.

2) to protect "Category A Drinking Water". Streams that can serve as sources of public drinking water are designated "Category A". WV-DEP proposes to allow pollution discharge permits to remove this Category A designation from a stream. PLEASE delete sections 6.3 through 6.9 of the proposed rule. This proposed language is entirely focused on allowing more pollution. Water Quality Standards should be about protecting drinking water and other water uses!

3) to reject proposed changes to the "Critical Design Flow". WV-DEP proposes to change this calculation to allow higher rates of carcinogens in water. While EPA has supported this in some cases, it is not appropriate during drought or low flow periods. PLEASE establish procedures to reduce the amount of carcinogens during low flow periods.

4) to increase monitoring of E. coli and fecal coliform bacterial contamination. PLEASE increase the required sampling frequency to assure safety for swimming and boating.

5) to adopt as proposed EPA's recommended standards for aquatic life criteria for five organic chemicals: acrolein, carbaryl, diazinon, nonylphenol, and tributyltin. PLEASE recognize that these compounds are toxic and West Virginia needs these water quality standards.

The safety and health of every West Virginian and each visiting tourist is in your hands today. PLEASE stand up for WV's waters to keep us safe for decades to come!

Thank you.

Brian Dorsey
bdorsey@aol.com

87 Melbourne LN
Pool, WV 26684

Sent from my iPhone

Smith, Chris B

From: Kelly Shreve <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 3:04 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Kelly Shreve

kshreve50@gmail.com

725 Rowan Rd.

Gap Mills, Rio de Janeiro 24841

Smith, Chris B

From: Amanda Stoner <amstoner@mix.wvu.edu>
Sent: Tuesday, August 09, 2016 2:27 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Amanda Stoner
amstoner@mix.wvu.edu
107 Uvilla Road
Harpers Ferry, WV, West Virginia 25425

Smith, Chris B

From: Kelli Hall <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:12 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Kelli Hall
cheesegenius@yahoo.com
223 Gallagher St
Huntington, West Virginia 25705

Smith, Chris B

From: Charlotte Fremaux <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 3:19 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

We need more protective standards for water quality, not compromises. I support protecting all waters as current or future drinking water sources and oppose any rollback of this long-standing policy; I reject changes to the “critical design flow” that would allow more carcinogens into our water; and I support increased statewide monitoring for bacteria in our waters. Our watersheds, streams and rivers are under great stress. This is no time to roll back protections.

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

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Thank you for the opportunity to comment.

Charlotte Fremaux
cmfremaux@gmail.com
175 Fern Drive
HARPERS FERRY, West Virginia 25425

Smith, Chris B

From: Barrie Kaufman <artistbarrie@ail.com>
Sent: Tuesday, August 09, 2016 2:59 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

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Thank you for the opportunity to comment.

Barrie Kaufman

artistbarrie@ail.com

410 Sheridan circle

Charleston wva, West Virginia 25314

Smith, Chris B

From: Christopher Pennington <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:23 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Christopher Pennington
penningtonc24@gmail.com
7 Pine Knoll Apt 4
Oak Hill, West Virginia 25901

Smith, Chris B

From: Suzanne Hornsby <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:00 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Suzanne Hornsby
tealturtle86@hotmail.com
814 Station Camp Rd
Leroy, West Virginia 25252

Smith, Chris B

From: Paul Howe III <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:48 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation.

We need to address the over fluoridation of our environment. This toxic waste product is dripped into our potable water as a deterrent for dental carries. However, the CDC claims less than a 30% reduction from fluoridation. Fluoride is toxic to the environment and cost prohibitive to remove for sanitation plants and consumers who want chemical free water.

Thank you for the opportunity to comment.

Paul Howe III
paulhowe3@gmail.com
315 So Chestnut St
Clarksburg, West Virginia 26301

Smith, Chris B

From: Marz Attar <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 2:20 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Marz Attar

marzattar@gmail.com

125 White Stick Rd

Beckley, West Virginia 25801

Smith, Chris B

From: Clarence Mizell <c_mizell@frontier.com>
Sent: Tuesday, August 09, 2016 3:28 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

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Thank you for the opportunity to comment.

Clarence Mizell

c_mizell@frontier.com

202 Bostick Ave

Beckley, West Virginia 25801

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

AUG 0 9 2016

Ms. Laura K. Cooper, Assistant Director
Water Quality Standards
Division of Water and Waste Management
West Virginia Department
of Environmental Protection
601 57th St SE
Charleston, WV 25304

Dear Ms. Cooper:

The U.S. Environmental Protection Agency (EPA), Region III has reviewed the proposed amendments to West Virginia's "Requirements Governing Water Quality Standards" (Title-Series, 47-02). This proposal, which was announced for public review and comment in the West Virginia Register on June 17, 2016, constitutes West Virginia's current triennial review of its water quality standards, as required by the Clean Water Act (CWA or "the Act") Section 303(c)(1). The purpose of this letter is to provide EPA's comments on the proposal. Please note that the comments and recommendations contained in this letter are strictly for the West Virginia Department of Environmental Protection's (WVDEP) consideration and do not constitute approval or disapproval decisions under CWA 303(c) and 40 CFR §131.21. Neither are these comments a determination by the EPA Administrator under CWA Section 303(c)(4)(B) and 40 CFR §131.22(b) that revised or new standards are necessary to meet the requirements of the Act.

This letter includes comments on the proposed revisions, as well as additional revisions EPA would like West Virginia to consider adopting:

Category A Designated Use Removal Process for Insufficient Flow and Hydrologic Modifications

WVDEP is proposing to establish a process by which the Category A Public Water Supply use designation can be removed through the NPDES permitting process. The process could be used when it is determined that a surface water cannot support the Public Water Supply use based on either insufficient flow or hydrologic modification. The process in and of itself is not a water quality standard subject to EPA review under CWA Section 303(c); any removal of Category A uses (either individual or categorical) would still need to be adopted pursuant to state law, and submitted to EPA for review under CWA Section 303(c). EPA is offering comments on the process mindful that EPA would ultimately need to review any removal of Category A uses adopted pursuant to this process.

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Because Category A use is not a use specified in CWA 101(a)(2) (i.e. protection and propagation of fish, shellfish, and wildlife and recreation in and on the water), West Virginia is not required to conduct a use attainability analysis prior to removing the Category A use. However, in accordance with 40 CFR §131.10(a), West Virginia must submit documentation justifying how their consideration of the "use and value" of water for the Public Water Supply use appropriately supports the State's action to remove the use. 80 FR 51026. When determining the use and value of a stream, States must consider downstream protection and existing uses of the water. WVDEP does appropriately note the consideration of downstream protection in 47-2-6.7, but should also reiterate in this process that existing uses, as defined 47-2-2.6 cannot be removed. In other words, a water that has been used as a public water supply on or after November 28, 1975 cannot be removed, regardless of the flow or hydrologic modifications.

When considering the use and value of a surface water, EPA recommends states also take into account a suite of facts, including but not limited to:

- Relevant descriptive information (e.g., identification of the use that is under consideration for removal, location of the water body/waterbody segment, overview of land use patterns, summary of available water quality data and/or stream surveys, physical information, information from public comments and/or public meetings, anecdotal information, etc.
- Attainability information (i.e., the 131.10(g) factors) if applicable
- Value and/or benefits (including environmental, social, cultural, and/or economic value/benefits) associated with either retaining or removing the use,
- Impacts of the use removal on other designated uses, including downstream designated and existing uses.

In addition to the information above, WVDEP should provide EPA and the public with documentation that: the drinking water use is not an existing use; the nearby population uses an alternative drinking water supply; and projected population trends suggest that the current supply is sufficient to accommodate future growth. States should make this documentation available to the public prior to any public hearing, and submit it to EPA with the WQS revision.

The proposed process does indicate that any determination under subsection 6.3 that the Category A use does not apply shall be subject to approval by EPA. WVDEP should clarify that the use removal is not effective until approved by EPA under CWA 303(c). Finally, changes to use designations need to be legally binding (i.e., located in state regulations). WVDEP needs to provide a legal explanation of how these use removals executed through the NPDES permit process are legally binding, not only for the permittee but for the water segment as a whole, and after the permit expires.

<u>47-2-6.1.b.</u>

WVDEP is proposing to modify this provision of the regulation to read that a designated use which is not an existing use may be removed if the **permit applicant** (emphasis added) can demonstrate that attaining the designated use is not feasible. EPA believes WVDEP is proposing this modification to support the addition of the proposed Category A Use Removal process. EPA believes this modification may have the consequence of limiting use removals to NPDES permit holders. Please support if that is WVDEP's intention. Otherwise, EPA suggests that the proposed language revert back to the current language.

Critical Design Flow for Human Health Criteria

West Virginia is proposing to redefine critical design flow for human health criteria by using harmonic mean flow for carcinogens, and 30Q5 flow for noncarcinogens. In the preamble to the Federal Register notice announcing the availability of EPA's 2000 Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health, EPA recommends the harmonic mean flow as the design flow to be used to implement both carcinogen and noncarcinogen human health criteria. 65 FR 66450. Harmonic mean flow should be used to implement human health criteria because, by and large, human health criteria are designed to protect an individual over a lifetime of exposure. By this recommendation, EPA is attempting to match the longest stream flow averaging period (using harmonic mean) with the criterion which is protective over a human lifetime. EPA recommends that WVDEP modify this revision to reflect harmonic mean flow as the critical design flow for both carcinogens and noncarcinogens. However, West Virginia has the prerogative to retain flows that will result in a more stringent application of the State's human health criteria.

Establishment of Site-Specific Criteria

In 47-2-8.5.a, WVDEP is proposing to establish a process by which site-specific criteria can be established through the NPDES permitting process using a Water Effect Ratio study pursuant to EPA's *Interim Guidance on the Determination and Use of Water-Effect Ratios for Metals* (EPA-823-B-94-001, February 1994) or a site-specific numeric criterion for copper derived using the the Biotic Ligand Model (BLM) as described in EPA's *Aquatic Life Ambient Freshwater Quality Criteria – Copper* (EPA-822-R-07-001, February 2007). As with the Category A removal process, this provision for establishing certain site-specific criteria is not a water quality standard subject to EPA review under CWA Section 303(c). As written, WVDEP's addition of this process does not change the fact that in order for site-specific criteria to be effective for CWA purposes, they are required to be approved by EPA under its CWA 303(c) authority. EPA is willing to work with WVDEP if it would like to explore development of a performance-based process that articulates how to derive site-dependent criteria that are protective of designated uses.

Adoption of E. coli for Protection of Waters Designated for Water Contact Recreation

EPA is pleased that West Virginia is proposing to adopt E. coli criteria that for the most part appears to be consistent with EPA's recommendations found in "Recreational Water Quality Criteria" (EPA-820-F-12-058). In order to be wholly consistent with EPA recommendations, EPA recommends WVDEP revise "nor shall E. coli concentration exceed 410 cfu/100 ml in more than ten percent of all samples taken during the same month" to "nor shall E. coli concentration exceed 410 cfu/100 ml more than 10% of the time in the same month." As written it appears that West Virginia's criteria would be based on number of samples collected vs. the intended duration and frequency that no value can exceed 410 cfu/100 ml more than 10% of the time regardless of the number of samples.

Also, WVDEP should remove the provision "based on no less than three samples per month." Data sufficiency (e.g., sample size) is not a reviewable element of a water quality standards submission as determined by 40 CFR §131.21(c), but it could be considered in EPA's review as it relates to the criteria's scientific defensibility and protectiveness of the use. Data sufficiency is more appropriately addressed in the development of the State's assessment methodologies.

Adoption of Water Quality Criteria for Certain Organic Chemicals

WVDEP is proposing to adopt EPA 304(a) recommendations for the following criteria for the protection of aquatic life: chronic criteria for acrolein, carbaryl, diazinon and acute chronic criteria for nonylphenol and tributyltin (TBT). Although acute criteria recommendations are available for acrolein (*Ambient Aquatic Life Water Quality Criteria for Acrolein*, July 1, 2009), carbaryl (*Aquatic Life Ambient Water Quality Criteria for Carbaryl*, EPA-820-R-12-007, April 2012) and diazinon (*Aquatic Life Ambient Water Quality Criteria for Diazinon*, EPA-822-R-05-006, December 2005), WVDEP has not proposed adoption of acute criteria, as those numbers are the same as the chronic recommendations. EPA notes that although the acute and chronic magnitudes for these criteria are the same, the frequency and duration differ, and therefore would make a difference in the implementation of these criteria for CWA purposes such as the development of water quality-based effluent limits in NPDES permits, and assessment of water quality. EPA recommends that WVDEP modify this revision to include the acute criteria for acrolein, carbaryl and diazinon.

