WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Water Resources Division Of Water And Waste Management TITLE-SERIES: 47-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 47-02 Requirements Governing Water Quality Standards

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-11-4(a)(16); 22-11-7b.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §§ 22-11-4(a)(16) authorizes the director to adopt, modify, repeal and enforce rules, in accordance with the provisions of chapter twenty-nine-a of this code: (A) Implementing and making effective the declaration of policy contained in section one of this article and the powers, duties and responsibilities vested in the director and the chief by the provisions of this article and otherwise by law; (B) preventing, controlling and abating pollution; and (C) facilitating the state's participation in the "National Pollutant Discharge Elimination System" pursuant to the "Federal Water Pollution Control Act," as amended: Provided, That no rule adopted by the director shall specify the design of equipment, type of construction or particular method which a person shall use to reduce the discharge of a pollutant.

22-11-7b places all authority to propose rules for legislative approval and implement water quality standards with the Secretary of the Department of Environmental Protection.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/25/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2018

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The public was noticed of WV Water Quality Standards (WQS) 2018 proposed rule changes in several ways. On May 25, notice of proposed changes to 47 CSR 2 was published on the WV Secretary of States website, and subsequently on June 1 in the WV State Register, Volume XXXV, Issue 22. On May 29 the DEP WQS Program sent an email notice to previous attendees of WQS public meetings, and a press release was sent from DEP Public Information Office on May 30. A legal ad regarding proposed rule changes was published in The Charleston Gazette-Mail newspaper on June 6. All notices gave a brief summary of the proposed rule changes, provided access to the proposed rule, and notified the public that the comment period would be open until the end of the public hearing at 6PM on July 10 in Charleston, WV at WV DEP Headquarters.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes requirements governing the discharge or deposit of sewage, industrial wastes, and other wastes into the waters of the state and establishes water quality standards for the waters of the State standing or flowing over the surface of the State. It is declared to be the public policy of the State of West Virginia to maintain reasonable standards of purity and quality of the water of the State consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, and other aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture, and the provision of a permanent foundation for healthy industrial development.

These amendments to Requirements Governing Water Quality Standards are being made in order to adhere to the federal requirement for Triennial Review of Water Quality Standards. Revisions herein relating to overlapping mixing zones and harmonic mean flow are being made to comply with changes made by Legislature to §22-11-7b. Revisions to human health criteria are being made to bring WV standards in line with nationally-recommended water quality criteria. Revisions to the site-specific criterion process are being made to allow a streamlined process for developing site-specific revisions for copper and other metals. Additional administrative revisions are being made to make the rule more clear and concise.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

These amendments to Requirements Governing Water Quality Standards are being made in order to adhere to the federal requirement for Triennial Review of Water Quality Standards, as required by the Clean Water Act Section 303(c)(1).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No economic impacts are anticipated.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

No economic impacts are anticipated.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
	0	0	0

Other			
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No economic effects are anticipated.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Laura K Cooper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 47
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER RESOURCES

SERIES 2
REQUIREMENTS GOVERNING WATER QUALITY STANDARDS

§47-2-1. General.

1.1. Scope. -- ~~These rules establish~~ This rule establishes requirements governing the discharge or deposit of sewage, industrial wastes, and other wastes into the waters of the state and establishes water quality standards for the waters of the State standing or flowing over the surface of the State. It is declared to be the public policy of the State of West Virginia to maintain reasonable standards of purity and quality of the water of the State consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, and other aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture, and the provision of a permanent foundation for healthy industrial development. (*See*, W. Va. Code § 22-11-2.)

1.2. Authority. -- W. Va. Code §§ 22-11-4(a)(16); 22-11-7b.

1.3. Filing Date. -- ~~June 8, 2016~~

1.4. Effective Date. -- ~~July 8, 2016~~

§47-2-2. Definitions.

The following definitions, in addition to those set forth in W. Va. Code § 22-11-3, shall apply to these rules unless otherwise specified herein, or unless the context in which used clearly requires a different meaning:

2.1. "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 human consumption.

2.2. Lakes

2.2a. “Cool water lakes” are lentic water bodies that have a summer hydraulic residence time greater than 14 days, and are either managed by the West Virginia Division of Natural Resources for the support of cool water fish species or support cool water fish species, such as walleye and trout. “Cool water lakes” do not include those waters that receive stockings of trout, but that do not support year-round trout populations. (*See*, Appendix F for a representative list.)

2.2.b. “Warm water lakes” are lentic water bodies that have a summer hydraulic residence time greater than 14 days, and are either managed by the West Virginia Division of Natural Resources for the support of warm water fish species or support warm water fish species, such as bass and catfish.

2.3. "Cumulative" means a pollutant which increases in concentration in an organism by successive additions at different times or in different ways (bio-accumulation).

2.4. "Designated uses" are those uses specified in water quality standards for each water or segment whether or not ~~they~~ the uses are being attained. (*See*, sections 6.2 - 6.6, herein)

2.5. "Dissolved metal" is ~~operationally defined as~~ that portion of metal which passes through a 0.45 micron filter.

2.6. "Existing uses" are those uses actually attained in a water on or after November 28, 1975, whether or not ~~they~~ those uses are included in the water quality standards.

2.7. The "Federal Act" means the federal Clean Water Act (also known as the Federal Water Pollution Control Act) 33 U.S.C. §§ 1251 - 1387.

2.8. "High quality waters" are those waters whose quality is equal to or better than the minimum levels necessary to achieve the national water quality goal uses.

2.9. "Intermittent streams" are streams which have no flow during sustained periods of no precipitation and which do not support aquatic life whose life history requires residence in flowing waters for a continuous period of at least six (6) months.

2.10. "Outstanding national resource waters" are those waters whose unique character, ecological or recreational value or pristine nature constitutes a valuable national or State resource.

2.11. "Natural" or "naturally occurring" values or "natural temperature" means, for all of the waters of the State:

2.11.a. Those water quality values which exist unaffected by, or unaffected as a consequence of, any water use by any person; and

2.11.b. Those water quality values which exist unaffected by the discharge, or direct or indirect deposit of, any solid, liquid or gaseous substance from any point source or non-point source.

2.12. "Non-point source" means any source other than a point source from which pollutants may reach the waters of the state.

2.13. "Persistent" means a pollutant and its transformation products which, under natural conditions, degrade slowly in an aquatic environment.

2.14. "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock or vessel or other floating craft from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

2.15. "Representative important species of aquatic life" means those species of aquatic life whose protection and propagation will assure the sustained presence of a balanced aquatic community. Such species are representative in the sense that maintenance of water quality criteria will assure both the natural completion of the species' life cycles and the overall protection and sustained propagation of the balanced aquatic community.

2.16. "secretary" means the secretary of the Department of Environmental Protection or such other person to whom the secretary has delegated authority or duties pursuant to W. Va. Code §§ 22-1-6 or 22-1-8.

2.17. The "State Act" or "State Law" means the West Virginia Water Pollution Control Act, W. Va. Code § 22-11-1, et seq.

2.18. "Total recoverable" refers to the digestion procedure for certain heavy metals as referenced in 40 CFR 136, as amended ~~June 15, 1990 and March 26, 2007,~~ May 18, 2012, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act.

2.19. "Trout waters" are waters which sustain year-round trout populations. Excluded are those waters which receive annual stockings of trout but which do not support year-round trout populations.

2.20. "Water quality criteria" means levels of parameters or stream conditions that are required to be maintained by ~~these regulations~~ this rule. Criteria may be expressed as a constituent concentration, levels, or narrative statement representing a quality of water that supports a designated use or uses.

2.21. "Water quality standards" means the combination of water uses to be protected and the water quality criteria to be maintained by ~~these~~ this rule.

2.22. "Wetlands" are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

2.23. "Wet weather streams" are streams that flow only in direct response to precipitation or whose channels are at all times above the water table.

§47-2-3. Conditions Not Allowable In State Waters.

3.1. Certain characteristics of sewage, industrial wastes, and other wastes cause pollution and are objectionable in all waters of the State. Therefore, the secretary does hereby proclaim that the following general conditions are not to be allowed in any of the waters of the State.

3.2. No sewage, industrial wastes or other wastes present in any of the waters of the State shall cause therein or materially contribute to any of the following conditions thereof:

3.2.a. Distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks;

3.2.b. Deposits or sludge banks on the bottom;

3.2.c. Odors in the vicinity of the waters;

3.2.d. Taste or odor that would adversely affect the designated uses of the affected waters;

3.2.e. Materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life;

3.2.f. Distinctly visible color;

3.2.g. Algae blooms or concentrations of bacteria which may impair or interfere with the designated uses of the affected waters;

3.2.h. Requiring an unreasonable degree of treatment for the production of potable water by modern water treatment processes as commonly employed; and

3.2.i. Any other condition, including radiological exposure, which adversely alters the integrity of the waters of the State, including wetlands. No significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems shall be allowed.

§47-2-4. Antidegradation Policy.

4.1. It is the policy of the State of West Virginia that the waters of the State shall be maintained and protected as follows:

4.1.a. Tier 1 Protection. Existing water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. Existing uses are those uses actually attained in a water on or after November 28, 1975, whether or not they are included as designated uses within these water quality standards.

4.1.b. Tier 2 Protection. The existing high quality waters of the State must be maintained at their existing high quality unless ~~it is~~ the secretary determine~~d~~s, after satisfaction of the intergovernmental coordination of the State's continuing planning process as outlined in the Legislative Rule entitled "Antidegradation Implementation Procedures", 60CSR5, and opportunity for public comment and hearing, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. If limited degradation is allowed, it shall not result in injury or interference with existing stream water uses or in violation of State or federal water quality criteria that describe the base levels necessary to sustain the national water quality goal uses of protection and propagation of fish, shellfish and wildlife, and recreating in and on the water.

In addition, the secretary shall assure that all new and existing point sources shall achieve the highest established statutory and regulatory requirements applicable to them and shall assure the achievement of cost-effective and reasonable best management practices (BMPs) for non-point source control. If BMPs are demonstrated to be inadequate to reduce or minimize water quality impacts, the secretary may require that more appropriate BMPs be developed and applied.

4.1.b.1. High quality waters are those waters meeting the definition at section 2.8 herein.

4.1.b.2. High quality waters may include, but are not limited to, the following:

4.1.b.2.A. Streams designated by the West Virginia Legislature under the West Virginia Natural Stream Preservation Act, pursuant to W. Va. Code § 22-13-5; and

4.1.b.2.B. Streams listed in West Virginia High Quality Streams, ~~Fifth~~ Sixth Edition, prepared by the Wildlife Resources ~~Division~~ Section of the ~~Department~~ Division of Natural Resources (~~1986~~ 2011).

4.1.b.2.C. Streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.

4.1.c. Tier 3 Protection. In all cases, waters which constitute an outstanding national resource shall be maintained and protected and improved where necessary. Outstanding national resource waters include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act, 16 U.S.C. § 1131, et seq.; all Federally designated rivers under the "Wild and Scenic Rivers Act", 16 U.S.C. § 1271, et seq.; all streams and other bodies of water in State Parks which are high quality waters or naturally reproducing trout streams; waters in National Parks and Forests which are high quality waters or naturally reproducing trout streams; waters designated under the

"National Parks and Recreation Act of 1978", ~~as amended~~ 16 U.S.C § 461, et seq.; and pursuant to ~~subsection 7.1 of~~ the rule entitled "Antidegredation Implementation Procedures," 60CSR5, those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource.

Additional waters may be nominated for inclusion in that category by any interested party or by the secretary on ~~his or her~~ the secretary's own initiative. To designate a nominated water as an outstanding national resource water, the secretary shall follow the public notice and hearing provisions as provided in the Procedural Rule Governing Site Specific Revisions to Water Quality Standards, 46CSR6 ~~46 C.S.R. 6~~.

4.1.d. All applicable requirements of section 316(a) of the Federal Act shall apply to modifications of the temperature water quality criteria provided for in these rules.

§47-2-5. Mixing Zones.

5.1. In the permit review and planning process or upon the request of a permit applicant or permittee, the secretary may establish, on a case-by-case basis, an appropriate mixing zone.

5.2. The following guidelines and conditions are applicable to all mixing zones:

5.2.a. The secretary will assign, on a case-by-case basis, definable geometric limits for mixing zones for a discharge or a pollutant or pollutants within a discharge. Applicable limits shall include, but ~~may~~ are not be limited to, the linear distances from the point of discharge, surface area involvement, and volume of receiving water and shall take into account other nearby mixing zones. Mixing zones shall take into account the mixing conditions in the receiving stream (i.e.: whether complete or incomplete mixing conditions exist). Mixing zones will not be allowed until applicable limits are assigned by the secretary in accordance with this section.

5.2.b. Concentrations of pollutants which exceed the acute criteria for protection of aquatic life set forth in Appendix E, Table 1 shall not exist at any point within an assigned mixing zone or in the discharge itself unless a zone of initial dilution is assigned. A zone of initial dilution may be assigned on a case-by-case basis at the discretion of the secretary. The zone of initial dilution is the area within the mixing zone where initial dilution of the effluent with the receiving water occurs, and where the concentration of the effluent will be its greatest in the water column. Where a zone of initial dilution is assigned by the secretary, the size of the zone shall be determined using one of the four alternatives outlined in section 4.3.3 of US EPA's Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001 PB91-127415, March 1991). Concentrations of pollutants shall not exceed the acute criteria at the edge of the assigned zone of initial dilution. Chronic criteria for the protection of aquatic life may be exceeded within the mixing zone but shall be met at the edge of the assigned mixing zone.

5.2.c. Concentrations of pollutants which exceed the criteria for the protection of human health set forth in Appendix E, Table 1 shall not be allowed at any point unless a mixing zone has been assigned by the secretary after consultation with the Commissioner of the West Virginia Bureau for Public Health. Human health criteria may be exceeded within an assigned mixing zone, but shall be met at the edge of the assigned mixing zone. Mixing zones for human health criteria shall be sized to prevent significant human health risks and shall be developed using reasonable assumptions about exposure pathways. In assessing the potential human health risks of establishing a mixing zone upstream from a drinking water intake, the secretary shall consider the cumulative effects of multiple discharges and mixing zones on the drinking water intake. No mixing zone for human health criteria shall be established on a stream which has a seven (7) day, ten (10) year return frequency of five (5) cubic feet per second (cfs) or less.

5.2.d. Mixing zones, including zones of initial dilution, shall not interfere with fish spawning or nursery areas or fish migration routes; shall not overlap public water supply intakes or bathing areas; ~~cause lethality to~~ kill or preclude the free passage of fish or other aquatic life; nor harm any threatened or endangered species, as listed in the Federal Endangered Species Act, 15 U.S.C. § 1531, et seq.

5.2.e. 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.

5.2.f. In lakes and other surface impoundments, the volume of a mixing zone shall not affect in excess of ten percent (10%) of the volume of that portion of the receiving waters available for mixing.

5.2.g. A mixing zone shall be limited to an area or volume which will not adversely alter the existing or designated uses of the receiving water, nor be so large as to adversely affect the integrity of the water.

5.2.h. Mixing zones shall not:

5.2.h.1. Be used for, or considered as, a substitute for technology-based requirements of the State or Federal Act and other applicable State and federal laws.

5.2.h.2. Extend downstream at any time a distance more than five times the width of the receiving watercourse at the point of discharge.

5.2.h.3. Cause or contribute to any of the conditions prohibited in section 3, herein.

5.2.h.4. Be granted where the instream waste concentration of a discharge is greater than 80%.

5.2.h.5. Overlap one another~~.~~, except that the secretary may allow mixing zones for human health criteria to overlap, if the overlapping mixing zones comply with all guidelines and conditions of subsection 5.2 herein.

5.2.h.6. Overlap any half-mile zone described in section 7.2.a.2 herein.

5.2.i. In the case of thermal discharges, a successful demonstration conducted under section 316(a) of the Federal Act shall constitute compliance with all provisions of this section.

5.2.j. The secretary may waive the requirements of subdivision 5.2.e and paragraph 5.2.h.2 above if a discharger provides an acceptable demonstration of:

5.2.j.1. Information defining the actual boundaries of the mixing zone in question; and

5.2.j.2. Information and data proving no violation of subdivisions 5.2.d and 5.2.g above by the mixing zone in question.

5.2.k. Upon implementation of a mixing zone in a permit, the permittee shall provide documentation that demonstrates to the satisfaction of the secretary that the mixing zone is in compliance with the provisions outlined in subdivisions 5.2.b, 5.2.c, 5.2.e, and paragraph 5.2.h.2, herein.

5.2.l. In order to facilitate a determination or assessment of a mixing zone pursuant to this section, the secretary may require a permit applicant or permittee to submit such information as he or she deem~~ed~~s necessary.

§47-2-6. Water Use Categories.

6.1. ~~These rules~~ This section establishes general Water Use Categories and Water Quality Standards for the waters of the State. Unless otherwise designated by ~~these rules~~ this rule, at a minimum all waters of the State are designated for the Propagation and Maintenance of Fish and Other Aquatic Life (Category B) and for Water Contact Recreation (Category C) consistent with Federal Act goals. Incidental utilization for whatever purpose may or may not constitute a justification for assignment of a water use category to a particular stream segment.

6.1.a. Waste assimilation and transport are not recognized as designated uses. The classification of the waters must take into consideration the use and value of water 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.

Subcategories of a use may be adopted and appropriate criteria set to reflect varying needs of such subcategories of uses, for example to differentiate between trout water and other waters.

6.1.b. At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under section 301(b) and section 306 of the Federal Act and use of cost-effective and reasonable best management practices for non-point source control. Seasonal uses may be adopted as an alternative to reclassifying a water or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria will be adjusted to reflect the seasonal uses; however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season. A designated use which is not an existing use may be removed, or subcategories of a use may be established if it can be demonstrated that attaining the designated use is not feasible because:

6.1.b.1. Application of effluent limitations for existing sources more stringent than those required pursuant to section 301 (b) and section 306 of the Federal Act in order to attain the existing designated use would result in substantial and widespread adverse economic and social impact; or

6.1.b.2. Naturally-occurring pollutant concentrations prevent the attainment of the use; or

6.1.b.3. Natural, ephemeral, intermittent or low flow conditions of water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges to enable uses to be met; or

6.1.b.4. Human-caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

6.1.b.5. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water to its original condition or to operate such modification in a way that would result in the attainment of the use; or

6.1.b.6. Physical conditions related to the natural features of the water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses.

6.1.c. The State shall take into consideration the quality of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters.

6.1.d. In establishing a less restrictive use or uses, or subcategory of use or uses, and the water quality criteria based upon such uses, the secretary shall follow the requirements for revision of water quality standards as required by W. Va. Code § 22-11-7b and section 303 of the Federal Act and the regulations thereunder. Any revision of water quality standards shall be made with the concurrence of the U.S. EPA. The secretary~~'s administrative procedural regulations for applying for less restrictive uses or criteria shall be followed~~ and the applicant shall follow the Procedural Rule Governing Site Specific Revisions to Water Quality Standards, 46CSR6.

6.2. Category A -- Water Supply, Public. -- This category is used to describe waters which, after conventional treatment, are used for human consumption. This category includes ~~streams~~ waters on which the following are located:

6.2.a. All community domestic water supply systems;

6.2.b. All non-community domestic water supply systems (i.e. hospitals, schools, etc.);

6.2.c. All private domestic water systems;

6.2.d. All other surface water intakes where the water is used for human consumption. (*See* Appendix B for partial listing of Category A waters and paragraph 7.2.a.2, herein for additional requirements for Category A waters.) The manganese human health criterion shall only apply within the five-mile zone immediately upstream above a known public or private water supply used for human consumption.

6.3. Category B -- Propagation and maintenance of fish and other aquatic life. --

This category includes:

6.3.a. Category B1 -- Warm water fishery streams. -- Streams or stream segments which contain populations composed of all warm water aquatic life.