New or Updated Section 304(a) Criteria Recommendations

In August 2015, EPA revised the WQS regulations at 40 CFR Part 131. As part of that revision, states are now required to provide an explanation if not adopting new or revised criteria for parameters for which EPA has published new or updated CWA Section 304(a) criteria recommendations. 40 CFR §131.20(a). This change was made to foster meaningful and transparent involvement of the public and intergovernmental coordination with local, state, and federal entities in light of recent science provided by EPA through its criteria recommendations. EPA will not approve or disapprove this explanation. For West Virginia's triennial review, the state will need to provide explanations where new or revised criteria are not adopted for parameters where EPA has published new or updated CWA Section 304(a) criteria recommendations since May 30, 2000. These would include:

- Acute criteria for acrolein, carbaryl and diazinon (if WVDEP chooses not to include the acute criteria numbers per EPA's comment above).
- Ammonia criteria for the protection aquatic life, including freshwater mussels listed as endangered or threatened under the Endangered Species Act (ESA). (*Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater*, EPA-822-R-13-001, April 2013)
- Selenium criterion for the protection of aquatic life (*Aquatic Life Ambient Water Quality Criteria for Selenium – Freshwater*, EPA-822-R-16-006, June 2016). West Virginia has adopted fish tissue elements consistent with EPA recommendations, but needs to review the water column elements of EPA's selenium criterion.
- Updated ambient water quality criteria for the protection of human health, 80 FR 36986.
- Application, statewide, of the *Aquatic Life Ambient Freshwater Quality Criteria – Copper* (EPA-822-R-07-001, February 2007).
- Cadmium criteria for the protection of aquatic life (*Aquatic Life Ambient Water Quality Criteria for Cadmium*, EPA-820-R-16-002, March 2016).

WVDEP can link to additional information on all of these parameters through EPA's Water Quality Criteria website at:

https://www.epa.gov/wqc

Additional EPA Recommendations for Revisions in this Triennial Review of West Virginia's Water Quality Standards Regulation

- 47-2-7.2.d.16 & 47-2-7.2.d.20.2 establish site specific selenium criterion for Connors Run and Little Scary Creek of 62 ug/l. EPA has recently published new selenium criteria for the protection of aquatic life (EPA 822-R-16-006). That document includes guidance for developing modified selenium criteria to reflect site-specific conditions where the scientific evidence indicates that different values will be protective of aquatic life and provide for the attainment of designated uses. WVDEP should review the site-specific criteria for Connors Run and Little Scary Creek in light of EPA's new guidance, and determine if they are scientifically defensible and protective of designated uses as required by 40 CFR §131.11.

- In this triennial review, WVDEP is proposing to specify the critical flow for the application of criteria for the protection of human health. WVDEP should also consider specifying the criteria flow for the application of the aquatic life criteria. According to the EPA document Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001, March 1991), 7Q10 is recommended for the application of chronic criteria, and 1Q10 for the application of acute.

EPA will be providing a copy of this package to the U.S. Fish and Wildlife Service (USFWS) so that USFWS may identify any issues with this action. We will notify WVDEP of any issues raised. This coordination with the USFWS will help to fulfill EPA's obligations under ESA, and facilitate EPA's CWA Section 303(c) action once this rulemaking is finalized and submitted to EPA for review.

Thank you for this opportunity to provide comments on West Virginia's triennial review of its water quality standards regulation. EPA would be happy to assist the State as necessary to complete this triennial review. If you have any questions concerning this letter, please contact me at (215)814-5717, or have your staff contact Denise Hakowski at (215)814-5726.

Sincerely,

Evelyn S. MacKnight

Evelyn S. MacKnight, Associate Director
Office of Standards, Assessment & TMDLs
Water Protection Division

Water Quality Standards Program

WV Department of Environmental Protection

601 57th St., S.E. Charleston, WV 25304

Public Comments for Proposed Water Quality Standards

Think of Our Children

Section 1)

If the Proposed Changes to Water Quality apply in any way to the Oil and Natural Gas Waste Stream, WVDEP Must Collaborate with West Virginia Bureau for Public Health WVBPH in Order to Change Water Quality Standards as per the West Virginia Radiological Health Rule.

Both the WVDEP and WVBPH have regulatory authority over the oil and natural gas waste stream. This should force both agencies to collaborate in the case that the proposed water quality standards apply to the Oil and Gas waste stream in any way.

The WVBPH has the duty to ensure the safety of drinking source waters and public utility drinking water. It is essential that the WVDEP seeks the approval of the proposed water quality standards by WVBPH.

Section 2)

The State of West Virginia Cannot Afford the Monetary Cost of Removing Class A Protections, Increasing Concentration of Any Chemicals, or Reducing Protections of Any Streams.

Appropriate Public Health Monitoring to Facilitate Proposed Changes in Water Quality Standards Does Not Exist:

Many county health departments do not have environmental health professionals on staff, but rather sanitarians. This leaves West Virginia county health boards very little options in the case that a perceived public health issue arises. With all environmental health issues being sent to the centralized environmental health professionals at WVBPH, we have reason to believe that each issue does not get the attention it deserves under current WVBPH staffing infrastructure.

We have concluded that the following health monitoring infrastructure would have to exist, at the very least.

Before permitting of any locale by WVDEP:

- Hiring of full-time environmental health professionals at every county health department
- Each industry be mandated to disclose any compound or chemical to be managed at or released from every locality.
- West Virginia Bureau for Public Health review of all findings surrounding said compounds or chemicals.
- Widespread preliminary public health surveying of residents with surveys that include health effects and symptoms found during discovery of public health findings surrounding said chemicals or compounds

After permitting of any locale by WVDEP:

- Frequent public health surveying of residents in the county where any WVDEP permitted localities exist and at any locality that would be affected by any increased concentrations of chemicals or compounds in their waters. This surveying should be mandated to include potential symptoms of exposure to said chemicals and compounds.

- Access to medical professionals qualified to treat illness caused by exposure to said chemicals and compounds should be guaranteed to any and all residents and people spending time in areas potentially impacted by removal of protections and increased concentration of chemicals.

Current Water Quality monitoring of Drinking Source Waters and Public Utility water are Grossly Insufficient. Sufficient Monitoring is Not Economical for the State of West Virginia and Public Utility Providers under Current Water Quality Standards. The This Impact Would be Worsened by Lifting Stream Protections and Allowing Increased Concentrations of Compounds into Waterways.

- Endocrine Disrupting Chemicals (EDCs) can be harmful to people and wildlife if ingested in concentrations less than 10 parts per trillion. There is currently not any requirements to monitor drinking source water and residential public utility service in the appropriate concentration. Appropriate monitoring for EDCs would be incredibly expensive for public water utility service providers and WVBPH.
- If anyone notices problems with the drinking water from their tap, there are currently no water testing resources that are accessible to public water utility users. Testing is too expensive for most people.
- People with well water may be impacted by lifting protections on streams. Water sampling resources for private wells are scarce and unaffordable for most.
- When the water flowing out of taps at Fayetteville Elementary School was discolored and odorous, the local health board only had resources to test the drinking water for lead and fecal coliform. The only other activity that is acceptable for county health departments to do is to forward complaints and requests to WVBPH. Fayetteville Elementary School has yet to see sufficient water testing to this day, and the problems with water quality in the school have yet to cease. Fayette County hosts legacy mining activity, current mining activity, and commercial disposal of oil and gas waste. Even though all of these industrial practices produce EDCs, no appropriate tests for EDC content in water have been performed.
- **WVDEP must be ready to provide comprehensive water quality monitoring for streams in the case that stream protections are removed and increased concentrations of carcinogens and EDC's are allowed in order to ensure the health and safety of the public and protect the environment.**

Comments Prepared and Submitted 8/9/2016 by:

HEADWATERS

DEFENSE

Brandon Richardson	**Jerry Allen**	**Sandra Keeney Redden**
Brittany Huerta	**Danielle Crouch**	**Matthew D.W. Webb**
Kristine Crouch-Gilkey	**Autumn Crouch**	**Mary E.R. Webb**
Thomas Rhule	**Jean Evansmore**	**Christopher Pennington**
Alice Beecher	**Patrick M. Webb**	**Justin Coen**
Gary Crouch	**Danielle R. Lewis**	**Natasha Green**
Amy Crouch	**Lisa H. Henry**	**Josh Jones**

West Virginia Coal Association
PO Box 3923, Charleston, WV 25339 • (304) 342-4153 • Fax 342-7651 • www.wvcoal.com

August 9, 2016

Ms. Laura Cooper
West Virginia Department of Environmental Protection
Division of Water & Waste Management
601 57th Street
Charleston, WV 25304

Via Electronic Mail: Laura.K.Cooper@wv.gov

Re: 2017 Triennial Review of State Water Quality Standards

Dear Ms. Cooper:

Pursuant to the public notice published by the West Virginia Department of Environmental Protection (WV DEP), the West Virginia Coal Association (WVCA) offers the following comments regarding the 2017 Triennial Review of state water quality standards. WVCA appreciates the opportunity to provide comments to WV DEP regarding the proposed revisions to the state's water quality standards program.

The West Virginia Coal Association (WVCA) is a non-profit state coal trade association representing the interests of the West Virginia coal industry on policy and regulation issues before various state and federal agencies that regulate coal extraction, processing, transportation and consumption. WVCA's general members account for 98 percent of the Mountain State's underground and surface coal production. WVCA also

represents associate members that supply an array of services to the mining industry in West Virginia. WVCA's primary goal is to enhance the viability of the West Virginia coal industry by supporting efficient and environmentally responsible coal removal and processing through reasonable, equitable and achievable state and federal policy and regulation. WVCA is the largest state coal trade association in the nation.

Overall, WV DEP is to be commended for the pronounced improvements to the water quality standards rulemaking process since assuming that duty from the Environmental Quality Board (EQB) in 2005. Recent revisions proposed by WV DEP to have updated specific water quality criteria that were maintained without adequate scientific justification. These changes will improve the relevancy of the state's water quality standard and NPDES programs and will remove unnecessary compliance complications.

However, the statewide application of the Category A / public drinking water supply use designation maintained by WV DEP continues to be an unsubstantiated interpretation of West Virginia's water quality standards that has created substantial regulatory confusion and imposed significant compliance costs (with no benefit) on the coal industry.

Previous comment filings by WVCA regarding the state's water quality standards program and individual water quality criteria have detailed the history and technical particulars of the contrived interpretation of Category A by the EQB and WV DEP. These

previous comments were filed with WV DEP on September 30, 2015, and we ask the agency to consider the sections and supporting attachments related to Category A as comments on the current agency-proposed revisions. The past comments are particularly instructive regarding the substantial confusion surrounding the application of Category A criteria. The references to the administrative history of the state's manganese water quality criteria provide a workable example of an efficient and common sense approach to address the legislative mandate regarding Category A.

Additionally, WVCA endorses the comments filed by the West Virginia Manufacturers Association on the proposed revisions.

On March 12, 2015 the West Virginia Legislature passed House Bill (HB) 2283. Signed by the Governor on March 31, 2015, the bill requires WV DEP in the 2017 triennial review cycle to examine its application of Category A to all waters statewide:

> The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (requirements governing water quality standards, 47 CSR 2), is authorized.; ***Provided; that the Secretary of the Department of Environmental Protection shall consider, for the 2017 triennial review, potential alternative applications for the Category A drinking water use designation to the waters of the state, taking into consideration stream flow, depth, and distance to a public water intake*** (emphasis added).[1]

[1] Enrolled Committee Substitute for House Bill 2283, pg. 4, March 2015. http://www.legis.state.wv.us/Bill_Text_HTML/2015_SESSIONS/RS/pdf_bills/HB2283%20SUB%20ENR%20PRINTED.pdf

Unfortunately, WV DEP has shunned the common sense approach to protecting actual public water supplies presented by the manganese criteria and proposed a meandering, regulatory labyrinth that will require individual applications and subsequent approval by the agency, the West Virginia Legislature and the federal Environmental Protection Agency (EPA). The current proposal is also disappointing in that WV DEP has ignored the Legislature's instruction to consider "distance to a public water intake" in favor of preserving the EQB-devised and WV DEP-perpetuated bureaucratic fantasy that all waters of the state are public drinking water supplies, despite previous instructions from the Legislature that was not the case.

The tortured interpretation of statewide Category A application by the EQB and now WV DEP caused substantial compliance issues related to manganese and resulted in adverse environmental impacts from the application of chemical agents to maintain compliance with a misplaced standard. After many years of languishing under the EQB's rulemaking procedures and in the federal review process, a revised state standard for manganese was finally approved in 2005 (referred to as the "Mn-5-Mile Rule").

West Virginia's approved manganese Category A water quality standard, (which was only necessary because of the misplaced application of the drinking water use to all state waters), applies five miles above public and private drinking water intakes:

> "...the manganese human health criterion shall only apply within the five-mile zone immediately upstream above a known public or private supply used for human consumption."[2]

WV DEP supported the revision to the manganese criterion, and EPA acknowledged in its approval letter that the application of drinking water criteria at the point of intake is reasonable, protective, and consistent with water quality standards programs implemented in other states:

> ...this change in the water quality standard should not have an impact on the water withdrawn for drinking, the drinking water treatment processes and the cost treating water for drinking. All water withdrawn for drinking by private and public intakes that was covered under the designated use and thus protected by the manganese criterion prior to the MN 5-mile rule continues to be subject to the applicable 1mg/L manganese criterion. Therefore, application of the MN 5-mile rule continues to protect the public water supply use...[3]
>
> The application of a criterion for the protection of public water supply at the intake point is consistent with EPA's approval in other states. EPA has approved applications of human health criteria at the intake or withdrawal points in other states as well...[4]

EPA's approval of the 5-mile rule and its supporting justification presents a very practical question to WV DEP with regard to application of drinking water criteria to all state waters: If application of the Category A use designation at the point of intake is protective of "all water withdrawn for drinking" and if "application of the Mn 5-mile rule continues to protect the public water supply" as EPA observed in its approval

---

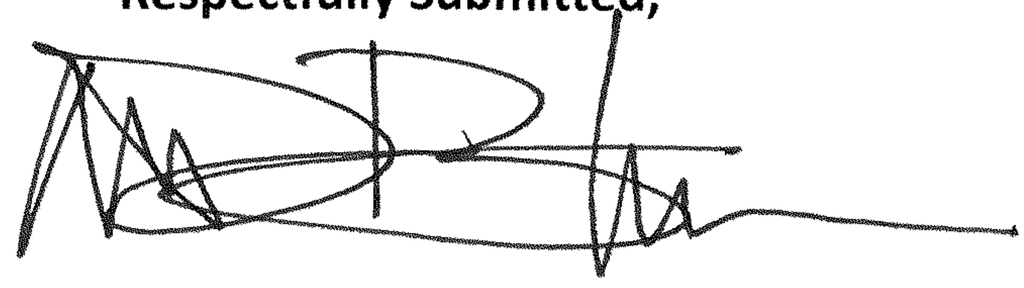
[2] 47 CSR 2.6.2.d. http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=26654&Format=PDF
[3] Letter dated June 29, 2005 from EPA Region III to the EQB approving West Virginia's manganese standard.
[4] *Ibid.*

documents, then why would a similar approach not be protective and warranted for other parameters?