6.3.b. Category B2 -- Trout Waters. -- As defined in section 2.19 herein (*see*, Appendix A for a representative list.)

6.3.c. Category B4 -- Wetlands. -- As defined in section 2.22 herein; certain numeric stream criteria may not be appropriate for application to wetlands (*see*, Appendix E, Table 1).

6.4. Category C -- Water contact recreation. -- This category includes swimming, fishing, water skiing and certain types of pleasure boating such as sailing in very small craft and outboard motor boats. (*See*, Appendix D for a representative list.)

6.5. Category D. -- Agriculture and wildlife uses.

6.5.a. Category D1 -- Irrigation. -- This category includes all stream segments used for irrigation.

6.5.b. Category D2 -- Livestock watering. -- This category includes all stream segments used for livestock watering.

6.5.c. Category D3 -- Wildlife. -- This category includes all stream segments and wetlands used by wildlife.

6.6. Category E -- Water supply industrial, water transport, cooling and power. -- This category includes cooling water, industrial water supply, power production, commercial and pleasure vessel activity, except those small craft included in Category C.

6.6.a. Category E1 -- Water Transport. -- This category includes all stream segments modified for water transport and having permanently maintained navigation aids.

6.6.b. Category E2 -- Cooling Water. -- This category includes all stream segments having one (1) or more users for industrial cooling.

6.6.c. Category E3 -- Power production. -- This category includes all stream segments extending from a point 500 feet upstream from the intake to a point one-half (1/2) mile below the wastewater discharge point. (*See*, Appendix C for representative list.)

6.6.d. Category E4 -- Industrial. -- This category is used to describe all stream segments with one (1) or more industrial users. It does not include water for cooling.

§47-2-7. West Virginia Waters.

7.1. Major River Basins and their Alphanumeric System. All streams and their tributaries in West Virginia shall be individually identified using ~~an alphanumeric system as identified in the "Key to West Virginia Stream Systems and Major Tributaries" (1956) as published by the Conservation Commission of West Virginia and revised by the West Virginia Department of Natural Resources, Division of Wildlife (1985)~~ the stream codes developed by the Department and available on the Department's website.

7.1.a. J - James River Basin. All tributaries to the West Virginia - Virginia State line.

7.1.b. P - Potomac River Basin. All tributaries of the main stem of the Potomac River to the West Virginia - Maryland - Virginia state line to the confluence of the North Branch and the South Branch of the Potomac River and all tributaries arising in West Virginia excluding the major tributaries hereinafter designated:

7.1.b.1. S - Shenandoah River and all its tributaries arising in West Virginia to the West Virginia - Virginia state line.

7.1.b.2. PC - Cacapon River and all its tributaries.

7.1.b.3. PSB - South Branch and all its tributaries.

7.1.b.4. PNB - North Branch and all tributaries to the North Branch arising in West Virginia.

7.1.c. M - Monongahela River Basin. The Monongahela River Basin main stem and all its tributaries, excluding the following major tributaries which are designated as follows:

7.1.c.1. MC - Cheat River and all its tributaries, except ~~those listed below:~~

~~7.1.c.1.A. MCB - Blackwater River and all its tributaries.~~

7.1.c.2. MW - West Fork River and all its tributaries.

7.1.c.3. MT - Tygart River and all its tributaries except those listed below:

7.1.c.3.A. MTB - Buckhannon River and all its tributaries.

7.1.c.3.B. MTM - Middle Fork River and all its tributaries.

7.1.c.4. MY - Youghiogheny River and all its tributaries to the West Virginia - Maryland State line.

7.1.d. O Zone 1 - Ohio River - Main Stem. The main stem of the Ohio River from the Ohio - Pennsylvania - West Virginia state line to the Ohio - Kentucky - West Virginia state line.

7.1.e. O Zone 2 - Ohio River - Tributaries. All tributaries of the Ohio River excluding the following major tributaries:

7.1.e.1. LK - Little Kanawha River. The Little Kanawha River and all its tributaries excluding the following major tributary, ~~which is~~ designated as ~~follows~~ LKH – Hughes River and all its tributaries~~:~~.

~~7.1.e.1.A. LKH - Hughes River and all its tributaries.~~

7.1.e.2. K - Kanawha River Zone 1. The main stem of the Kanawha River from mile point 0, at its confluence with the Ohio River, to mile point 72 near Diamond, West Virginia.

7.1.e.3. K - Kanawha River Zone 2. The main stem of the Kanawha River from mile point 72 near Diamond, West Virginia and all its tributaries from mile point 0 to the headwaters, excluding the following major tributaries which are designated as follows:

7.1.e.3.A. KP - Pocatalico River and all its tributaries.

7.1.e.3.B. KC - Coal River and all its tributaries.

7.1.e.3.C. KE - Elk River and all its tributaries.

7.1.e.3.D. KG - Gauley River. The Gauley River and all its tributaries excluding the following major tributaries which are designated as follows:

7.1.e.3.D.1. KG-19 - Meadow River and all its tributaries.

7.1.e.3.D.2. KG-34 - Cherry River and all its tributaries.

7.1.e.3.D.3. KGC - Cranberry River and all its tributaries.

7.1.e.3.D.4. KGW - Williams River and all its tributaries.

7.1.e.3.E. KN - New River. The New River from its confluence with the Gauley River to the Virginia - West Virginia state line and all tributaries excluding the following major tributaries which are designated as follows:

7.1.e.3.E.1. KNG - Greenbrier River and all its tributaries.

7.1.e.3.E.2. KNB - Bluestone River and all its tributaries.

7.1.e.3.E.3. KN-60 - East River and all its tributaries.

7.1.e.3.E.4. K(L)-81-(1) - Bluestone Lake.

7.1.e.4. OG - Guyandotte River. The Guyandotte River and all its tributaries, excluding the following major tributary, ~~which is~~ designated as ~~follows:~~ OGM – Mud River and all its tributaries.

~~7.1.e.4.1. OGM - Mud River and all its tributaries.~~

7.1.e.5. BS - Big Sandy River. The Big Sandy River to the Kentucky - Virginia - West Virginia state lines and all its tributaries arising in West Virginia, excluding the following major tributary, ~~which is~~ designated as ~~follows:~~ BST – Tug Fork and all its tributaries.

~~7.1.e.5.1. BST - Tug Fork and all its tributaries.~~

7.2. Applicability of Water Quality Standards. The following shall apply at all times unless a specific exception is granted in this section:

7.2.a. Water Use Categories as described in section 6 herein.

7.2.a.1. Based on meeting those Section 6 definitions, tributaries or stream segments may be classified for one or more Water Use Categories. When more than one use exists, they shall be protected by criteria for the use category requiring the most stringent protection.

7.2.a.2. Each segment extending upstream from the intake of a Water Supply, Public (Water Use Category A), for a distance of one-half (1/2) mile or to the headwater, must be protected by prohibiting the discharge of any pollutants in excess of the concentrations designated for this Water Use Category in section 8 herein. In addition, within that one-half (1/2) mile zone, the secretary may establish, for any discharge, effluent limitations for the protection of human health that require additional removal of pollutants than would otherwise be provided by this rule. (If a watershed is not significantly larger than this zone above the intake, the water supply section may include the entire upstream watershed to its headwaters.) The one-half (1/2) mile zone described in this section shall not apply to the Ohio River main channel (between Brown's Island and the left descending bank) between river mile points 61.0 and 63.5 and mile points 70 and 71. All mixing zone regulations found in section 5 of this rule will apply except for subdivision 5.2.h.6. Whether a mixing zone is appropriate and the proper size of such zone would need to be considered on a site-specific basis in accordance with the U.S. EPA approved West Virginia mixing zone regulations in section 5 above.

7.2.b. In the absence of any special application or contrary provision, water quality standards shall apply at all times when flows are equal to or greater than the minimum mean seven (7) consecutive day drought flow with a ten (10) year return frequency (7Q10). NOTE: With the exception of paragraph 7.2.c.5 below, exceptions do not apply to trout waters nor to the requirements of section 3 herein.

7.2.c. Exceptions: Numeric water quality standards shall not apply: (See section 7.2.d, herein, for site-specific revisions)

7.2.c.1. When the flow is less than 7Q10;

7.2.c.2. In wet weather streams (or intermittent stream, when they are dry or have no measurable flow), so long as the existing and designated uses of downstream waters are not adversely affected;

7.2.c.3. In any assigned zone of initial dilution of any mixing zone where a zone of initial dilution is required by subdivision 5.2.b herein, or in any assigned mixing zone for human health criteria or aquatic life criteria for which a zone of initial dilution is not assigned or in zones of initial dilution and certain mixing zones, except that all requirements described in section 5 herein shall apply to all zones of initial dilution and all mixing zones;

7.2.c.4. Where, on the basis of natural conditions, the secretary has established a site-specific aquatic life water quality criterion that modifies a water quality criterion set out in Appendix E, Table 1 of this rule. Where a natural condition of a water is demonstrated to be of lower quality than a water quality criterion for the use classes and subclasses in section 6 of this rule, the secretary, in ~~his or her~~ the secretary's discretion, may establish a site-specific water quality criterion for aquatic life. This alternate criterion may only serve as the chronic criterion established for that parameter. This alternate criterion must be met at end of pipe. Where the secretary decides to establish a site-specific water quality criterion for aquatic life, the natural condition constitutes the applicable water quality criterion. A site-specific criterion for natural conditions may only be established through the legislative rulemaking process in accordance with W. Va. Code § 29A-3-1, et seq. and must satisfy the public participation requirements set forth at 40 C.F.R. § 131.20 and 40 C.F.R. Part 25. Site-specific criteria for natural conditions may be established only for aquatic life criteria. A public notice, hearing, and comment period are required before site-specific criteria for natural conditions are established.