WV DEP has largely ignored this comment and the simple solution it offers to end the Category A controversy, choosing instead to hide behind the EQB's fabricated justification for statewide application.

WVCA was hopeful that HB 2283 would finally lead the agency lead the agency to consideration of a similar, common sense approach for other parameters.

Respectfully Submitted,



Jason D. Bostic
Vice-President

Smith, Chris B

From: MaryAnn McGowan <info@actionnetwork.org>
Sent: Wednesday, August 10, 2016 8:48 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

MaryAnn McGowan

riversnlakes23@gmail.com

PO Box 332

Hico, West Virginia 25854

Smith, Chris B

From: Gina Schrader <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:02 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Gina Schrader
ginaschrader@yahoo.com
825 Byus Drive
charleston, WV, West Virginia 25311

Smith, Chris B

From: Jessica Chasengnou <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 7:31 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Jessica Chasengnou
jessica.m.cha@gmail.com
743 Whispering Oaks Ln
Saint Albans, West Virginia 25177

Smith, Chris B

From: Becky Park <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 5:38 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

There is nothing as important as clean water in our streams, as it effects so many aspects of the web of life and humanity.
Please do not revmove and requirements for Class A stream purity, and proceed carefully to conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions.

I do not agree with the proposed Harmonic Mean flow estimate. We are facing uncertain climate situations which may create droughts in our state. The proposed flow estimate procedure would not be adequate and would increase the possibility of carcinogens in our waters.

Let's be smart and stringent and return West Virginia to the pristine conditions that will draw people to our state.

Thank you for the opportunity to comment.

Becky Park
rebeccamasonpark@gmail.com
943 Mathews Ave
Charleston, West Virginia 25302

Smith, Chris B

From: Mary Lee <info@actionnetwork.org>
Sent: Wednesday, August 10, 2016 7:35 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

LET'S STOP MINCING WORDS. STOP STROKING THE INDUSTRIES THAT PAD YOUR PERSONAL POCKETS!!!!!
Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Mary Lee
maryfleas@aol.com

228 FRANCIS MINE RD

FAIRMONT, West Virginia 26554

Smith, Chris B

From: Joy Woodrum <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 10:44 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Joy Woodrum
wwoodjoy@aol.com
107 Hayes Ave.
Charleston, West Virginia 25314

Smith, Chris B

From: Sarah Corley <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 7:12 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sarah Corley
corley.daugherty@gmail.com
3423 Union Rd
Philippi, West Virginia 26416

Smith, Chris B

From: JERRY PAYNE <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 5:20 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

JERRY PAYNE
jacabay@yahoo.com
69 FAIRPLAIN MOBILE HOME PARK
RIPLEY, West Virginia 25271

Smith, Chris B

From: Tracy King <info@actionnetwork.org>
Sent: Wednesday, August 10, 2016 6:32 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Thank you for the opportunity to comment.

Tracy King
showdator@yahoo.com
105 HAYMARKET DR
BECKLEY, West Virginia 25801

Smith, Chris B

From: Sabrina Shrader <sabrinashrader@ymail.com>
Sent: Tuesday, August 09, 2016 2:16 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Sabrina Shrader
sabrinashrader@ymail.com
609 Hale Avenue
Princeton , West Virginia 24740

Smith, Chris B

From: Marilyn Howells <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 6:37 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

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Thank you for the opportunity to comment.

Marilyn Howells
mhowe9876@gmail.com
5364 Newcomb Ck. Rd.
Huntington, WV, West Virginia 25704

Smith, Chris B

From: Beverly Martin <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 4:57 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Beverly Martin
bayoubev@hotmail.com
250 Lakeview Dr
Morgantown , West Virginia 26508

Smith, Chris B

From: Annette Yurkovich Brichford <ays40@frontiernet.net>
Sent: Wednesday, August 10, 2016 1:09 AM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Growing up in McDowell County and later working there from 2005-2011, I saw firsthand the effects of allowing sewage and mine run-off to enter rivers and streams. Today residents fish those streams but release their catches because they dare not eat the trout or other species from those polluted waters.

In Mercer County, where I now live, algae blooms that may be caused by fertilizer runoff make our drinking water foul in taste and odor every summer. My mother's water source, the Green Valley-Glenwood PSD, sent a letter to its customers last winter detailing higher than permitted levels of certain cancer-causing substances. To put it plainly, even our treated water is not safe enough.

Please keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate

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Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Annette Yurkovich Brichford
ays40@frontiernet.net
195 Butternut Dr
Princeton, West Virginia 24740

Smith, Chris B

From: William Skaggs <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 8:40 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

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Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

William Skaggs

weskaggs.wes@gmail.com

656 Martin Road

Grafton, West Virginia 26354

Smith, Chris B

From: Brian Washington <washinbd@gmail.com>
Sent: Tuesday, August 09, 2016 6:12 PM
To: DEP Comments
Subject: WV DEP water standards hearing

Dear Ms. Cooper,

In addition to the pre-prepared statement below, I'll include a brief statement on why I am passionate on the subject of water quality in WV. I recently made the decision to remain employed in the mountain state, despite the potential for higher earnings, more progressive community programs and infrastructure opportunities in neighboring states within our nation. A key component in my choice to stay is the recreational opportunities that are abundant in this state, and the natural beauty of the bounty of rivers here. I work in home health, and work with many of the retired coal miners, loggers, and native population of WV, and many will tell stories of how their profession has "killed" many streams and rivers in mountain state, and they lament the loss of once abundant natural life. Resource industry is a vital part of WV economy currently, but it is finite, and can exist without such long term impact on the fragile resources we have that effect the health and quality of life of so many west virginians. Please help Protect west virginia's health, and one of the few sources of population influx in a state that desperately needs a reason for skilled workers to stay. Respectfully,

Brian Washington, DPT.

Laura Cooper
Water Quality Standards
DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304

Dear Ms. Cooper:

Please know that I stand in solidarity today and every day with the "Friends of Water" organization in regard to protecting WV's precious rivers, lakes and streams!

WE RESPECTFULLY URGE the WV-DEP:

1) to include a 300 uS/cm standard for electrical conductivity in West Virginia Water Quality Standards. Since conductivity is easily measured, numerous scientific studies and EPA have concluded that electrical conductivity greater than 300 uS/cm is harmful to aquatic life.

2) to protect “Category A Drinking Water”. Streams that can serve as sources of public drinking water are designated “Category A”. WV-DEP proposes to allow pollution discharge permits to remove this Category A designation from a stream. PLEASE delete sections 6.3 through 6.9 of the proposed rule. This proposed language is entirely focused on allowing more pollution. Water Quality Standards should be about protecting drinking water and other water uses!

3) to reject proposed changes to the “Critical Design Flow”. WV-DEP proposes to change this calculation to allow higher rates of carcinogens in water. While EPA has supported this in some cases, it is not appropriate during drought or low flow periods. PLEASE establish procedures to reduce the amount of carcinogens during low flow periods.

4) to increase monitoring of E. coli and fecal coliform bacterial contamination. PLEASE increase the required sampling frequency to assure safety for swimming and boating.

5) to adopt as proposed EPA's recommended standards for aquatic life criteria for five organic chemicals: acrolein, carbaryl, diazinon, nonylphenol, and tributyltin. PLEASE recognize that these compounds are toxic and West Virginia needs these water quality standards.

The safety and health of every West Virginian and each visiting tourist is in your hands today. PLEASE stand up for WV's waters to keep us safe for decades to come!

Thank you.

--

Brian D. Washington

DPT, Marshall University

M.S. in Adapted Physical Activity

Fayetteville, WV

(304) 654-0612

Washinbd@gmail.com

Smith, Chris B

From: Doris Irwin <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 4:54 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Doris Irwin
dorisirwinmobile@yahoo.com
771 Turtle Ridge Rd
Princeton , West Virginia 24739

Smith, Chris B

From: Theresa Dennison <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 11:10 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water standards should only be raised!

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

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Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Theresa Dennison
theresagarrett@hotmail.com
Po box 271
Stanaford, West Virginia 25927

Smith, Chris B

From: Daven Marrin <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 7:38 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Have you people lost your minds or your souls? Our rivers are toxic enough already! All the mess with Dow and C-8 and the toxic coal industry chemicals and other industrial waste and spillage? You want to lower water standards? How about NO! People in WV are crapped on enough by a greedy government and heartless companies. Why not think of the citizen's health and not letting fat cats run extra dirty toxic businesses?

Daven Marrin
lvxfvxo@yahoo.com
730 South St.
Morgantown, West Virginia 26505

Smith, Chris B

From: Gabriele Koenig <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 5:41 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

I will become a WVa resident in 2017. One of the reasons I selected WVa is the natural beauty. One of the reasons I selected the parcel of land I bought is because the quality of spring water is superb. Why, why, why would any official seriously consider any legislature that could lessen standards? When will improvement and health win over industry? Will you be the champion of this fragile "blue marble" or of industry that can find better ways and not be lazy about waste and contamination?

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation.

Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA's recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

Gabriele Koenig
gabyderek@gmail.com
1515 Farlow Avenue
Crofotn, Maryland 21114

Smith, Chris B

From: ben morgan <info@actionnetwork.org>
Sent: Tuesday, August 09, 2016 4:07 PM
To: DEP Comments
Subject: Water Quality Standards

Laura Cooper,

Dear Ms. Cooper,

Water Quality Standards need to protect and maintain water quality for safe use and enjoyment. Some of the changes proposed during the current triennial review raise concerns because they will allow more pollution in our water.

Keep our water quality standards protective of public health and recreational safety:

Remove the provision to allow Category A use change through a NPDES permit that is contrary to the Clean Water Act's process for the removal of a designated use. The provisions for Category A use removal should include thorough evaluations of water quality, not simply the physical properties of the stream at issue to assure the protection of public health and drinking water users downstream.

Conduct a statewide study in collaboration with USGS to determine the best estimates for flow which take into account low flow conditions. The proposed Harmonic Mean flow estimate is not appropriate in all circumstances, especially during drought conditions.

Develop a procedure that measures both Fecal Coliform and E. Coli as the bacterial indicators until enough data is collected on E. Coli to ensure the water is safe for recreation. Increase sampling frequency to measure the monthly average values for more priority watersheds.

Adopt as proposed EPA’s recommended standards for aquatic life criteria for 5 organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin.

Thank you for the opportunity to comment.

ben morgan
morgan8n@yahoo.com
103 fayette ave
fayetteville, West Virginia 25840

West Virginia Council of Churches
WV DEP Triennial Review Testimony
August 9, 2016

Good evening. My name is Rev. Jeff Allen and I am the executive director of the West Virginia Council of Churches.

I am native West Virginian and I grew up in Glen Dale, a small town situated between the Ohio River and the hill. At the base of the hill is a small stream, inhabited largely by snails, minnows, and crawdads. To the best of my knowledge, it is not used as a source of drinking water, but I can tell you, that growing up there as a kid, I played in that stream many days for many years during the summer and even some during the winter.

I think that there must many small streams like this across West Virginia, with many snails and minnows and many small children who have played and will continue to play in those streams in the future. I am greatly appreciative that all streams in West Virginia are protected through Category A regulations and I, personally, would strongly oppose the weakening of those standards.

The West Virginia Council of Churches, first organized in 1880 and made up of fourteen member denominations, supports policies that ensure water quality.

The Council notes that with increased oil and gas exploration come additional challenges in protecting our state's water resources and encourages the Department of Environmental Protection to strengthen rules that safeguard water quality and quantity.

The Council encourages the state and its agencies to adopt and enforce the federal Clean Water Act standards and the Council supports the highest level of protection possible for our finest streams.

Lastly, the Council urges that narrative standards for mercury, selenium, and other toxic metals should not be compromised, as these elements pose many dangers to human health, and especially the health of our children.

The West Virginia Council of Churches hopes that the DEP will keep Category A regulations as they are in order to protect all steams in West Virginia.

Thank you!

August 7, 2016

Comment on WV DEP Proposed Modifications to 47 CSR 2 WQS Rules:

My name is Philip C. Price. I have a PhD in Analytical Chemistry, with over 40 years' experience in industrial chemistry, trace analyses, spill/release incident investigations, and Superfund Site remediation. I have comments on two areas of the proposed changes:

Drinking Water Use Designation

DEP proposes to remove these designations of ***potential*** future source water use. One prediction we can all agree with is that WV will see more change in the future: new industries, shifting populations, economic challenges, and new environmental events (algae blooms, spill events, floods). Last summer's sudden algae bloom events clearly demonstrated the usefulness of an alternate clean emergency water source for Huntington. Degrading our currently-available alternate water supplies increases future risks to Public Health.

This change seems driven mainly by WV manufacturers. Are there any data to demonstrate specific WV economic benefits "if we could only degrade the water quality of this specific stream"?

Implement EPA-recommended Harmonic mean flow

DEP proposes ***increasing*** the amount of permissible carcinogens (and other pollutants) in WV waters by changing the flow/dilution calculation factors. Some of the increases would be more than 10-fold, based on stream flow data. However, there is a lack of data on carcinogen and polutant identities, current concentrations, and proposed future concentrations. Without this data, the rule would be changed, but without any information as to its impact on Public Health or specific aquatic toxicity increase.

Hello my name is Lori Magno

Thank you for taking the time to strongly consider the concerns of WV citizens in regard to the considered changes to the current water protective standards. I believe that changes to the current level of protection will be detrimental to the health & well being of those of us who live + play in WV.

When I look at the initials of your agency + reflect on what they stand for and should mean, The Dept of Environmental Protection, it gives me some level of hope that this agency makes the ~~right~~ Best decisions to protect our environment & water. I know I try to do what is right to protect our water, at least in the sense, of talking to those that control the safety of my water. I've been here to the DEP, to the statehouse, and I've even written a book to encourage others to do what they can to protect our environment, particularly, our water.

I am doing what I can, so I ask for you to do what you can by ~~keeping~~ not removing the Category A standards to ~~the~~ WV streams/rivers ~~that currently have then~~ abide by ~~that standard~~.

I don't understand/or have had time to review your formulas, and I can't currently tell you the physics of the water cycle and how water that flows will eventually be consumed + used by vegetation, people or animals/fish.

Brad Mossop

But I do know that all water sustains life some sort of life, and we should maintain the strictest of standards in keeping toxins out of it and monitoring it at a level that will keep us safe & worry free.

I know the formula for my health & well being doesn't include allowing more toxins into any river or stream in WV. have a "plus sign"

I care about my water. I care about your water. I greatly care about our children's water. Please keep Category A standards and maintain the highest level of water testing so that we can drink, bathe, fish & play in WV waters without worries. Water is life. Please protect our water.

Thank you,

Lori Magone

first_name	last_name	city	state	zip	comment
Jonathan	Mitchell	Madison	AL	35757	
Mark	Apel	Bisbee	AZ	85603	
Tom	Ferguson	Mesa	AZ	85201	We all live downstream .Headwater streams are where pure water is made. Clean water is our most valuable resource!
Joseph	Wack	Los Angeles	CA	90026	
Janet	Perry	San Clemente	CA	92672	The destruction of miles upon miles of streams in West Virginia due to the practice of Mountaintop Removal (or 'bombing' as it should be called...) by the coal industry is, in and of itself a travesty of humanity and justice. The destruction of this vital part of local ecosystems, as well as the drinking water of hundreds of thousands of people is something that cannot be overlooked. The state and federal government must step up and hold the coal industry responsible for the clean-up of its mess.
Colin	Bennett	Westbrook	CT	6498	
Nancy	Parsons	Spring Hill	FL	34610	
Margaret	Ricketts	Berea	KY	40404	
Donna	Aros	Frankfort	KY	40601	
Mark	Graham	Hyattsville	MD	20782	Clean Water is for everyone
Terri	Baxter	Salem	NJ	8079	
Fred	Belcher	Liverpool	NY	13908	
Peggy	Murray	Jamesville	NY	13078	
Sarah		Elyria	OH	44035	
Sarah	Haltom	Cleveland	OH	44105	
Amy	Hoskinson	Columbus	OH	43235	
Debbie	Rose	Xenia	OH	45385	
tamara		kettering	OH	45429	This is an outrage! Water is life period. You take clean water away what do you have left?
Tursia		Dayton	OH	45403	
Scott	Price	Cleveland	OH	44109	You can't keep people from their God giving Rights
Joanna	Vaughan	Philadelphia	PA	19144	
Stephanie		New Castle	PA	16101	
Lisa	Scherer	Marianna	PA	15345	
Jared	Fuller	Highland	UT	84003	

Patricia	Smith	Woodbridge	VA	22192	What affects WV often affects VA waters too, water is going to be "liquid gold" if we don't take care to treat it as our number 1 commodity.
Ann	Malone	sugar grove	VA	24375	People's health should be more important than corporate profit!
Karen	Saunders	Brattleboro	VT	5301	
Janet	Bernhard	Richmond	VT	5477	

Dear Laura Cooper, Assistant Director, Water Quality Standards, 47CSR2 Water standards rule comments, and Randy Huffman, Cabinet Secretary, WVDEP,

We are pleased to present you with this petition affirming this statement:

"Reject proposed weakening of WV water quality standard 47CSR2. WVDEP should: reject the "harmonic flow" estimate that would allow higher levels of carcinogenic discharges, and instead work with USGS to develop an estimate that accounts for low flow conditions; remove the change that allows a pollution permit to remove Category A drinking water designation from streams; develop a procedure that measures both Fecal Coliform and E. Coli as bacterial indicators for water recreation safety; adopt EPA's recommended standards for aquatic life criteria; and adopt a 300 uS/cm conductivity standard to protect aquatic life from mine runoff and other threats."

Attached is a list of individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Vernon Haltom

Peter Schumacher
Pennsboro, WV 26415
Aug 9, 2016

Patti Goldstein
New Martinsville, WV 26155
Aug 9, 2016

Aryn
Princeton, WV 24739
Aug 9, 2016

William S Hawkins
Weston, WV 26452
Aug 9, 2016

You are our protection. Please take care of this most vital responsibility to insure safe, clean waters for West Virginia

Jeanne Wahl
Lewisburg, WV 24901
Aug 9, 2016

Hannah
Lashmeet, WV 24733
Aug 9, 2016

Protect our water. Several years ago I heard a WVDEP rep say it was OK to increase mercury limits because West Virginians don't eat much fish anyway. I would love to if there were not limits on how many you can eat before being poisoned. Department of Environmental Protection - that says it all. Do your job!

Jane Friedmann
Alum Bridge, WV 26321
Aug 9, 2016

Teresa Parcell
Elkview, WV 25071
Aug 9, 2016

Pam Harris
Stonewood, WV 26301
Aug 9, 2016

Dear ms. Cooper and mr. Huffman, Why don't you both put your mouth where your money is? Your job is to protect MY water source, yet frack waste and other vile pollutants have been found in the creek along my property. I've been using Wolf Creek water since I was a young kid, and now my kids are being exposed to all the toxins YOU were supposed to protect us from. Thanks. Anyway, since I'm sure you are doing a fabulous job at what you do best, I'd like to issue you a "one glass a day" challenge. My friends from Headwaters Defense and I will bring you both a tall glass of Wolf Creek water every single day for a year. Feel free to contact me to make arrangements, and we will get it set up for you. Since you guys are ones that regulate our water quality, I'm sure you'll have no qualms with having a taste of what my family lives with on a daily basis. Sincerely, Sandra Keeney Redden

sandra keeney redden
fayetteville, WV 25840
Aug 9, 2016

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kenneth l king
ethel, WV 25076
Aug 9, 2016

Al Justice
War, WV 24892
Aug 9, 2016

Danielle Maness
Charleston, WV 25314
Aug 9, 2016

Rita Winser
Fayetteville, WV 25840
Aug 9, 2016

Amy Fabbri
Petersburg, WV 26847
Aug 9, 2016

Mary Sullivan
Charleston, WV 25314
Aug 9, 2016

Zoe morris
St albans, WV 25177
Aug 9, 2016

Cindy Welch
West Union, WV 26456
Aug 9, 2016

We already have too many chemicals and bacteria in our water. How can this even be considered after our water crisis two years ago? No wonder we're losing population. Stop chasing the extractive industries and diversify our economy.

Regina Hendrix
Charles Town, WV 25414
Aug 9, 2016

Patrick McIntire
Center Point, WV 26339
Aug 9, 2016

Patricia Schumacher
Pennsboro, WV 26415
Aug 9, 2016

West Virginia politicians are doing everything they can to accommodate extractive industry, under the mistaken notion that this will make the state appealing and bring in jobs. Corporations may love getting cheap access to West Virginia's resources, but who would send valued employees into a state where water and air are so polluted they are unhealthful? Rather than weakening environmental protections we should be strengthening them, imposing stronger protections than EPE or any other function of the Federal government.

Thomas T Bouldin
Talcott, WV 24910
Aug 9, 2016

The precious clean water resources of WV are under attack. Our drinking water resources need additional protection and more rigid enforcement of the regulations. Do not weaken, but work to strengthen these protections.

Alfred Tuttle
Middlebourne, WV 26149
Aug 9, 2016

We have major water quality issues in WV please don't allow this to decrease the quality even further.

wendy johnston
Athens, WV 24712
Aug 9, 2016

Please do not worl to lessen water quality standards. I moved my family back to West Virginia and the disregard for its citizens is glaringly obvious in comparison to my experiences living elsewhere. A comment like this might bare little weight from a technical perspective and to not consider its gravity is the very disregard to which I refer. But, for context, such emotionally charged responses are indeed part of the numbers game. You're draining the state of its current and future potential with the lessening of water quality standards, who will stay, and who will come? These are the questions you should ask when considering yet another industry-favoring policy change that will push people out the door in order to escape and raise their children in a place where the government can actually be trusted in its role to protect its people.

Adam Webster
Morgantown, WV 26501
Aug 9, 2016

LYN BORDO
GREENWOOD, WV 26415
Aug 9, 2016

Linda Harrington
Wallace, WV 26448
Aug 9, 2016

Anthony Ervolina
West UNion, WV 26456
Aug 9, 2016

Sharron Hendrick-Jackson
Pullman, WV 26421
Aug 9, 2016

Rozanna Bracken
Charleston, WV 25314
Aug 9, 2016

Cherie Buzzard
Naoma, WV 25140
Aug 9, 2016

Margaret Spencer
Crab Orchard, WV 25827
Aug 9, 2016

Elizabeth Dennis
Littleton, WV 27581
Aug 9, 2016

Wayne Rebich
Beaver, WV 25813
Aug 9, 2016

Elizabeth Scott
Winfield, WV 25213
Aug 9, 2016

Katherine Cockerham
Copen, WV 26615
Aug 9, 2016

Michelle Walker
Saint Albans, WV 25177
Aug 9, 2016

Tina Del Prete
West Union, WV 26456-8285
Aug 9, 2016

Ahmed Sakkal
Charleston, WV 25301
Aug 9, 2016

Clint Henry
Beckley, WV 25801
Aug 9, 2016

Justin Raines
Walkersville, WV 26447
Aug 9, 2016

Keep our waterways clean! We already are drinking enough pollution!

Michelle mallamo
fairmont, WV 26554
Aug 9, 2016

Wendy. L. Knadler
Martinsburg, WV 25403
Aug 9, 2016

Lori Rose
Dunbar, WV 25064
Aug 9, 2016

Yes please the water crisis we underwent two years ago was simply awful and our water has not been the same ever since!

Joshua Carpenter
Cross Lanes, WV 25313
Aug 9, 2016

This is the birthplace of rivers, not profit.

Jason Reott
Fayetteville, WV 25840
Aug 9, 2016

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bo webb
Naoma, WV 25140
Aug 9, 2016

LAURA YOKOCHI
Salem, WV 26426
Aug 9, 2016

Kevin Campbell
Adrian, WV 26210
Aug 9, 2016

Terry Schnell
Morgantown, WV 26508
Aug 9, 2016

Mckey Elliott
Craigsville, WV 26205
Aug 9, 2016

K. Giltin
Charleston, WV 25330
Aug 9, 2016

Joan hansen
Beckley, WV 25801
Aug 9, 2016

We need to find better ways to protect our water!

Jessica Blalock
Charleston, WV 25304
Aug 9, 2016

WVDEP has a poor track record using "estimates". The water quality standards should not change until a true study has been completed.

Daile Boulis
Charleston, WV 25314
Aug 9, 2016

Anne Axel
Huntington, WV 25701
Aug 9, 2016

Nanette Nelson
Racine, WV 25165
Aug 9, 2016

Paul Nelson
Racine, WV 25165
Aug 9, 2016

George Mace
Craigsville, WV 26205
Aug 9, 2016

What's in this for us? This change would be a real step backward. It's a betrayal of the many to benefit the few.

Jennifer Lee
Parkersburg, WV 26101
Aug 8, 2016

DeWayne Ewing
Beckley, WV 25801
Aug 8, 2016

Yeah. I agree that more corporations should make more insane amounts of money off of polluting our natural resources, while we are left with nothint when their toxic resources spill over into our water because they dont actually care sbout standards. And i think its great that no one is ever held accountable. We should not be allowing more pillutants, and more streams desecrated. We should ve cutting back and attempting to fix the streams that are damaged.