Upon application or on ~~it's~~ the secretary's own initiative, the secretary will determine whether a natural condition of a water should be approved as a site-specific water quality criterion. Before he or she approves a site-specific water quality criterion for a natural condition, the secretary must find that the natural condition will fully protect existing and designated uses and ensure the protection of aquatic life. If a natural condition of a water varies with time, the natural condition will be determined to be the actual natural condition of the water measured prior to or concurrent with discharge or operation. The secretary will, in ~~his or her~~ the secretary's discretion, determine a natural condition for one or more seasonal or shorter periods to reflect variable ambient conditions and require additional or continuing monitoring of natural conditions.

An application for a site-specific criterion to be established on the basis of natural conditions shall be filed with the secretary and shall include the following information:

7.2.c.4.A. A Unites States Geological Survey (USGS) 7.5 minute map showing the stream segment affected and showing all existing discharge points and proposed discharge point;

7.2.c.4.B. The alphanumeric code of the affected stream, if known;

7.2.c.4.C. Water quality data for the stream or stream segment. Where adequate data are unavailable, the secretary may require additional studies ~~may be required by the secretary~~;

7.2.c.4.D. General land uses (e.g. mining, agricultural, recreational, residential, commercial, industrial, etc.) as well as specific land uses adjacent to the waters for the affected segment or stream;

7.2.c.4.E. The existing and designated uses of the receiving waters into which the segment in question discharges and the location where those downstream uses begin to occur;

7.2.c.4.F. General physical characteristics of the stream segment, including, but not limited to width, depth, bottom composition, and slope;

7.2.c.4.G. Conclusive information and data of the source of the natural condition that causes the stream to exceed the water quality standard for the criterion at issue.

7.2.c.4.H. The average flow rate in the segment and the amount of flow at a designated control point and a statement regarding whether the flow of the stream is ephemeral, intermittent or perennial;

7.2.c.4.I. An assessment of aquatic life in the stream or stream segment in question and in the adjacent upstream and downstream segments; and

7.2.c.4.J. Any additional information or data that the secretary deems necessary to make a decision on the application.

7.2.c.5. For the upper Blackwater River from the mouth of Yellow Creek to a point 5.1 miles upstream, when flow is less than 7Q10. Naturally occurring values for Dissolved Oxygen as established by data collected by the dischargers within this reach and reviewed and approved by the secretary shall be the applicable criteria.

7.2.d. Site-specific applicability of water use categories and water quality criteria - State-wide water quality standards shall apply except where site-specific numeric criteria, variances or use removals have been approved following application and hearing, as provided in ~~46 C.S.R. 6~~ 46CSR6 ~~(See~~ and subsections 8.4 and ~~section~~ 8.5~~, herein)~~below. The following are approved site-specific criteria, variances, and use reclassifications:

7.2.d.1. James River - (Reserved)

7.2.d.2. Potomac River

7.2.d.2.1. A site-specific numeric criterion for aluminum, not to exceed 500 ug/l, shall apply to the section of Opequon Creek from Turkey Run to the Potomac River.

7.2.d.3. Shenandoah River - (Reserved)

7.2.d.4. Cacapon River - (Reserved)

7.2.d.5. South Branch - (Reserved)

7.2.d.6. North Branch - (Reserved)

7.2.d.7. Monongahela River – Flow in the main stem of the Monongahela River, as regulated by the Tygart and Stonewall Jackson Reservoirs, operated by the U.S. Army Corps of Engineers, is based on a minimum flow of 425 cfs at Lock and Dam No. 8, river mile point 90.8. This exception does not apply to tributaries of the Monongahela River.

~~7.2.d.7.1. Flow in the main stem of the Monongahela River, as regulated by the Tygart and Stonewall Jackson Reservoirs, operated by the U. S. Army Corps of Engineers, is based on a minimum flow of 425 cfs at Lock and Dam No. 8, river mile point 90.8. This exception does not apply to tributaries of the Monongahela River.~~

7.2.d.8. Cheat River

7.2.d.8.1. In the unnamed tributary of Daugherty Run, approximately one mile upstream of Daugherty Run's confluence with the Cheat River, a site-specific numeric criterion for iron of 3.5 mg/l shall apply, and the following frequency and duration requirements shall apply to the chronic numeric criterion for selenium (5 µg/l): the four-day average concentration shall not be exceeded more than three times every three years (36 months), on average. Further, the following site-specific numeric criteria shall apply to Fly Ash Run of Daugherty Run: acute numeric criterion for aluminum: 888.5 µg/l and manganese: 5 mg/l. For both the unnamed tributary of Daugherty Run, approximately one mile upstream of Daugherty Run's confluence with the Cheat River, and Fly Ash Run, Water Use Category A shall not apply.

7.2.d.8.2. A variance pursuant to ~~46 CSR 6, Section 5.1~~ 46CSR6, based on human-caused conditions which prohibit the full attainment of any designated use and cannot be immediately remedied, shall apply to the Division of Land Restoration's Office of Special Reclamation's discharges into Martin Creek of Preston County and its tributaries, including Glade Run, Fickey Run, and their unnamed tributaries. The following existing conditions will serve as instream interim criteria while this variance is in place: pH range of 3.2-9.0, 10 mg/L total iron, and 15 mg/L dissolved aluminum. Alternative restoration measures, as described in the variance application submitted by the Division of Land Restoration's Office of Special Reclamation, shall be used to achieve significant improvements to existing conditions in these waters during the variance period. Conditions will be evaluated during each triennial review throughout the variance period. This variance shall remain in effect until action by the secretary to revise the variance or until July 1, 2025, whichever comes first.

7.2.d.9. Blackwater River - (Reserved)

7.2.d.10. West Fork River - (Reserved)

7.2.d.11. Tygart River - ~~(Reserved)~~

7.2.d.11.1. A variance pursuant to ~~46 CSR 6, Section 5.1~~ 46CSR6, based on human-caused conditions which prohibit the full attainment of any designated use and cannot be immediately remedied, shall apply to the Division of Land Restoration's Office of Special Reclamation's discharges into Maple Run, Left Fork Little Sandy Creek, and their unnamed tributaries. The following existing conditions will serve as instream interim criteria while this variance is in place: For Maple Run, pH range of 3.3-9.0, 2 mg/L total iron, and 12 mg/L dissolved aluminum; for Left Fork Little Sandy Creek, pH range of 2.5-9.0, 14 mg/L total iron, and 33 mg/L dissolved aluminum. Alternative restoration measures, as described in the variance application submitted by the Division of Land Restoration's Office of Special Reclamation, shall be used to achieve significant improvements to existing conditions in these waters during the variance period. Conditions will be evaluated and reported upon during each triennial review throughout the variance period. This variance shall remain in effect until action by the secretary to revise the variance or until July 1, 2025, whichever comes first.

7.2.d.12. Buckhannon River - (Reserved)

7.2.d.13. Middle Fork River - (Reserved)

7.2.d.14. Youghiogheny River - (Reserved)

7.2.d.15. Ohio River Main Stem - (Reserved)

7.2.d.16. Ohio River Tributaries -

7.2.d.16.1. Site-specific numeric criteria shall apply to the stretch of Conners Run (0-77-A), a tributary of Fish Creek, from its mouth to the discharge from Conner Run impoundment, which shall not have the Water Use Category A and may contain selenium not to exceed 62 µg/1 and iron not to exceed 3.5 mg/1 as a monthly average and 7 mg/1 as a daily maximum.

7.2.d.17. Little Kanawha River - (Reserved)

7.2.d.18. Hughes River - (Reserved)

7.2.d.19. Kanawha River Zone 1 - Main Stem

7.2.d.19.1. For the Kanawha River main stem, Zone 1, the minimum flow shall be 1,960 cfs at the Charleston gauge.

7.2.d.19.2. Pursuant to 46 CSR 6, a Copper Water Effect Ratio (WER) of 5.62 shall be applied to The Sanitary Board of the City of Charleston, West Virginia, wastewater treatment plant discharge of total recoverable copper to Kanawha River, Zone 1.

7.2.d.20. Kanawha River Zone 2 and Tributaries.

7.2.d.20.1. For the main stem of the Kanawha River only, the minimum flow shall be 1,896 cfs at mile point 72.

7.2.d.20.2. The stretch between the mouth of Little Scary Creek (K-31) and the Little Scary impoundment shall not have Water Use Category A. The following site-specific numeric criteria shall apply to that section: selenium not to exceed 62 µg/1 and copper not to exceed 105 µg/1 as a daily maximum or 49 µg/1 as a four-day average.

7.2.d.21. Pocatalico River - (Reserved)

7.2.d.22. Coal River - (Reserved)

7.2.d.23. Elk River - (Reserved)

7.2.d.24. Gauley River - (Reserved)

7.2.d.25. Meadow River - (Reserved)

7.2.d.26. Cherry River - (Reserved)

7.2.d.27. Cranberry River - (Reserved)

7.2.d.28. Williams River - (Reserved)

7.2.d.29. New River -

7.2.d.29.1. In Marr Branch, a tributary of the New River, a site-specific dissolved zinc criteria defined by the equation CMC=CCC=e0.8541*ln(hardness)+1.151 x CF shall apply for both chronic and acute exposures

7.2.d.30. Greenbrier River - (Reserved)

7.2.d.31. Bluestone River - (Reserved)

7.2.d.32. Bluestone Lake - (Reserved)

7.2.d.33. East River - (Reserved)

7.2.d.34. Guyandotte River -

7.2.d.34.1. Pats Branch from its confluence with the Guyandotte River to a point 1000 feet upstream shall not have Water Use Category A and Category D1 designation.

7.2.d.35. Mud River - (Reserved)

7.2.d.36. Big Sandy River - (Reserved)

7.2.d.37. Tug Fork River - (Reserved)

§47-2-8. Specific Water Quality Criteria.

8.1. Charts of specific water quality criteria are included in Appendix E, Table 1.

8.1.a. Specific state (i.e. total, total recoverable, dissolved, valence, etc.) of any parameter to be analyzed shall follow 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act, as amended, June 15, 1990 and ~~March 26, 2007~~ May 18, 2012 ~~(See also~~ and ~~47 C.S.R. 10, section 7.3 -~~ 47CSR10, "National Pollutant Discharge Elimination System (NPDES) Program.~~)~~"

8.1.b. Compliance with aquatic life water quality criteria expressed as dissolved metal shall be determined based on dissolved metals concentrations.