Michael A. Moore
Charleston, WV 25304
Aug 8, 2016

Sara Wilts
Bruceton Mills, WV 26525
Aug 8, 2016

Judy Hunter
Huntington, WV 25701
Aug 8, 2016

Robin cathell
Rowlesburg, WV 26425
Aug 8, 2016

Richard
Charles Town, WV 25414-0694
Aug 8, 2016

Just NO! Our waterways are a precious resource...FIRST, DO NO HARM!!!

Carol Sheffield
Buckhannon, WV 26201
Aug 8, 2016

We are led by ignorant hicks. Shame on you.

Jeff Wilson
Morgantown, WV 26505
Aug 8, 2016

Nicholas Cheremisinoff
Charles Town, WV 25414
Aug 8, 2016

Tatyana Cheremisinoff
Charles Town, WV 25414
Aug 8, 2016

JChase
Charleston, WV 25314
Aug 8, 2016

Nancy Whalen
Shepherdstown, WV 25443
Aug 8, 2016

Legislators seem to have little regard for our state's water ways. We need higher standards to protect our drinking water. Additionally the Birthplace of Rivers National Monument would illustrate a commitment to honoring the value of water to everyone.

Michael Condon
Hillsboro, WV 24946
Aug 8, 2016

Air and water are our most precious and life giving pesuxs of nature. Without them we would die. Therefore, keep them both pure as we can have them.

Richard D. Reece
Romney, WV 26757-6589
Aug 8, 2016

Carole Williams
Fairmont, WV 26554
Aug 8, 2016

Petra Miller
Lost Creek, WV 26385
Aug 8, 2016

James Norton
Fairmont, WV 26554
Aug 8, 2016

Lucas Garrett
Camden, WV 26338
Aug 8, 2016

Karen Anderson
Elkins, WV 26241
Aug 8, 2016

Donna Showalter
Morgantown, WV 26508
Aug 8, 2016

William Scott Rose
South Charleston, WV 25303
Aug 8, 2016

Diane Wellman
Huntington, WV 25701
Aug 8, 2016

Robert Oliver
Scott depot, WV 25560
Aug 8, 2016

Vivian Stockman
Huntington, WV 25773
Aug 8, 2016

Robin Blakeman
Huntington, WV 25705
Aug 8, 2016

Taylor Boggess
Huntington, WV 25701
Aug 8, 2016

Charles Bonner
Grafton, WV 26354
Aug 8, 2016

Jessica woods
Huntington, WV 25701
Aug 8, 2016

June Kemp
Bluefield, WV 24701
Aug 8, 2016

Daniel Chiotos
Harpers Ferry, WV 25425
Aug 8, 2016

Jamie Shultz
Morgantown, WV 26508
Aug 8, 2016

Caresta Click
Skelton, WV 25919
Aug 8, 2016

Maureen Farrell
Beverly, WV 26253
Aug 8, 2016

Joshua Carpenter
New Haven, WV 25265
Aug 8, 2016

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save our streams PLEASE

Steve Cantley
Naoma, WV 25140
Aug 8, 2016

Angela Lucas
Arnett, WV 25007
Aug 8, 2016

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jesse e price
arnett, WV 25007
Aug 8, 2016

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jody price
arnett, WV 25007

Aug 8, 2016

Junior Walk
Whitesville, WV 25209
Aug 7, 2016

Whitney Eskew
Huntington, WV 25701
Aug 7, 2016

Michael Morrison
Barboursville, WV 25504
Aug 7, 2016

Please, our kids and grandkids do matter!

Debbie Jarrell
rock creek, WV 25140
Aug 7, 2016

Vernon Haltom
Naoma, WV 25140
Aug 7, 2016

Comments of West Virginia Chapter of Sierra Club

WV-DEP Water Standards Hearing Aug. 9, 2016

Please accept these comments on behalf of the approximately 2000 members of Sierra Club in West Virginia. We appreciate the opportunity to comment on 47-CSR-2 during this triennial Review of Water Quality Standards. While some aspects of WV-DEP's proposed rule are appropriate, key parts need to be strengthened to protect water quality in West Virginia.

1) **We urge WV-DEP to include a 300 uS/cm standard for electrical conductivity in West Virginia Water Quality Standards.** Electrical conductivity is abroad measure of the level of chemical ions such as sulfate, bicarbonate, calcium, chlorides, and many other dissolved solids. Sources include mining operations, gas well development, road salts, and other activities. Water high in conductivity is acutely toxic to many species of aquatic life. Since conductivity is easily measured, numerous scientific studies and EPA have concluded that electrical conductivity greater than 300 uS/cm is harmful to aquatic life.
2) **Protect "Category A Drinking Water".** Streams that can serve as sources of public drinking water are designated "Category A". Current standards apply this designation to almost all waters in West Virginia, thereby protecting those streams for current and future water supplies. WV-DEP proposed rule would allow pollution discharge permits to remove this Category A designation from a stream. We urge DEP to **delete sections 6.3 through 6.9** of the proposed rule. This proposed language is entirely focused on allowing more pollution. [redacted] Water Quality Standards should be about protecting drinking water and other water uses!
3) **Reject proposed changes to the "Critical Design Flow".** The Critical Design Flow is used to estimate the water's flow rate in receiving streams. WV-DEP's proposal to change this calculation to use Harmonic Mean Flow will allow higher rates of carcinogens in water. While EPA has supported this in some cases, it is not appropriate during drought or low flow periods because that will allow higher concentrations of carcinogens. We demand that WV-DEP **establish procedures to reduce the amount of carcinogens during low flow periods, and reconsider whether adding carcinogens in ANY amount is good for West Virginia..**
4) **Require increased monitoring of *E. coli* and fecal coliform bacterial contamination**. Water with high levels of fecal coliform bacteria is unsafe for recreation. WV-DEP should increase the required sampling frequency to assure safety for swimming and boating.
5) **Adopt as proposed EPA's recommended standards for aquatic life criteria** for five organic chemicals; acrolein, carbaryl, diazinon, nonylphenol, and tributyltin. These compounds are toxic and West Virginia needs these water quality standards.

Thank you for helping to protect West Virginia's water.

Jim Kotcon, Conservation Chair, WV Sierra Club
P. O. Box 4142, Morgantown, WV 26504
jkotcon@gmail.com
304-594-3322 (home)

west virginia department of environmental protection

Oral Comments on revisions to 47 CSR 2

BEFORE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE:

PROPOSED LEGISLATIVE RULE 47CSR2
"REQUIREMENTS GOVERNING WATER
QUALITY STANDARDS"

HELD AUGUST 9, 2016
COOPERS ROCK TRAINING ROOM
DEP HEADQUARTERS
CHARLESTON, WEST VIRGINIA

6:10 P.M.

Donna H. Miller
Court Reporter

CAPITOL CITY REPORTING
"PROFESSIONAL STENOMASK FOR THE RECORD"

POST OFFICE BOX 11394, CHARLESTON WEST VIRGINIA 25339 • (304) 344-9505 FAX (304) 344-9506

A P P E A R A N C E S

ON BEHALF OF THE DEP:

KELLEY GILLENWATER
Public Information Specialist
601 - 57th Street
Charleston, WV 25304

ON BEHALF OF DIVISION OF
WATER AND WASTE MANAGEMENT:

SCOTT MANDIROLA
LAURA COOPER
CHRIS SMITH
JAMIE PETERSON

P R O C E E D I N G S

1 MS. GILLENWATER: Good evening. I am
2 Kelley Gillenwater from the Department of
3 Environmental Protection's Public Information
4 Office. Welcome to tonight's public hearing on the
5 Division of Water and Waste Management's Proposed
6 2017 Legislative Rule 47CSR2 – "Requirements
7 Governing Water Quality Standards."
8 Also here this evening are Scott
9 Mandirola, Laura Cooper, Chris Smith and Jamie
10 Peterson with the Division of Water and Waste
11 Management.
12 The purpose of tonight's hearing is to
13 give you the opportunity to share your comments with
14 the DEP about 47CSR2.
15 Tonight's hearing is being recorded by
16 a court reporter so that the comments shared can be
17 part of the public rulemaking record.
18 To ensure that we successfully achieve
19 the purpose of this hearing, we ask that everyone be
20 respectful and considerate of each other by
21 refraining from interrupting others while they are
22 speaking, and keeping your comments on the topic so
23 that our time together is used efficiently.

For those wishing to speak, when I call you up to provide your comments, please state your name and say if you are representing any groups or organizations.

If you have written comments that you would like to submit in addition to or in lieu of your spoken comments, please hand them to me after you speak or at the conclusion of the hearing.

If no one has any questions about the hearing format, we will begin with our first speaker, and because we do have quite a few speakers, I would like everyone to try to stay within seven minutes. You know, a lot of speakers will be much shorter than that, but if we could stick with seven minutes, that would be much appreciated.

I'm going to go ahead and call the first speaker, but I'm also going to mention the second speaker's name so that person can be ready to come up as soon as the first speaker finishes.

So our first speaker will be Jeff Allen, followed by Philip Price.

MR. JEFF ALLEN: Good evening. My name is Reverend Jeff Allen, and I am the Executive Director

1 of the West Virginia Council of Churches. I am a
2 native West Virginian, and I grew up in Glendale, a
3 small town up in the northern panhandle situated
4 between the Ohio River and the Hill, as we call it.
5 At the base of the Hill is a small
6 stream inhabited largely by snails, minnows,
7 crawdads and other aquatic creatures.
8 To the best of my knowledge, it is not
9 used as a source of drinking water except for the
10 snails, minnows and crawdads, but I can tell you
11 that growing up there as a kid, I played in that
12 stream many days for many years during the summer,
13 and even some during the winter.
14 I think that there must be many small
15 streams like this across West Virginia with many
16 snails and minnows and many small children who have
17 played and will continue to play in those streams in
18 the future.
19 I am greatly appreciative that all
20 streams of West Virginia are protected through
21 Category A regulations, and I personally would be
22 strongly opposed to the weakening of those
23 standards.
24 The West Virginia Council of Churches

first organized in 1880 and made up of 14 member denominations supports policies of ensured water quality. The Council notes that with increased oil and gas exploration come additional challenges in protecting our State's water resources and encourages the Department of Environmental Protection to strengthen rules that safeguard water quality and quantity.

The Council encourages the State and its agencies to adopt and enforce the Federal Clean Water Act Standards, and the Council supports the highest level of protection possible for our finest water streams.

Lastly, the Council urges that the narrative standards for mercury, selenium and other toxic metals should not be compromised as these elements pose many dangers to human health, and especially the health of our children.

The West Virginia Council of Churches hopes that the DEP will keep Category-A regulations as they are in order to protect all streams in West Virginia.

Thank you.

MS. GILLENWATER: Thank you. All right,

1 Philip Price, and next up would be Cindy Bragg --
2 MS. CINDY BRAGG: No.
3 MS. GILLENWATER: I'm sorry, then next up
4 would be Lori Magana.
5 MR. PHILIP PRICE: Phil Price. I've got
6 40 years of industrial experience with super mine
7 sites, environmental and remediation.
8 There are two areas that I would like
9 to comment on; the first is drinking water use
10 designation. The DEP proposes to remove these
11 designations of potential future source water use.
12 One prediction we can really all agree with is West
13 Virginia will see more change in the future.
14 New industries, change in populations,
15 economic challenges and new environmental events
16 like algae blooms, spill events and floods.
17 Last summer's sudden algae bloom event
18 clearly demonstrated the usefulness of an alternate
19 clean emergency water supply for Huntington.
20 Degrading our currently available alternate water
21 supplies will really increase future risks to public
22 health. So we would be additionally polluting
23 sources that could be used as back-ups in the
24 future.

This change seems to be driven mainly by West Virginia manufacturers, and a question I have for the DEP is, is there any data to demonstrate specific West Virginian economic benefits if we can only degrade the water quality of the specific stream.

The other area is implementing the EPA recommended harmonic mean flow. The DEP proposes increasing the amount of permissible carcinogens and other pollutants in West Virginia waters by changing the flow delusion calculation factors.

Some of the increases would be more than tenfold based on current streams data. However, to my knowledge, there is no data on carcinogen pollutant identities, current concentrations and proposed future concentrations. There is only spot data for a few streams for a few compounds, and without this data the rule would be changed. But there would be no information provided as to showing its impact on public health or specific increases in aquatic toxicity.

MS. GILLENWATER: Thank you. Lori Magana.