8.1.b.1. The aquatic life criteria for all metals listed in Appendix E, Table 2 shall be converted to a dissolved concentration by multiplying each numerical value or criterion equation from Appendix E, Table 1 by the appropriate conversion factor (CF) from Appendix E, Table 2.

8.1.b.2. Permit limits based on dissolved metal water quality criteria shall be prepared in accordance with the U.S. EPA document "The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion, EPA 823-B-96-007 June 1996.

8.1.b.3. NPDES permit applicants may petition the secretary to develop a site-specific translator consistent with the provisions in this section. The secretary may, on a case-by-case basis, require an applicant applying for a translator to conduct appropriate sediment monitoring through SEM/AVS ratio, bioassay or other approved methods to evaluate effluent limits that prevent toxicity to aquatic life.

8.1.c. An "X" or numerical value in the use columns of Appendix E, Table 1 shall represent the applicable criteria.

8.1.d. Charts of water quality criteria in Appendix E, Table 1 shall be applied in accordance with major stream and use applications, sections 6 and 7, herein.

8.2. Criteria for Toxicants

8.2.a. Toxicants which are carcinogenic have human health criteria (Water Use Categories A and C) based upon an estimated risk level of one additional cancer case per one million persons (10^{-6}) and are indicated in Appendix E, Table 1 with an endnote ([b]).

8.2.b. ~~For waters other than the Ohio River between river mile points 68.0 and 70.0, a final determination on the critical design flow for carcinogens is not made in this rule, in order to permit further review and study of that issue. Following the conclusion of such review and study, the Legislature may again take up the authorization of this rule for purposes of addressing the critical design flow for carcinogens: Provided, That until such time as the review and study of the issue is concluded or until such time as the Legislature may again take up the authorization of this rule, the regulatory requirements for determining effluent limits for carcinogens shall remain as they were on the date this rule was proposed.~~ The critical design flow for human health criteria effluent limits shall be the long-term harmonic mean flow.

~~8.2.b.1. For the Ohio River between river mile points 68.0 and 70.0 the critical design flow for determining effluent limits for carcinogens shall be harmonic mean flow.~~

8.3. Criteria for Nutrients

8.3.a. Lakes

8.3.a.1. This subsection establishes nutrient criteria designed to protect Water Use Categories B and C. The following cool water nutrient criteria shall apply to cool water lakes. (*See* Appendix F for a representative list.) The following warm water nutrient criteria shall apply to all other lakes with a summer residence time greater than 14 days.

8.3.a.2. Total phosphorus shall not exceed 40 µg/l for warm water lakes and 30 µg/l for cool water lakes based on an average of four or more samples collected during the period May 1 to October 31. Chlorophyll-a shall not exceed 20 µg/l for warm water lakes and 10 µg/l for cool water lakes based on an average of four or more samples collected during the period May 1 to October 31. In lieu of total phosphorus and/or chlorophyll-a sampling, impairment may be evidenced at any time by noncompliance with subsection 3.2 above, as determined by the secretary.

8.4. Variances from Specific Water Quality Criteria. A variance from numeric criteria may be granted to a discharger if it can be demonstrated that the conditions outlined in paragraphs 6.1.b.1 through 6.1.b.6 herein limit the attainment of one or more specific water quality criteria. Variances shall apply only to the discharger to whom they are granted and shall be reviewed by the secretary at least every three years. In granting a variance, the secretary shall follow the requirements for revision of water quality standards in ~~46 CSR 6 shall be followed~~ 46CSR6.

8.5. Site-specific numeric criteria. The secretary may establish numeric criteria different from those set forth in Appendix E, Table 1 for a stream or stream segment upon a demonstration that existing numeric criteria are either over-protective or under-protective of the aquatic life residing in the stream or stream segment. A site-specific numeric criterion will be established only where the numeric criterion will be fully protective of the aquatic life and the existing and designated uses in the stream or stream segment. The site-specific numeric criterion may be ~~established by conducting a Water Effect Ratio study pursuant to the procedures outlined in US EPA's "Interim Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994); other methods may be used with prior approval by the secretary.~~ In adopting site-specific numeric criteria, the requirements for revision of water quality standards set forth in 46 CSR 6 shall be followed, unless developed pursuant to subdivision 8.5.a herein.

8.5.a. A site-specific numeric criterion may be established as part of the NPDES permitting process using any of the following established methods: 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); the Streamlined Water-Effect Ratio Procedure for Discharges of Copper (March 2001); a Biotic Ligand Model analysis pursuant to the procedures described in U.S. EPA's "Aquatic Life Ambient Freshwater Quality Criteria – Copper" (February 2007).

§47-2-9. Establishment Of Safe Concentration Values.

When a specific water quality standard has not been established by ~~these rules~~ this rule and there is a discharge or proposed discharge into waters of the State, the use of which has been designated a Category B1, B2, B3 or B4, such discharge may be regulated by the secretary where necessary to protect State waters through establishment of a safe concentration value as follows:

9.1. Establishment of a safe concentration value shall be based upon data obtained from relevant aquatic field studies, standard bioassay test data which exists in substantial available scientific literature, or data obtained from specific tests utilizing one (1) or more representative important species of aquatic life designated on a case-by-case basis by the secretary and conducted in a water environment which is equal to or closely approximates that of the natural quality of the receiving waters.

9.2. In those cases where it has been determined that there is insufficient available data to establish a safe concentration value for a pollutant, the safe concentration value shall be determined by applying the appropriate application factor as set forth below to the 96-hour LC 50 value. Except where the secretary determines, based upon substantial available scientific data, that an alternate application factor exists for a pollutant, the following appropriate application factors shall be used in the determination of safe concentration values:

9.2.a. Concentrations of pollutants or combinations of pollutants that are not persistent and not cumulative shall not exceed 0.10 (1/10) of the 96-hour LC 50.

9.2.b. Concentrations of pollutants or combinations of pollutants that are persistent or cumulative shall not exceed 0.01 (1/100) of the 96-hour LC 50.

9.3. Persons seeking issuance of a permit pursuant to ~~these rules~~ this rule authorizing the discharge of a pollutant for which a safe concentration value is to be established using special bioassay tests pursuant to subsection 9.1 shall perform such testing as approved by the secretary and shall submit all of the following in writing to the secretary:

9.3.a. A plan proposing the bioassay testing to be performed.

9.3.b. Such periodic progress reports of the testing as may be required by the secretary.

9.3.c. A report of the completed results of such testing including, but not limited to, all data obtained during the course of testing and all calculations made in the recording, collection, interpretation, and evaluation of such data.

9.4. Bioassay testing shall be conducted in accordance with ~~methodologies~~ test procedures outlined in 40 C.F.R. § 136, as amended, or other methodologies approved by the secretary. ~~outlined in the following documents: U.S. EPA Office of Research and Development Series Publication, Methods for Measuring the Acute Toxicity (EPA/600/4-90/027F, August 1993, 4th Edition) or Short Term Methods~~

~~for Estimating Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/600/4-89/001), March 1989; Standard Methods for the Examination of Water and Wastewater (18th Edition); or ASTM Practice E 729-88 for Conducting Acute Toxicity Tests with Fishes, Macroinvertebrates and Amphibians as published in Volume 11.04 of the 1988 Annual Book of ASTM Standards. Test waters shall be reconstituted according to recommendations and methodologies specified in the previously cited references or methodologies approved in writing by the secretary.~~

APPENDIX A
CATEGORY B-2 - TROUT WATERS

This list contains known trout waters and is not intended to exclude any waters which meet the definition in Section 2.19.

River Basin	County	Stream
James River		
J	Monroe	South Fork Potts Creek
Potomac River		
P	Jefferson	Town Run
P	"	Rocky Marsh Run
P	Berkeley	Opequon Creek
P	"	Tuscarora Creek (Above Martinsburg)
P	"	Middle Creek (Above Route 30 Bridge)
P	"	Mill Creek
P	"	Hartland Run
P	"	Mill Run
P	"	Tillance Creek
P	Morgan	Meadow Branch
PS	Jefferson	Flowing Springs Run (Above Halltown)
PS	"	Cattail Run
PS	"	Evitt's Run
PS	"	Big Bullskin Run
PS	"	Long Marsh Run
PC	Hampshire	Cold Stream
PC	"	Edwards Run and Impoundment
PC	"	Dillons Run
PC	Hardy	Lost River
PC	"	Camp Branch
PC	"	Lower Cove Run
PC	"	Moores Run
PC	"	North River (Above Rio)
PC	"	Waites Run
PC	"	Trout Run
PC	"	Trout Pond (Impoundment)

PC	"	Warden Lake (Impoundment)
PC	"	Rock Cliff Lake (Impoundment)
PSB	Hampshire	Mill Creek
PSB	"	Mill Run
PSB	Hardy	Dumpling Creek
PSB	Grant-Pendleton	North Fork South Branch
PSB	Grant	North Fork Lunice Creek
PSB	"	South Fork Lunice Creek
PSB	"	South Mill Creek (Above Hiser)
PSB	"	Spring Run
PSB	Pendleton	Hawes Run (Impoundment)
PSB	"	Little Fork
PSB	"	South Branch (Above North Fork)
River Basin	County	Stream
Potomac River		
PSB	Pendleton	Senena Creek
PSB	"	Laurel Fork
PSB	"	Big Run
PNB	Mineral	North Fork Patterson Creek
PNB	"	Fort Ashby (Impoundment)
PNB	"	New Creek
PNB	"	New Creek Dam 14 (Impoundment)
PNB	"	Mill Creek (Above Markwood)
Monongahela River		
M	Monongalia-Marion	Whiteday Creek (Above Smithtown)
MC	Monongalia	Morgan Run
MC	"	Coopers Rock (Impoundment)
MC	"	Blaney Hollow
MC	Preston	Laurel Run
MC	"	Elsey Run
MC	"	Saltlick Creek
MC	"	Buffalo Creek
MC	"	Wolf Creek
MC	Tucker	Clover Run
MC	"	Elklick Run
MC	"	Horseshoe Run

MC	"	Maxwell Run
MC	"	Red Creek
MC	"	Slip Hill Mill Branch
MC	"	Thomas Park (Impoundment)
MC	"	Blackwater River (Above Davis)
MC	"	Blackwater River (Below Davis)
MC	Randolph	Camp Five Run
MC	"	Dry Fork (Above Otter Creek)
MC	"	Glady Fork
MC	"	Laurel Fork
MC	"	Gandy Creek (Above Whitmer)
MC	"	East Fork Glady Fork (Above C & P Compressor Station)
MC	Randolph	Shavers Fork (Above Little Black Fork)
MC	"	Three Spring Run
MC	"	Spruce Knob Lake (Impoundment)
MW	Harrison	Dog Run (Pond)
MW	Lewis	Stonecoal
MT	Barbour	Brushy Fork (Above Valley Furnace)
MT	"	Teter Creek Lake (Impoundment)
MT	"	Mill Run
MT	Taylor-Barbour	Tygart Lake Tailwaters (Above Route 119 Bridge)
MT	Preston	Roaring Creek (Above Little Lick Branch)
MT	Randolph	Tygart River (Above Huttonsville)
MT	"	Elkwater Fork
River Basin	County	Stream

Monongahela River

MT	Randolph	Big Run
MTB	Upshur-Randolph-Lewis	Right Fork Buckhannon River
MTB	Upshur	Buckhannon River (Above Beans Mill)
MTB	Upshur	French Creek
MTB	Upshur-Randolph	Left Fork Right Fork
MTN	Upshur	Right Fork Middle Fork River
MTM	Randolph	Middle Fork River (Above Cassity)

MY	Preston	Rhine Creek
Little Kanawha River		
LK	Upshur	Left Fork-Right Fork Little Kanawha River
LK	Upshur-Lewis	Little Kanawha River (Above Wildcat)
Kanawha River		
KE	Braxton	Sutton Reservoir
KE	"	Sutton Lake Tailwaters (Above Route 38/5 Bridge)
KE	Webster	Back Fork
KE	"	Desert Fork
KE	"	Fall Run
KE	"	Laurel Fork
KE	"	Left Fork Holly River
KE	"	Sugar Creek
KE	"	Elk River (Above Webster Springs)
KC	Raleigh	Stephens Lake (Impoundment)
KC	"	Marsh Fork (Above Sundial)
KG	Nicholas	Summersville Reservoir (Impoundment)
KG	"	Summersville Tailwaters (Above Collison Creek)
KG	Nicholas	Deer Creek
KG	Randolph-Webster	Gauley River (Above Moust Coal Tipple)
KG	Fayette	Glade Creek
KG	Nicholas	Hominy Creek
KG	"	Anglins Creek
KG	Greenbrier	Big Clear Creek
KG	"	Little Clear Creek and Laurel Run
KG	"	Meadow Creek
KG	Fayette	Wolf Creek
KG	Nicholas	Cherry River
KG	Greenbrier-Nicholas	Laurel Creek
KG	" "	North Fork Cherry River
KG	Greenbrier	Summit Lake (Impoundment)
KG	Greenbrier-Nicholas	South Fork Cherry River

River Basin	County	Stream
Kanawha River		
KGC	Pocahontas-Webster-Nicholas	Cranberry River
KGC	Pocahontas	South Fork Cranberry River
KGW	Pocahontas	Tea Creek
KGW	Pocahontas-Webster	Williams River (Above Dyer)
KN	Raleigh	Glade Creek
KN	Summers	Meadow Creek
KN	Fayette	Mill Creek
KN	"	Laurel Creek (Above Cotton Hill)
KN	Raleigh	Pinch Creek
KN	Monroe	Rich Creek
KN	"	Turkey Creek
KN	Fayette	Dunloup Creek (Downstream from Harvey Sewage Treatment Plant)
KN	Mercer	East River (Above Kelleysville)
KN	"	Pigeon Creek
KN	Monroe	Laurel Creek
KNG	Monroe	Kitchen Creek (Above Gap Mills)
KNG	Greenbrier	Culverson Creek
KNG	"	Milligan Creek
KNG	Greenbrier-Monroe	Second Creek (Rt. 219 Bridge to Nickell's Mill)
KNG	Greenbrier	North Fork Anthony Creek
KNG	"	Spring Creek
KNG	"	Anthony Creek (Above Big Draft)
KNG	Pocahontas	Watoga Lake
KNG	"	Beaver Creek
KNG	"	Knapp's Creek
KNG	"	Hills Creek
KNG	"	North Fork Deer Creek (Above Route 28/5)
KNG	"	Deer Creek
KNG	"	Sitlington Creek
KNG	"	Stoney Creek
KNG	"	Swago Creek
KNG	"	Buffalo Fork (Impoundment)
KNG	"	Seneca (Impoundment)

KNG	"	Greenbrier River (Above Hosterman)
KNG	"	West Fork-Greenbrier River (Above the impoundment at the tannery)
KNG	"	Little River-East Fork
KNG	"	Little River-West Fork
KNG	"	Five Mile Run
KNG	"	Mullenax Run
KNG	"	Abes Run
KNB	Mercer	Marsh Fork
KNB	"	Camp Creek
OG	Wyoming	Pinnacle creek
BST	McDowell	Dry Fork (Above Canebrake)

APPENDIX B

This list contains known waters used as public water supplies and is not intended to exclude any waters as described in Section 6.2, herein.

River Basin	County	Operating Company	Source
Shenandoah River			
S	Jefferson	Charlestown Water	Shenandoah River
Potomac River			
P	Jefferson	3-M Company	Turkey Run
P	"	Shepherdstown Water	Potomac River
P	"	Harpers Ferry Water	Elk Run
P	Berkeley	DuPont Potomac River Works	Potomac River
P	"	Berkeley County PSD	Le Feure Spring
P		Opequon PSD	Quarry Spring
P	"	Hedgesville PSD	Speck Spring
P	Morgan	Paw Paw Water	Potomac River
PSB	Hampshire	Romney Water	South Branch Potomac River
PSB	"	Peterkin Conference Center	Mill Run
PSB	Hardy	Moorefield Municipal Water	South Fork River
PSB	Pendleton	U.S. Naval Radio Sta.	South Fork River
PSB	"	Circleville Water Inc.	North Fork of South Branch, Potomac River
PSB	Grant	Mountain Top PSD	Mill Creek, Impoundment
PSB	"	Petersburg Municipal Water	South Branch, Potomac River
PNB	Grant	Island Creek Coal	Impoundment
PNB	Mineral	Piedmont Municipal Water	Savage River, Maryland
PNB	"	Keyser Water	New Creek
PNB	"	Fort Ashby PSD	Lake
Monongahela River			

M	Monongalia	Morgantown Water Comm.	Colburn Creek & Monongahela River
M	"	Morgantown Ordinance Works	Monongahela River
M	Preston	Preston County PSD	Deckers Creek
M	Monongalia	Blacksville # 1 Mine	Impoundment
M	"	Loveridge Mine	Impoundment
M	"	Consolidation Coal Co.	Impoundment
M	Preston	Mason Town Water	Block Run
MC	Preston	Fibair Inc.	Impoundment
MC	Monongalia	Cheat Neck PSD	Cheat Lake
MC	"	Lakeview County Club	Cheat Lake-Lake Lynn
River Basin	County	Operating Company	Source
Monongahela River			
MC	Monongalia	Union Districk PSD	Cheat Lake-Lake Lynn
MC	"	Cooper's Rock State Park	Impoundment
MC	Preston	Kingwood Water	Cheat River
MC	Preston	Hopemount State Hosp.	Snowy Creek
MC	"	Rowlesburg Water	Keyser Run & Cheat River
MC	"	Albright	Cheat River
MC	Tucker	Parsons Water	Shavers & Elk Lick Fork
MC	"	Thomas Municipal	Thomas Reservoir
MC	"	Hamrick PSD	Dry Fork
MC	"	Douglas Water System	Long Run
MC	"	Davis Water	Blackwater River
MC	"	Hambleton Water System	Roaring Creek
MC	"	Canaan Valley State	Blackwater River Park
MC	Pocahontas	Cheat Mt. Sewer	Shavers Lake
MC	"	Snowshoe Co. Water	Shavers Fork
MC	Randolph	Womelsdorf Water	Yokum Run
MW	Harrison	Lumberport Water	Jones Run
MW	"	Clarksburg Water Bd.	West Fork River
MW	"	Bridgeport Mun. Water	Deecons & Hinkle Creek
MW	"	Salem Water Board	Dog Run
MW	"	West Milford Water	West Fork River
MW	Lewis	W.V. Water-Weston District	West Fork River

MW	"	Jackson's Mill Camp	Impoundment
MW	"	West Fork River PSD	West Fork River
MW	"	Kennedy Compresssor Station	West Fork River
MW	"	Jane Lew Water Comm.	Hackers Creek
MW	Harrison	Bel-Meadow Country Club	Lake
MW	"	Harrison Power Station	West Fork River
MW	"	Oakdale Portal	Impoundment
MW	"	Robinson Port	Impoundment
MT	Marion	Fairmont Water Comm.	Tygart River
MT	"	Mannington Water	Impoundment
MT	"	Monongah Water Works	Tygart River
MT	"	Eastern Assoc.	Coal Corp Impoundment
MT	"	Four States Water	Impoundment
MT	Harrison	Shinnston Water Dept.	Tygart River
MT	Taylor	Grafton Water	Tygart River-Lake
MT	Barbour	Phillippi Water	Tygart River
MT	"	Bethlehem Mines Corp.	Impoundment
MT	"	Belington Water Works	Tygart River & Mill Run Lake
MT	Randolph	Elkins Municipal Water	Tygart River
MT	"	Beverly Water	Tygart River
MT	"	Valley Water	Tygart River
MT	"	Huttonsville Medium Security Prison	Tygart River
MT	"	Mill Creek Water	Mill Creek
MTB	Upshur	Buckhannon Water Board	Buckhannon River