MS. LORI MAGANA: Hello. My name is Lori Magana, and thank you for taking the time to

1 strongly consider the concerns of West Virginia
2 citizens in regard to the considered changes of the
3 current water protective standards.
4 I believe that changes to the current
5 level of protection would be detrimental to the
6 health and well-being of those of us who live and
7 play in West Virginia.
8 When I look at the initials of your
9 agency and reflect on what they stand for and should
10 mean, the Department of Environmental Protection, it
11 gives me some level of hope that this agency makes
12 the best decisions to protect our environmental.
13 I know I try to do what is right to
14 protect our water, and at least in a sense of
15 talking to those that control the safety of my
16 water, which includes the DEP, statehouse, and I've
17 even written a book to encourage others to do what
18 they can to protect our environment, particularly
19 our water.
20 I am doing what I can so I ask that you
21 do what you can by not removing the Category A
22 standards to the West Virginia streams and rivers.
23 I don't understand, and I have not had
24 time to review your formulas, and I can't currently

1 tell you the physics of water cycles and how the
2 water flows that will eventually be consumed by
3 everything, vegetation, plants, animals and fish,
4 but I do know that all our water sustains life, some
5 sort of life, and we should maintain the strictest
6 of standards in keeping toxins out of the water and
7 monitoring it at a level that will keep us safe and
8 worry free.
9 I know the formula for my health and
10 well-being doesn't include a plus sign allowing more
11 toxins into any river or stream in West Virginia.
12 I care about my water, and I care about
13 your water. I greatly care about our children's
14 water and our future water.
15 Please keep Category A standards and
16 maintain the highest level of water testing so that
17 we can drink, bathe, fish and play in West Virginia
18 waters without worry.
19 Water is life. So please protect our
20 water.
21 MS. GILLENWATER: Junior Walk followed by
22 Autumn Bryson.
23 MR. JUNIOR WALK: Hey, how are you all
24 doing? My name is Junior Walk, and I am here with

1 Coal River Mountain Watch.
2 Before I get started, I think we can
3 all agree that no matter what any of us come up here
4 and say, the DEP is going to do what the DEP wants
5 to do, and what the DEP wants to do is what the
6 industry wants them to do always, no matter what.
7 It's been that way since before I was
8 born, and hopefully, it is going to stop being that
9 way before I die.
10 But I'll keep it short and sweet. I
11 think southern West Virginia is sick enough. We've
12 got enough cancer here in this state. We don't need
13 to be letting these people put whatever they want to
14 into our rivers like we have been for the past 25,
15 30 years, you know, and there's a lot of people who
16 agrees with me. I have a petition here signed by
17 many of our fellow West Virginians that I would like
18 to hand over to the DEP saying the same thing that
19 we disagree with this proposed rule change.
20 MS. GILLENWATER: Autumn Bryson.
21 MS. AUTUMN BRYSON: Good evening. Autumn
22 Bryson, Program Director for West Virginia Rivers
23 Coalition.
24 Thank you, DEP, for bringing us all out

1 here on a lovely Tuesday evening, and I'm sorry,
2 Laura, for the flood of your inbox experience this
3 week, but it just goes to show you how important
4 this issue is to all of West Virginians. We really
5 care about our water, and we really want to make
6 sure that it stays clean for future generations.
7 So we've submitted five or so pages of
8 technical comments, and I'm going to not bore you
9 with all of the nitty-gritty details of those
10 comments, but I just want to make a few highlights.
11 I'm going to focus on the critical design flow
12 changes, the proposed change to the harmonic mean
13 flow.
14 So the harmonic mean flow is
15 recommended by EPA, but there are certain
16 circumstances where it's not really a good indicator
17 of flow and it should be recognized as such by DEP.
18 It's not an appropriate flow
19 measurement in all circumstances when there are
20 seasonably variable effluent discharges rates, when
21 there's hold and release treatment systems at
22 effluent dominated sites, and when the effluent load
23 in the downstream flow are not independent of each
24 other, and EPA recognizes these shortfalls in that

1 measurement.
2 So, instead of harmonic mean flow,
3 there should be a modeling technique that calculates
4 the average daily concentration of criteria
5 pollutants over time.
6 Now, there's other states that have
7 gone through this process and transitioned over to
8 harmonic mean flow, and in those states they have
9 all done a study with USGS to determine the best
10 estimate, and they've broken it down into sub-
11 regions so that they can calculate the flow during
12 low flows where harmonic mean is not the best
13 estimate.
14 So I think it's really important as
15 West Virginia moves forward in proposing this change
16 that we take that into consideration, and we move
17 forward using the best science. That's the
18 responsible thing to do.
19 So I would encourage DEP to work with
20 the USGS and to do a study for the entire state, and
21 study the low flows and find the areas where
22 harmonic mean flow might not be the best estimate.
23 I also want to bring up that this
24 change is not new, and this proposed transition was

1 also brought up in 2003, and if anybody remembers,
2 there was a big marketing to, you know, make it
3 sound like it was going to be cancer free, and
4 that's a valid concern.
5 In 2003 there was recommendations that
6 there should be additional studies to take place
7 before this change was implemented, and those
8 studies called for a determination of the health
9 impacts as a result of the proposed change to
10 harmonic mean flow determining the economic impacts
11 revising the critical design flow, and to actually
12 look at the amount of increased carcinogens that
13 would be discharged into West Virginia waters as a
14 result of changing from the 7Q10 to the harmonic
15 mean, and to my knowledge, those studies were never
16 completed.
17 So I don't know why we are going back
18 over the same thing if we don't have the science to
19 base that decision on. So I think before we move
20 forward with any decision, we have to base it on
21 some science, and that's the responsible thing to do
22 to protect our future waters of West Virginia and
23 the health of our future generations.
24 MS. GILLENWATER: Okay, James Kotcon, and

1 James will be followed by Karan Ireland.
2 MR. JAMES KOTCON: My name is James
3 Kotcon. I am speaking tonight on behalf of the
4 2,000 members of the West Virginia Chapter of the
5 Sierra Club.
6 There are five or six areas where I am
7 going to urge DEP to reconsider the changes to the
8 water quality standards.
9 Number 1 on our list is an absence from
10 the proposed changes, and we urge DEP to adopt a
11 standard for electrical conductivity of at least 300
12 (inaudible) per centimeter. This is a level of
13 conductivity that has been established through
14 numerous peer-reviewed studies as necessary to
15 protect aquatic life. The absence of this standard
16 means that although many sides are in compliance
17 with the current water quality standards, they are
18 not safe for aquatic life, which is contrary to the
19 intent of the clean water act.
20 The second change is to protect the
21 Category A drinking water streams. These are
22 sources of potential sources for drinking water in
23 West Virginia, and we urge that DEP delete the
24 proposed section 6.3 through 6.9 of this proposed

1 rule.
2 That language focuses entirely on
3 adding more pollution to West Virginia's waters.
4 The intent of the clean water act and the water
5 quality standards should be to protect water
6 quality, not to find how much dirtier we can get our
7 streams before they come out of compliance.
8 The third change would be to protect
9 the current critical design flow criteria. You've
10 heard a lot about the proposed use of harmonic mean
11 flow. We cannot identify any circumstances under
12 which adding more carcinogens to West Virginia's
13 water is a good idea, cannot identify any
14 circumstances under which adding more carcinogens to
15 West Virginia's water is a good idea. It just
16 doesn't make sense.
17 In addition, we are concerned that that
18 particular section, 8.2b, also revises the design
19 flow for noncarcinogens from the current standard of
20 the 7Q10 to a 30Q5, which dramatically increases the
21 amount of noncarcinogens that would be allowed in
22 West Virginia waters.
23 This appears to directly conflict with
24 some of the earlier sections that specify the use of

1 a 7Q10, and so it appears that DEP by this proposed
2 change is creating an internal conflict within the
3 existing rule. We would prefer to keep the existing
4 language of Section 8.2b and delete any new
5 language.
6 The fourth suggestion would be to
7 require increased monitoring of both e-coli and
8 fecal coliform bacteria, where recreational uses of
9 water are proposed as the designated use. The
10 safety of swimming and boating waters in West
11 Virginia is critically important. We currently do
12 not have enough monitoring of those sources, and
13 before we use either e-coli or fecal coli forms, we
14 should have enough monitoring to ensure their
15 safety.
16 The fifth suggestion is that we would
17 support the proposed recommended standards for
18 aquatic life criteria for their compounds of
19 carbaryl, diazinon, nonylphenol and tributyltin.
20 All of these compounds are toxic and we think that
21 West Virginia needs these water quality standards.
22 Thank you.
23 MS. GILLENWATER: Karan Ireland, and Karan
24 will be followed by, and I apologize for this

1 pronunciation. I can't quite make this out. Daile
2 Rois.
3 MS. KARAN IRELAND: My name is Karan
4 Ireland, and I'm here today I do water advocacy, but
5 I am here today as a mom and a regular citizen. I
6 tried to study up on the harmonic mean and some of
7 the changes to the rule, and I just couldn't get it
8 all done before tonight. I've got two kids.
9 Kanawha County started school this week, and
10 frankly, I'm exhausted.
11 But when I stopped to think about the
12 possibility of not coming here tonight to offer
13 comments, I remembered that how I got involved in
14 water advocacy was shortly after the Freedom
15 Industries' leak, and it wasn't because I had vast
16 knowledge in hydrology or any kind of science, but
17 rather that I was a citizen who lost the use of her
18 water. I had kids who had headaches and rashes. I
19 myself was sick, and the information that I was
20 getting from government and utility officials didn't
21 jive with the experience that I was having, and so I
22 got involved and tried to make a difference, and so
23 that's what I am doing here tonight.
24 Hopefully, I can submit more educated

1 comments later about the calculation, but my
2 strength isn't standing up to represent those of us
3 who have full-time jobs and don't have a lot of
4 science background and those of us who experienced
5 what happened in January 14th and ask are we going to
6 do more to protect our water or are we going to do
7 less. And I'm a mom who read with horror what
8 happened in Flint, Michigan, and it made me ask are
9 we going to do more to protect our water or are we
10 going to do less.
11 I read about the drought in California
12 and the preciousness of our water resources, and I
13 have to ask myself are we going to do more or are we
14 going to do less, and I live and work and represent
15 a city, I'm an elected official in Charleston,
16 that's constantly trying to attract young
17 professionals to move, work and rear families in
18 West Virginia, in Charleston. We want people to
19 come and stay, and I have to ask myself are those
20 people coming to a place where we do more to protect
21 our water or are they coming to a place where we are
22 going to do less?
23 So I'm still studying up on the changes
24 in the calculation, but in the interim when I ask

1 myself that question, I have to say that it seems
2 like we are doing less. But if the changes to this
3 rule take place, then we are doing less, and I just
4 ask that we keep Category A intact. I remember
5 being at the capitol in the dead of winter when we
6 were fighting for Category A, and the legislature
7 was like okay, but we want you to review the use of
8 Category A, and I thought oh, good, I'll have more
9 time to comment.
10 So I just ask that we keep Category A
11 intact, reject the change in the calculation from
12 7Q10 to harmonic mean, and please do more to protect
13 our water.
14 Thanks.
15 MS. GILLENWATER: Daile Rois, to be
16 followed by Angie Rosser.
17 MS. DAILE ROIS: Hi. My name is Daile
18 Rois, and I am involved with OVEC and Kanawha Forest
19 Coalition and the Alliance for Appalachia. But I
20 just came here tonight as myself. I live right next
21 to a creek. We are on well water. Since moving
22 here four years ago, maybe five, I've just never
23 really paid attention to water as much as I have
24 since moving here.

1 I mean, the first year I lived here was
2 when the Freedom Industries' accident happened, and
3 our little hollow of five houses was where everybody
4 came to take showers and fill up water jugs and I
5 just felt almost like a survivor guilt because I
6 wasn't affected by the Freedom Industries, and I
7 started getting involved. Things happened in my
8 personal life which do not affect tonight that got
9 me involved.
10 I don't know the science either. I
11 shouldn't have to, because that's your job. It's
12 your job to know all about and protect me. I mean,
13 everything I've done -- I've talked to people at the
14 EPA, I've -- it is supposed to be Department of
15 Environmental Protection, and that means you and me
16 as well.
17 When I told my father-in-law where I
18 was coming tonight, I said you saw that in the
19 paper, right? They are talking about increasing the
20 amount of carcinogens allowed in the water, and he
21 says well, we are all already sick. What's some
22 more make? What difference does some more make?
23 And I was shocked, because it shouldn't
24 be like that here. It shouldn't be okay. We do not

1 force our industries to advance their technologies
2 so that they are not dumping crap in our water.
3 This is why West Virginia stagnates.
4 You can tell me that if you tighten these
5 restrictions we will lose business, and therefore,
6 we will lose jobs in West Virginia, but what good is
7 a job if everyone around you dies? If you have to
8 wonder about the highest rate of cancer for
9 children, what good is a job?
10 Our lives should not be the cost of
11 doing business in West Virginia. We need to force
12 industry to update their technologies, and if they
13 can't operate clean, well maybe they shouldn't be
14 allowed to operate. Maybe for a change, it's
15 another state's job to take the trash and not West
16 Virginia's. We should not be weakening any of our
17 standards. We should be tightening them, and we
18 should be standing up and telling them to tighten
19 them, and we should be talking to our
20 representatives, and not just putting it on the DEP,
21 who answers to our legislative branch. We need to
22 vote in the people that will tell them and give them
23 the tools they need to get this done. I mean,
24 you've had 13 years to get these studies done? I

1 didn't know that until he mentioned that, because I
2 didn't live here in 2003. Thirteen years to get
3 these studies done. That's not appropriate, and we
4 wouldn't accept it from our kids. What? You had
5 all week to get that homework done and you are just
6 now doing it? Well, you are going to have a sucky
7 grade, aren't you? And no, I won't be speaking to
8 your teacher for you or telling her, you know, that
9 Aunt Reed, three generations back has died and give
10 you an excuse. No excuses. You've had 13 years.
11 Until you've got the science to back
12 it, huh-uh, I don't want to hear about another case
13 of cancer because we weakened things. It's not
14 cool.
15 MS. GILLENWATER: Angie Rosser, to be
16 followed by Stephanie Hysmith.
17 MS. ANGIE ROSSER: Angie Rosser, West
18 Virginia Rivers Coalition, and we commend and
19 appreciate the agency's process of soliciting input
20 through a series of public meetings related to this
21 triennial review. Our organization submitted
22 detailed written comments on the proposed rule,
23 though I would like to take this time to highlight a
24 couple concerns that we believe will allow more