River Basin	County	Operating Company	Source
Ohio River			
O Zone 1	Hancock	Chester Water & Sewer	Ohio River
O "	Brooke	City of Weirton	Ohio River
O Zone 1	Brooke	Weirton Steel Division	Ohio River
O "	Ohio	Wheeling Water	Ohio River
O "	Tyler	Sistersville Mun. Water	Ohio River
O "	Pleasants	Pleasants Power Station	Ohio River
O "	Cabell	Huntington Water Corp.	Ohio River
O "	Marshall	Mobay Chemical Co.	Ohio River
O "	Wood	E. I. DuPont	Ohio River

O	Zone 2	Marshall	Meron Water	Glass House Hollow
O	"	"	New Urindahana Water	Wheeling Creek System
O	"	Wetzel	Pine Grove Water	North Fork, Fishing Creek
O	"	Marshall	Consolidated Coal Co.	Impoundment
O	"	Tyler	Middlebourne Water	Middle Island Creek
O	"	Doddridge	West Union Mun. Water	Middle Island Creek
O	"	Mason	Hidden Valley Country	Lake/Impoundment
O	"	Jackson	Ripley Water	Mill Creek
O	"	Wayne	Wayne Municipal Water	Twelve Pole Creek
O	"	"	East Lynn Lake	East Lynn Lake
O	"	"	Monterey Coal Co.	Impoundment

Little Kanawha

LK	Wood	Claywood Park PSD	Little Kanawha River
LK	Calhoun	Grantsville Mun. Water	Little Kanawha River
LK	Gilmer	Glenville Utility	Little Kanawha River
LK	"	Consolidated Gas Compressor	Steer Creek
LK	Braxton	Burnsville Water Works	Little Kanawha River
LK	Roane	Spencer Water	Spring Creek Mile Tree Reservoir
LK	Wirt	Elizabeth Water	Little Kanawha River
LKH	Ritchie	Cairo Water	North Fork Hughes River
LKH	"	Harrisville Water	North Fork Hughes River
LKH	"	Pennsboro Water	North Fork Hughes River

Kanawha River

K	Putnam	Buffalo Water	Cross Creek
K	"	Winfield Water	Poplar Fork & Crooked Creek
K	"	South Putnam PSD	Poplar Fork & Crooked Creek
K	Kanawha	Cedar Grove Water	Kanawha River
K	"	Pratt Water	Kanawha River
K	Fayette	Armstrong PSD PO-K1-CO-EL	Kanawha River & Gum Hollow
K	"	Kanawha Water Co.-	Unnamed Tributary Kanawha Beards Fork
K	Kanawha	Midland Trail School	Impoundment
K	"	Cedar Coal Co.	Impoundment
K	Fayette	Elkem Metals Co.	Kanawha River
K	Fayette	Deepwater PSD	Kanawha River

River Basin	County	Operating Company	Source
Kanawha River			
K	Fayette	Kanawha Falls PSD	Kanawha River
K	"	W.V. Water-Montgomery	Kanawha River
Pocatalico River			
KP	Kanawha	Sissonville PSD	Pocatalico River
KP	Roane	Walton PSD	Silcott Fork Dam
Coal River			
KC	Kanawha	St. Albans Water	Coal River
KC	"	Washington PSD	Coal River
KC	Lincoln	Lincoln PSD	Coal River
KC	Boone	Coal River PSD	Coal River
KC	"	Whitesville PSD	Coal River
KC	Raleigh	Armco Mine 10	Marsh Fork
KC	"	Armco Steel-Montc. Stickney	Coal River
KC	Raleigh	Peabody Coal	Coal River
KC	"	Stephens Lake Park	Lake Stephens
KC	Boone	W.V. Water-Madison Dist.	Little Coal River
KC	"	Van PSD	Pond Fork
KC	Raleigh	Consol. Coal Co.	Workmans Creek
KC	Boone	Water Ways Park	Coal River
Elk River			
KE	Kanawha	Clendenin Water	Elk River
KE	"	W.V. Water-Kanawha Valley District	Elk River
KE	Kanawha	Pinch PSD	Elk River
KE	Clay	Clay Waterworks	Elk River
KE	"	Procious PSD	Elk River
KE	Braxton	Flatwoods-Canoe Run PSD	Elk River
KE	"	Sugar Creek PSD	Elk River
KE	"	W.V. Water-Gassaway Dist.	Elk River
KE	"	W.V. Water-Sutton Dist.	Elk River

KE	Webster	W.V. Water-Webster Springs	Elk River
KE		Holly River State Park	Holly River
Gauley River			
KG	Nicholas	Craigsville PSD	Gauley River
KG	"	Summersville Water	Impoundment/ Muddlety Creek
KG	"	Nettie-Leivasy PSD	Jim Branch
KG	Webster	Cowen PSD	Gauley River
KG	Nicholas	Wilderness PSD	Anglins Creek & Meadow River
KG	"	Richwood Water	North Fork Cherry River
KN	Fayette	Ames Heights Water	Mill Creek
KN	"	Mt. Hope Water	Impounded Mine (Surface)
KN	Fayette	Ansted Municipal Water	Mill Creek
River Basin	County	Operating Company	Source
New River			
KN	Fayette	Fayette Co. Park	Impoundment
KN	"	New River Gorge Campground	Impoundment
KN	"	Fayetteville Water	Wolfe Creek
KN	Raleigh	Beckley Water	Glade Creek
KN	"	Westmoreland Coal Co.	Farley Branch
Bluestone River			
KNB	Summers	Jumping Branch-Nimitz	Mt. Valley Lake
KNB	"	Bluestone Conf. Center	Bluestone Lake
KNB	"	Pipestem State Park	Impoundment
KNB	Mercer	Town of Athens	Impoundment
KNB	"	Bluewell PSD	Impoundment
KNB	"	Bramwell Water	Impoundment
KNB	"	Green Valley-Glenwood PSD	Bailey Reservoir
KNB	"	Kelly's Tank	Spring
KNB	"	W.V. Water Princeton	Impoundment/ Brusch Creek
KNB	"	Lashmeet PSD	Impoundment
KNB	"	Pinnacle Water Assoc.	Mine
KNB	"	W.V. Water Bluefield	Impoundment

Greenbrier River			
KNG	Summers	W.V. Water Hinton	Greenbrier River & New River
KNG	"	Big Bend PSD	Greenbrier River
KNG	Greenbrier	Alderson Water Dept.	Greenbrier River
KNG	"	Ronceverte Water	Greenbrier River
KNG	"	Lewisburg Water	Greenbrier River
KNG	Pocahontas	Denmar State Hospital Water	Greenbrier River
KNG	"	City of Marlinton Water	Knapp Creek
KNG	"	Cass Scenic Railroad	Leatherbark Creek
KNG	"	Upper Greenbrier PSD	Greenbrier River
KNG	"	The Hermitage	Greenbrier River
Guyandotte River			
OG	Cabell	Salt Rock PSD	Guyandotte River
OG	Lincoln	West Hamlin Water	Guyandotte River
OG	Logan	Logan Water Board	Guyandotte River
OG	"	Man Water Works	Guyandotte River
OG	"	Buffalo Creek PSD	Buffalo Creek/ Mine/Wells
OG	Logan	Chapmanville	Guyandotte River
OG	"	Logan PSD	Whitman Creek/ Guyandotte River
OG	Mingo	Gilbert Water	Guyandotte River
OG	Wyoming	Oceana Water	Laurel Fork
OG	"	Glen Rogers PSD	Impoundment
OG	Wyoming	Pineville Water	Pinnacle Creek
OG	Raleigh	Raleigh Co. PSD-Amigo	Tommy Creek
OMG	Cabell	Milton Water Works	Guyandotte River
OMG	"	Culloden PSD	Indian Fork Creek
River Basin	County	Operating Company	Source
Guyandotte River			
OMG	Putnam	Hurricane Municipal Water	Impoundment
OMG	Putnam	Lake Washington PSD	Lake Washington

Big Sandy River

BS	Wayne	Kenova Municipal Water	Big Sandy River
BS	"	Fort Gay Water	Tug Fork
BST	Mingo	Kermit Water	Tug Fork
BST	"	Matewan Water	Tug Fork
BST	"	A & H Coal Co., Inc.	Impoundment
BST	"	Williamson Water	Impoundment
BST	McDowell	City of Welch	Impoundment/Wells
BST	"	City of Gary	Impoundment/Mine

APPENDIX C
CATEGORY E-3 - POWER PRODUCTION

This list contains known power production facilities and is not intended to exclude any waters as described in Section 6.6.c, herein.

River Basin	County	Station Name	Operating Company
Monongahela River			
M	Monongalia	Fort Martin Power Station	Monongahela Power
M	Marion	Rivesville Station	Monongahela Power
MC	Preston	Albright Station	Monongahela Power
Potomac	Grant	Mt. Storm Power Station	Virginia Electric & Power Company
Ohio River			
O - Zone 1	Wetzel	Hannibal (Hydro)	Ohio Power
O " "	Marshall	Kammer	Ohio Power
O " "	"	Mitchell	Ohio Power
O " "	Pleasants	Pleasants Station	Monongahela Power
O " "	"	Willow Island Station	Monongahela Power
O " "	Mason	Phillip Sporn Plant	Central Operating (AEP)
O " "	"	Racine (Hydro)	Ohio Power
O " "	"	Mountaineer	Appalachian Power Co.
K	Putnam	Winfield (Hydro)	Appalachian Power Co.
K	Kanawha	Marmet (Hydro)	Appalachian Power Co.
K	"	London (Hydro)	Appalachian Power Co.
K	"	Kanawha River	Appalachian Power Co.
K	"	John E. Amos	Appalachian Power Co.

APPENDIX D
CATEGORY C - WATER CONTACT RECREATION

This list contains waters known to be used for water contact recreation and is not intended to exclude any waters as described in section 6.4, herein.