1 particularly dangerous pollutants in our waters.
2 Our work is sustained by approximately
3 10,000 supporters and donors who want to see their
4 right upheld to enjoy swimmable, fishable rivers and
5 streams that are also able to serve as safe drinking
6 water supplies now and for the future. Measures in
7 this rule including design flow, which you've heard
8 from my colleagues, and bacteria limits and Category
9 A are there to protect those uses. This is very
10 personal for people, because we're talking about
11 protecting their and their loved ones' personal
12 health.
13 I personally share with many of our
14 organizations constituents a passion and joy for
15 recreating in our exceptional world-renowned rivers.
16 Our boating and fishing opportunities are an
17 important economic driver for the state. But we
18 have a responsibility to address what most of us
19 would rather not even think or talk about - sewage,
20 poop, in our rivers that is making them unsafe and
21 making people sick. It's clear when you look at our
22 state's list of impaired streams, fecal coliform is
23 a widespread problem.
24 I was in Yeager Airport recently and

1 was delighted to see these new ads attracting people
2 to visit Southern West Virginia, and they had these
3 beautiful river recreation images and slogans like,
4 "Our Rivers, Your Time." Of course, what we don't
5 want them to say is, "Your time if you are only
6 willing to risk going home with a bacterial
7 infection."
8 So we support the proposed rule's move
9 toward e-coli as the indicator for the bacteria
10 standard. However, the agency appears sorely under-
11 resourced to be able to carry out the new standard
12 the way it should. The protective threshold is
13 based on a monthly mean value. Our understanding is
14 that the agency only samples in one watershed in any
15 given year and under those current assessment
16 practices, we would never be able to attain the
17 three samples per month required to apply the more
18 protective monthly mean value. The agency must
19 increase sampling to protect public health. We need
20 to know more about where the bacteria hot spots are
21 so that we can even begin to tackle this problem.
22 When it comes to another critical
23 public health protection, we support the current
24 application of Category A and see the proposed rule

1 change as unnecessary and risky. Category A is in
2 place to protect us from the pollutants most
3 dangerous to human health. These include toxic and
4 cancer-causing chemicals. We add to our comments a
5 document, which we have extra copies up here, that
6 stresses the importance of Category A for protecting
7 particularly vulnerable populations such as pregnant
8 women and babies. A few examples of impacts of
9 exposure to Category A toxins include dioxin, known
10 to cause neurological defects and malformations in
11 human embryos. Lead is transferred across the
12 placenta and increases risk of abortion, premature
13 birth, birth defects and delayed mental and physical
14 growth. Arsenic also crosses the placenta and may
15 result in spontaneous abortion or still birth.
16 Benzene has been found in umbilical cord blood and
17 is also linked to spontaneous abortion and
18 stillbirth as well.
19 The proposed rule allows the removal of
20 Category A on certain streams, presumably headwater
21 streams that feed into larger streams and rivers
22 that serve as our drinking water supplies. We do
23 not want or need any more of these dangerous
24 chemicals and toxins introduced into our water, for

1 eventually, they will reach downstream to drinking
2 water intakes.
3 Industrial dischargers are currently
4 meeting Category A standards. So what it means to
5 relax this rule - that industries will remove their
6 treatment systems that protect us? We have not
7 heard yet the scenario where a business didn't come
8 to West Virginia because we were too protective of
9 our drinking water. In fact, recent history reminds
10 us that we saw just the opposite - businesses
11 leaving because of a lack of security and confidence
12 in our drinking water protections.
13 We've got enough to clean up. It makes
14 no sense to make the problem worse. Here's just
15 some of what we're facing currently in excessive
16 Category A pollutants in West Virginia waters:
17 7,583 stream miles impaired by iron that can cause
18 birth defects or may abort pregnancies; 478 stream
19 miles impaired by PCBs that are risk factors for
20 ADHD and embryo malformations; 9,826 reservoir acres
21 impaired by methylmercury known to cause nervous
22 system damaged and effects in young children such as
23 motor impairment and overall cognitive decline.
24 Prenatal exposure to mercury is associated with

1 seizures, profound mental retardation and cerebral
2 palsy.
3 So this is all very personal, and we
4 count on strong water quality standards to keep us
5 safe. The stakes are too high to backslide. The
6 state must make clean, safe water for all a
7 priority.
8 Thanks.
9 MS. GILLENWATER: Stephanie Hysmith.
10 MS. STEPHANIE HYSMITH: I am Stephanie
11 Hysmith. I'm here as a citizen, although I am a
12 member of Kanawha Forest Coalition, Sierra Club, am
13 a master naturalist and a domestic gardener, and
14 also a member of the National Resource Defense
15 Council, which is Angie Rosser, and I also
16 participated when they were asking people who had
17 experienced the spill, 2014, what knowledge we had
18 of the aboveground storage tanks. But I am here as
19 a citizen, and I wrote something I'll just read to
20 you.
21 I said we are playing with fire if we
22 do not make every possible effort to protect the
23 safety and cleanliness of our water. I've traveled
24 around the world and have been stunned by the need

1 for every citizen and visitor to a country to drink
2 only bottled water.
3 I've always felt rather privileged that
4 I could return home to safe tap water. My husband
5 is currently in Hydrobed, India where he is working
6 with UNICEF on a project there. They train staff
7 members from around the world to apply communication
8 for development strategies in their home countries,
9 and my husband just wrote something. If anybody
10 wants to read it, it was "High and Dry in Hydrobed,"
11 and he went into the slums of India and was trying
12 to talk to community members whose water is
13 controlled by a dynasty of people, and the people
14 were talking about how they have water -- thirty
15 family have water from a very, very low pressure
16 tap, one hour every other day. That's it.
17 This is how the rest of the world is
18 living, and what do we do with our water? We are
19 poisoning it. We are taking millions and millions
20 of gallons of water and using it to frack gas. You
21 can't drink gas, folks. You really can't. It just
22 stuns me that we are not taking better care of our
23 water.
24 There's a finite amount of water in the

1 world. Whatever we've got now, that's it. It does
2 not increase. It just recycles. I'm not a
3 scientist, but I know this. It just recycles. We
4 are wasting it and wasting.
5 Then on January 9th, 2014 our water
6 system was poisoned by carelessly, recklessly leaked
7 MCHM, and everybody here knows what happened. It
8 was a shocker not to be able to even wash in our
9 Charleston water. I still only drink the water from
10 a filter.
11 It was horrifying and embarrassing to
12 be viewed by the rest of the world as ignorant
13 victims of the coal industry.
14 I moved here from southeastern Ohio,
15 where my old county, Blue County, the bluest county
16 in Ohio, has become the dumping ground of all the
17 fracking waste, mostly from other states, including
18 West Virginia.
19 It's just a matter of time. They fight
20 it. They are fighting it, and they are up against
21 the NDR, National Defense Resource or whatever it
22 is. They have no control. They have no control.
23 Pretty soon there's going to be a leak
24 just like there was when Freedom Industries, and

1 they are going to leak that fracking waste into the
2 Ohio River, which goes down past Cincinnati, goes
3 down the Mississippi River and into the Gulf of
4 Mexico. We all live in a watershed and that's what
5 we have to keep in mind.
6 If we poison our -- when the Freedom
7 Industries leak happened, Cincinnati, all the places
8 along the Ohio River were shutting down their
9 intakes just to protect their water system, and they
10 had backup. They had backup reservoirs. We have
11 nothing.
12 Anyway, the other thing that I
13 experienced when I lived in Ohio was the poisoning
14 of the water systems in Parkersburg by C-8, and I
15 recently was sent a link to an article that was in
16 the New York Times from a friend in Australia about
17 welcome to West Virginia, Parkersburg, West
18 Virginia, and about the poisoning of the water there
19 by C-8. That's a carcinogen people are -- I'm sure
20 you read in the paper about the suits that have been
21 brought against Dupont for that, and millions of
22 dollars are being paid to people who have come down
23 with horrendous cancer, and now Dupont is trying to
24 get around it, you know, spinning off and having

1 another company take over and say oh, we are not
2 going to be liable for these injuries any more.
3 So we cannot survive without water. We
4 have the ability to protect what we have and to keep
5 it safe. That resource much more valuable than
6 coal, oil or natural gas could make us the envy of
7 the world, a beacon of hope for other states and
8 communities as an example of common sense reaction.
9 MS. GILLENWATER: Is there anyone else who
10 would like to speak? Recite your name, first.
11 MS. MARILYN HOWELS: Marilyn Howels.
12 MS. GILLENWATER: If you could come up.
13 Sir, your name?
14 MR. JULIAN MARTIN: Julian Martin.
15 MS. MARILYN HOWELS: Marilyn Howels. I'm
16 a citizen, and I concur that we need the studies
17 that have been pointed out from many, many years
18 ago. I concur with the recommendations and
19 everything. I just drove in from Baltimore this
20 morning. I had to turn around from Huntington and
21 drive back up here. I resent it to say we want
22 clean water. How many times have we said we don't
23 want any more pollution? We want less, and then
24 they try this back door sneaky way of trying to up

1 the levels. It absurd that we are back here again.
2 First of all, you need more meetings
3 more places. You need a longer comment period so
4 people can get up to speed on what's being slipped
5 through when everybody is on vacation and hot and
6 cutting grass and all this other stuff.
7 These chemicals shouldn't be dumped in
8 the water to begin with. These are not naturally
9 occurring chemicals in these amounts. Most of these
10 are manufactured.
11 These companies are shifting their
12 costs to us. These chemicals should be hauled away
13 by tank, treated, chemicals mixed to solidify them
14 and take them out so they can be recycled so that
15 the water that they are dumping is clean. We are
16 paying to dump this water. These filters, they
17 wouldn't even tell me the price. I think they are
18 $80,000 a piece, something like that. There were 16
19 at that water company in Charleston.
20 So when all those got gammed up, they
21 quit using them to keep getting the stuff out. They
22 didn't haul that water away from those houses when
23 they cleared their pots. They dumped it back into
24 the ground, back into the system, down the river to

1 everybody else.
2 These companies do this every day. We
3 did not test for everything. There's things in that
4 water we don't know about every day of the year,
5 okay?
6 They are cost shifting to us, because
7 we have to pay higher costs for filters that don't
8 even do the job.
9 These corporations use us like a third
10 world colony. They make big profits, but instead of
11 doing their job, they would make more jobs if they
12 cleaned their mess up before they dumped it in the
13 water, and the water bill and the sewer bill, you
14 know, there are more spills, so smaller users pay
15 more per gallon. So we are paying for it even more
16 so.
17 This harmonic flow thing, that's going
18 to mean more of stuff every year, more chemicals,
19 plus we are going to have times that they mess up.
20 So in droughts, we are going to get poisoned more.
21 Every other week, they are going to poison us more.
22 We're Flint, Michigan. It's just
23 slower and more chemicals.
24 My husband is a chemist, and we looked

1 at some of the lists of chemicals and fracking. He
2 said that's bad; yeah, that's not good; that's
3 really bad. And this is probably a back door way to
4 get some more fracking chemicals in our water too.
5 Just recently, Freedom, in the last
6 week or two came out and mentioned there was another
7 chemical that spilled that they didn't tell us
8 about. How many years are we past that and we are
9 just now finding this out?
10 Filtering out these chemicals makes
11 jobs. So why is it not done by the people making
12 the chemicals at companies? That's part of their
13 process to clean up that water before they dump it.
14 If they have to take it and truck it somewhere else,
15 fine. They need to reclaim those chemicals. It is
16 their responsibility, not ours.
17 It's more money for the CEO's and the
18 corporations and it takes from us. This also makes
19 more trash, because we are buying -- I went to
20 bottled water after the last spill. Of course, my
21 ice is still going through the icemaker. I guess
22 I'm going to have to do more, and that's means
23 plastic, and that puts more costs of the cities
24 trying to run the recycling programs that are having

1 trouble now because the market is down.
2 We don't need all this fracking oil.
3 We're shipping it overseas. We should be sitting on
4 it for some meteor that covers -- or volcano that
5 covers the earth in a dust cloud and then we need
6 that oil to heat or cool. Right now, we should be
7 going solar, geothermal. We shouldn't be making
8 plastics out of it, only the super ones that nothing
9 else will do for, like a heart valve or some
10 particular machine. We shouldn't be using it for
11 just routine day-to-day stuff, and we should make
12 more effort to get that plastic.
13 The ultimate filter is our kidneys, our
14 liver, our lungs, our blood, our bodies. They don't
15 call us cancer valley for nothing, and yes, I
16 wouldn't tell my kids to move back here, just
17 because of that the cancer rates.
18 We should be putting less in the water
19 every year, not more. If 100 companies all dump the
20 same chemicals at the minimum level, how much are we
21 getting day after day, year after year? We've got
22 thousands of companies, thousands of chemicals. It
23 all builds up. So they already keep increasing more
24 chemicals and we don't test for all this.

1 People time and again have said they
2 want less pollution, not more, not one more grain,
3 not one more gram, not one more ounce, not one more
4 drop of these chemicals should be going in the
5 water.
6 Somebody wrote a petition one time and
7 they said DEP was a failed agency. They are a
8 failing agency, to even propose this to us is an
9 insult, and if they try to pass this thing, then we
10 need to do the same things that they were talking
11 about before, go to court, go to the EPA. Can
12 people be impeached? Can the people that appoint
13 them be impeached? Why have they brought this to
14 us? Who is pushing this? What fat companies?
15 Every year we are supposed to give a
16 little bit more and a little bit more. Pretty soon
17 the water is going to be like glue. We need to look
18 at other states, other cities across our rivers,
19 down the river. Cincinnati comes to mind where they
20 closed their reservoirs. We need to write their
21 newspapers, our newspapers, every river that flows
22 out of the state in every direction, we need to
23 write the cities that are along those rivers in
24 other states. Those other states should be suing us

1 for what we are doing to them, and now we are
2 raising their costs on their water companies.
3 MS. GILLENWATER: Mr. Julian Martin.
4 MR. JULIAN MARTIN: Julian Martin. This
5 is so silly. This is so ridiculous. This is so --
6 it's the same old dumb shit all over again, same
7 crap. I mean, why is it? Some people keep looking
8 over here saying you guys must be on the other side,
9 is that right?
10 MR. SCOTT MANDIROLA: We are with DEP.
11 MR. JULIAN MARTIN: Do you inspect
12 pollution? I don't know. Anyway, I don't
13 understand why you guys let these companies grab a
14 hold of you like that, because they already won.
15 Hell, they don't need you anyway. I don't know why
16 they want to push that through. They've polluted
17 every damn stream in the state. They've gotten by
18 with it already. They've already put all that stuff
19 in there. It's already there.
20 I've done water testing for
21 conductivity, and I know that doesn't count for
22 much. But all over southern West Virginia, I mean,
23 the readings are like 1,300, 1,500, and 300 is the
24 recommended top reading. After that, it starts

1 affecting the wildlife. I mean, it's already been
2 done.
3 I don't know, why do they want more?
4 What are they afraid of? I mean, you guys are too
5 damned easy, you know. Goodness gracious sakes.
6 This sort of thing, these hearings,
7 this stuff, this is a big façade, you know, it's
8 just like Junior said a while ago, nothing is going
9 to come of it. Because they've already done it.
10 It's already been done. The streams are all messed
11 up all over West Virginia right now. They don't
12 need this law. It's sort of like I think they are
13 probably going to start torturing us or something,
14 you know, just physically torturing us because what
15 else do they -- they've got it all already.
16 I've been to so many of these damn
17 things, it gives me a headache to think about it. I
18 mean, and you see what we've got.
19 Anyway, down with the DEP.
20 MS. GILLENWATER: Anyone else like to
21 comment? All right, on behalf of Scott Mandirola,
22 Laura Cooper, Chris Smith and Jamie Peterson of the
23 Division of Water and Waste Management --
24 UNIDENTIFIED SPEAKER: Excuse me, ma'am, I

1 believe he wanted to speak.
2 MS. GILLENWATER: Oh, I'm sorry. I didn't
3 see your hand up. Your name?
4 MR. LEW BAKER: Lew Baker. I sent you
5 these comments by e-mail earlier today. I'm Lew
6 Baker. I'm with the West Virginia Rural Water
7 Association. We are a nonprofit. Our members are
8 over most of the drinking water systems and waste
9 water systems of the state.
10 I've submitted comments previously.
11 You've had a number of rounds of opportunities for
12 people to comment on the proposed changes, and so I
13 just submitted some additional ones to what's
14 already been sent in.
15 The comments I sent today have to do
16 primarily with the harmonic mean flow. This was a
17 debate took place quite a few years ago, and it was
18 a debate over why would you allow for an increase in
19 the pollutants and that kind of question, and how
20 much more would be allowed, and so that debate
21 hasn't gone away. It's rehashing the same one.
22 But in the meantime though, there have
23 been some studies done where the state has worked
24 with the US Geological Survey to come up with better

1 estimates of flows, low flows, like the harmonic
2 mean flow around the state, 7Q10 and 30Q5, and the
3 US Geological Survey, what they did was they took
4 the data that's been collected at the various
5 gauging stations scattered around the state and came
6 up with equations to estimate what the low flow
7 values would be, and all the other places in-between
8 these gauging stations because you can imagine any
9 time somebody needs a permit for a discharge,
10 there's not already going to be a gauging station
11 sitting right there at that particular location.
12 So you have to estimate, and their
13 equations, although they did a lot of good work,
14 when you apply their equations to the actual gauging
15 station locations where we have actual historical
16 data, the equations don't do a real good job of
17 predicting what the historical data is for those
18 locations.
19 So the equations might be off by a
20 factor of two or three plus or minus when compared
21 to the actual gauging stations. Then you can
22 imagine, if you then apply the equations to places
23 where you don't have any backup data, the level of
24 uncertainty and the flow value that you might apply

1 to somebody's permit would probably increase the
2 farther away you get.
3 The DEP needs to have a strong policy
4 of encouraging any permitee to begin monitoring flow
5 at their locations, and as you get more certain flow
6 data, then that would help to issue a permit.
7 So, in other words, before somebody
8 gets a permit, if they could collect data, we would
9 be more certain of what the values would be.
10 I suggested some ways that maybe you
11 can come up with a better system of estimating flow
12 rather than just relying on the equation. So, in
13 other words, you can imagine if you take a map of
14 the state and you locate all the gauging stations
15 and you plot on that map what low flow values are
16 for those stations, and you make a contour map based
17 on that data, the contour map ought to be really
18 accurate where the gauging stations are; the
19 equations aren't, but the mapping would be. Then
20 you still would need to address the issue of
21 uncertainty when you get away for the gauging
22 locations. Then you start filling in that with more
23 data, as people start collecting data.
24 The DEP and the US Geological Survey

1 and a number of agencies have been cooperating in
2 recent years to try to get more gauges scattered
3 around the state, and that's something that people
4 really ought to promote. The gauging station
5 doesn't cost all that much but it gives us an awful
6 lot of valuable information, not just for low flows,
7 but also for high flows, for floods, and the more
8 data we collect, the better we can predict what the
9 future is going to bring. We can also monitor
10 changes.
11 The climate is changing. Some people
12 think that whole idea is a hoax, but we all know the
13 weather is getting really weird, and if we are not
14 measuring that, then you know we are walking into a
15 scary future with our eyes closed really.
16 So we ought to support adding more
17 monitoring stations, gauging stations, all over the
18 state, and the USGS, if they've got any federal
19 money, they as a federal program, they pay the
20 lion's share of the cost of putting those stations
21 in.
22 So the state should work with the --
23 continue to work with the USGS, but add more gauging
24 stations. If you don't adopt the harmonic mean any

1 time soon, you have more time to make more sense of
2 everything before you change the rules.
3 Thank you.
4 MS. GILLENWATER: Okay. Last call for
5 speakers. Anyone else? Don't be shy. Okay, on
6 behalf of Scott Mandirola, Laura Cooper, Chris Smith
7 and Jamie Peterson with the Division of Water and
8 Waste Management, along with the entire staff of
9 DEP, thank you all for coming out this evening to
10 participate in this process.
11 We appreciate the comments shared
12 tonight and also those shared in writing regarding
13 this very important subject. We know that water
14 quality is important to everyone who lives, plays
15 and works in West Virginia, and the public
16 involvement in this process is extremely important.
17 Every comment submitted will be taken
18 into consideration and addressed in the agency's
19 rule submission to the Secretary of State's office
20 on or before August 26th.
21 This concludes -- I'm sorry, before I
22 conclude, Karan?
23 MS. KARAN IRELAND: Are the comments going
24 to be available online the way it has in the past?

1 MS. GILLENWATER: What we do is we will
2 make all the comments available at the time that we
3 submit it to the Secretary of State's office, and if
4 someone wants them after the public comment period
5 ends, which is tonight, we will make those available
6 as well as soon as they are compiled. It may take
7 us a little while.
8 This concludes the public hearing on
9 the Division of Water and Waste Management's
10 Proposed 2017 Legislative Rule 47CSR2 -
11 "Requirements Governing Water Quality Standards."
12 This also concludes the public comment period on
13 this proposed rule.
14 Have a nice evening and a safe trip
15 home.
16
17 * * * *
18 CONCLUDED AT 7:07 P.M.
19 * * * *

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to wit:

I, Donna H. Miller, Notary Public in and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing was duly taken by and before me, under the West Virginia Rules of Civil Procedure, at the time and place and for the purpose specified in the caption thereof.

I do certify that the said hearing was correctly taken by me by means of the Stenomask; that the same was transcribed by me, and that the said transcript is a true record of proceedings had.

I further certify that I am not connected by blood or marriage with any of the parties to this action, am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, or financially interested in the action, or interested, directly or indirectly, in the matter in controversy.

Given under my hand this _____ day of August, 2016.

_____
Donna H. Miller
Notary Public

My commission expires October 1, 2023.

Public Hearing Sign-In Sheet

Proposed Water Quality Standards Rule, 2017: 47CSR2
Aug. 9, 2016, 6 p.m., DEP headquarters

The Department of Environmental Protection asks for the information below so that agency staff may provide responses and information about decisions to you. The information you voluntarily provide on this sheet becomes part of the public record related to this topic and may be released, if requested, under the Freedom of Information Act.

Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
DIANNE AUGUSTUS	HURRICANE, WV		696-7315	mdi1755@yahoo.com	no
Cynthia D. Ellis	Red House WV	West Virginia Highlands Conservancy	304 586 4135	cdellise wildblue.net	No
JAMES KOTCON	P.O. Box 41421 MGTN WV 26504	SIERRA Club	304-594.3322	JKOTCON@GMAIL.COM	✓ YES *
Lew Baker	SCOTT DEPOT 100 YOUNG ST.	WVRWA	201-1699	lewbaker@wvrwa.org	y
Daniel Morrison	302 29th St Marmet, WV 25315		949-5786	Morrison d67@Gmail.com	n
John Street	Chas. WV 25301 17 Arlington Court		304-541-4936	johnwstreet@gmail.com	No
Dustin White	Charleston WV	OVEC	304 5413144	dustin@ohvec.org	NO
Sarah Lilly	Morgantown, WV	citizen		Sarahgracelilly1@gmail.com	No
Marilyn Howell	Huntington, WV · 5364 Newcomb CK Rd Citizen		304-529-2060	mhowe9876@gmail.com	y ✓
Julian Martin					y ✓
Lew Baker					y ✓

Public Hearing Sign In Sheet
Topic: Water Quality Standards Quarterly Meeting
Date, Time & Location: August 8, 2016, WVDEP Coopers Rock Conference Room

✓ (4)

The Department of Environmental Protection asks for the information below so that agency staff may provide responses and information about decisions to you. The information you voluntarily provide on this sheet becomes part of the public record related to this topic and may be released if requested under the Freedom of Information Act.

	Name (please print)	Organization (WVDEP or Other)	E-mail	Comment Yes/No	
	James Peterson	WVDEP	James.A.Peterson@wv.gov	N	
	Jeff Allen	West Virginia Council of Churches	director@wvccwv.org	Yes ✓	*
	Philip Price	Neoteric Assoc.	PriceWV@gmail.com	yes ✓	*
	Cindy Rank	WV Highlands Conser	crank2@gmail.com	N	
	Lori Magana	self - concerned citizen	Lorimagana@gmail.com	Yes ✓	*
	Ken Ward JR	Gazette - Mail	Kward@wvgazettemail.com	NO	
	Jennie Henthorn	HENV	jennie@henvtl.com	no	
	Julie Archer	WV Citizen Action Group / WV SOZO	julie@wvsoro.org	no	
	Michelle Muska	coal River Mtn. Watch	michelle.muska@gmail.com	NO	
	Ashley Lê	CRMW		NO	
	Junior Walk	CRMW	Junior.Walk1337@gmail	Yes. ✓	*

Name (please print)	Organization (WVDEP or Other)	E-mail	Comment Yes/No
Rachel Coffman	TSG Consulting	rachelcoffman@tsgsolution.com	No

✓ (5)

Name (please print)	Organization (WVDEP or Other)	E-mail	Comment Yes/No	
Autumn Bryson	WV Rivers	abryson@wvrivers.org	Y ✓	*
Karan Ireland	~~Hates~~ me	Karan.ireland@gmail	Y ✓	*
Daile Bois	DVEC, KFC, AA	dd.boulis@gmail.com	Y ✓	*
Chad Cardell	kanawha forest coalition	—	No	
Robert Pratt	Citizen	prattrobert98@gmail.com	No	
Judith M Pratt		"		
Angie Rosser	WV Rivers Coalition	arosser@wvrivers.org	Yes ✓	*
Stephanie Hysmith	citizen	stephaniejhysmith@gmail.com	Y ✓	*

Court reporter wants comments

Public Hearing Sign-In Sheet

Proposed Water Quality Standards Rule, 2017: 47CSR2
Aug. 9, 2016, 6 p.m., DEP headquarters

The Department of Environmental Protection asks for the information below so that agency staff may provide responses and information about decisions to you. The information you voluntarily provide on this sheet becomes part of the public record related to this topic and may be released, if requested, under the Freedom of Information Act.

Name (please print)	Address	Organization	Phone/Fax	E-mail	Comment Yes/No
Brian O'Donnell	1116 Kanawha Blvd E	Coth/Focus	304-380-0155	bodonnell@focus.org	
Paul Dalzell	1425 Virginia St	E-council	304-539-2583	paulwvec@gmail.com	Yes