River Basin	Stream Code	Stream	County
Shenandoah	S	Shenandoah River	Jefferson
Potomac	P	Potomac River	Jefferson
	P	" "	Hampshire
	P	" "	Berkeley
	P	" "	Morgan
	P-9	Sleepy Creek & Meadow Branch	Berkeley
	P-9-G-1	North Fork of Indian Run	Morgan
South Branch	PSB	South Branch of Potomac River	Hampshire
	PSB	" "	Hardy
	PSB	" "	Grant
	PSB-21-X	Hawes Run	Pendleton
	PSB-25-C-2	Spring Run	Grant
	PSB-28	North Fork South Branch Potomac River	Grant
North Branch	PNB	North Branch of Potomac River	Mineral
	PNB-4-EE	North Fork Patterson Creek	Grant
	PNB-7-H	Linton Creek	Grant
	PNB-17	Stoney River-Mt. Storm Lake	Grant
	PC	Cacapon River	Hampshire

Monongalia			
Cheat	MC	Cheat Lake/Cheat river	Monongalia/Preston
	MC	Alpine Lake	Preston
	MC-6	Coopers Rock Lake/ Quarry Run	Monongalia
	MC-12	Big Sandy Creek	Preston
	MSC	Shavers Fork	Randolph
	MTN	Middle Fork River	Barbour/Randolph/ Upshur
	MW	West Fork River	Harrison
	MW-18	Stonecoal Creek/ Stonecoal Lake	Lewis
River Basin	Stream Code	Stream	County
Ohio	O	Ohio River	Brooke/Cabell/ Hancock/Jackson/ Marshall/Mason/Ohio/ Pleasants/Tyler/ Wayne/Wood/Wetzel
	O-2-H	Beech Fork of Twelvepole Creek/Beech Fork Lake	Wayne
	O-2-Q	East Fork of Twelvepole Creek/East Lynn Lake	Wayne
	O-3	Fourpole Creek	Cabell
	O-21	Old Town Creek/ McClintic Ponds	Mason
	OMI	Middle Island Creek/ Crystal Lake	Doddridge
	OG	Guyandotte River	Cabell
	OG	Guyandotte River/ R. D. Bailey Lake	Wyoming
	OGM	Mud River	Cabell

Little Kanawha	LK	Little Kanawha River/ Burnsville Lake	Braxton
Kanawha	K	Kanawha River	Fayette/Kanawha/ Mason/Putnam
	K-1	Unnamed Tributary Krodel Lake	Mason
	KC	Coal River	Kanawha
	KC-45-Q	Stephens Branch/ Lake Stephens	Raleigh
	KE	Elk River	Kanawha/Clay/ Braxton/Webster/ Randolph
	KE	Sutton Lake	Braxton
	KN	New River	Fayette/Raleigh/ Summers
	KN-26-F	Little Beaver Creek	Raleigh
	KNG	Greenbrier River	Greenbrier/ Pocahontas/Summers
	KNG-23-E-1	Little Devil Creek/ Moncove Lake	Monroe
	KNG-28	Anthony Creek	Greenbrier
	KNG-28-P	Meadow Creek/ Lake Sherwood	Greenbrier
River Basin	Stream Code	Stream	County
	KNB	Bluestone River/ Bluestone Lake	Summers
	KG	Gauley River	Webster
Kanawha	KG	Gauley River/ Summersville Lake	Nicholas
	KGW	Williams River	Webster

47CSR2
APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.1 Dissolved Aluminum (ug/l) For water with pH <6.5 or >9.0	750xCF[5]	750xCF[5]	750xCF[5]	87xCF[5]			
8.1.1 Dissolved Aluminum (ug/l) For water with pH ≥ 6.5 and ≤ 9.0, the four-day average concentration of dissolved aluminum determined by the following equation[6]: $Al = e^{(1.3695[\ln(hardness)]+0.9121)} \times CF^5$		X		X			
8.1.2 Dissolved Aluminum (ug/l) For water with pH ≥ 6.5 and ≤ 9.0, the one-hour average concentration of dissolved aluminum determined by the following equation[6]: $Al = e^{(1.3695[\ln(hardness)]+1.8268)} \times CF^5$	X		X				
8.2. Acute and chronic aquatic life criteria for ammonia shall be determined using the National Criterion for Ammonia in Fresh Water[d] from USEPA's 1999 Update of Ambient Water Quality Criteria for Ammonia (EPA-822-R-99-014, December 1999)	X	X	X	X			
8.3 Antimony (ug/l)					4300	14	
8.4 Arsenic (ug/l)					10	10	100
8.4.1 Dissolved Trivalent Arsenic (ug/l)	340	150	340	150			

47CSR2
APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.5 Barium (mg/l)						1.0	
8.6 Beryllium (ug/l)	130		130			4.0	
8.7 Cadmium (ug/l) Hardness (mg/l $CaCO_3$) / Soluble Cd 0 - 35 / 1.0 36 - 75 / 2.0 76 - 150 / 5.0 > 150 / 10.0						X	
8.7.1 10 ug/l in the Ohio River (O Zone 1) main stem (see section 7.1.d, herein)						X	
8.7.2 The four-day average concentration of dissolved cadmium determined by the following equation: $Cd = e^{(0.7409[\ln(\text{hardness})]-4.719)} \times CF^5$		X		X			
8.7.3 The one-hour average concentration of dissolved cadmium determined by the following equation: $Cd = e^{(1.0166[\ln(\text{hardness})]-3.924)} \times CF^5$	X		X				
8.8 Chloride (mg/l)	860	230	860	230	250	250	
8.9.1 Chromium, dissolved hexavalent (ug/l):	16	11	16	7.2		50	
8.9.2 Chromium, trivalent (ug/l) The one-hour average concentration of dissolved trivalent chromium determined by the following equation: $CrIII = e^{(0.8190[\ln(\text{hardness})]+3.7256)} \times CF^5$	X		X				

47CSR2
APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.9.3 The four-day average concentration of dissolved trivalent chromium determined by the following concentration: $CrIII = e^{(0.8190[\ln(hardness)]+0.6848)} \times CF^5$		X		X			
8.10 Copper (ug/l)						1000	
8.10.1 The four-day average concentration of dissolved copper determined by the following equation[a]: $Cu = e^{(0.8545[\ln(hardness)]-1.702)} \times CF^5$		X		X			
8.10.2 The one-hour average concentration of dissolved copper determined by the following equation[a]: $Cu = e^{(0.9422[\ln(hardness)]-1.700)} \times CF^5$	X		X				
8.11.1 Cyanide (ug/l) (As free cyanide $HCN+CN^-$)	22	5.0	22	5.0	~~5.0~~	~~5.0~~	
8.11.2 Cyanide (total) (ug/l)					970	4	
8.12 Dissolved Oxygen[6]: not less than 5 mg/l at any time.	X				X	X	X
8.12.1 Ohio River main stem - the average concentration shall not be less than 5.0 mg/l per calendar day and shall not be less than 4.0 mg/l at any time or place outside any established mixing zone - provided that a minimum of 5.0 mg/l at any time is maintained during the April 15-June 15 spawning season.	X						

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APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.12.2 Not less than 7.0 mg/l in spawning areas and in no case less than 6.0 mg/l at any time.			X				
8.13 Fecal Coliform: Maximum allowable level of fecal coliform content for Water Contact Recreation (either MPN or MF) shall not exceed 200/100 ml as a monthly geometric mean based on not less than 5 samples per month; nor to exceed 400/100 ml in more than ten percent of all samples taken during the month.					X	X	
8.13.1 Ohio River main stem (zone 1) - During the non-recreational season (November through April only) the maximum allowable level of fecal coliform for the Ohio River (either MPN or MF) shall not exceed 2000/100 ml as a monthly geometric mean based on not less than 5 samples per month.					X	X	
8.14 Fluoride (mg/l)						1.4	
8.14.1 Not to exceed 2.0 for category D1 uses.							X
8.15 Iron[6] (mg/l)		1.5		1.0		1.5	
8.16 Lead (ug/l)						50	
8.16.1 The four-day average concentration of dissolved lead determined by the following equation[a]: $Pb = e^{(1.273[\ln(\text{hardness})]-4.705)} \times CF^{5}$		X		X			

APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.16.2 The one-hour average concentration of dissolved lead determined by the following equation[a]: $Pb = e^{(1.273[\ln(\text{hardness})]-1.46)} \times CF^5$	X		X				
8.17 Manganese (mg/l) (see §6.2.d)						1.0	
8.18 Mercury The total organism body burden of any aquatic species shall not exceed 0.5 ug/g as methylmercury.					0.5	0.5	
8.18.1 Total mercury in any unfiltered water sample (ug/l):	2.4		2.4		0.15	0.14	
8.18.2 Methylmercury (water column) (ug/l):		.012		.012			
Nickel (ug/l)					4600	510	
8.19.1 The four-day average concentration of dissolved nickel determined by the following equation[a]: $Ni = e^{(0.846[\ln(\text{hardness})]+0.0584)} \times CF^5$		X		X			
8.19.2 The one-hour average concentration of dissolved nickel determined by the following equation[a]: $Ni = e^{(0.846[\ln(\text{hardness})]+2.255)} \times CF^5$	X		X				
8.20 Nitrate (as Nitrate-N) (mg/l)						10	
8.21 Nitrite (as Nitrite-N) (mg/l)	1.0		.060				
8.22 Nutrients							

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
Chlorophyll –a (µg/l) (see §47-2-8.3)							
Total Phosphorus (µg/l) (see §47-2-8.3)							
8.23 Organics							
Chlordane[b] (ng/l)	2400	4.3	2400	4.3	~~0.46~~ 0.60	~~0.46~~ 0.59	0.46
DDT[b] (ng/l)	1100	1.0	1100	1.0	~~0.024~~ 0.05	~~0.024~~ 0.05	0.024
Aldrin[b] (ng/l)	3.0		3.0		~~0.071~~ 0.0014	~~0.071~~ 0.0014	0.071
Dieldrin[b] (ng/l)	2500	1.9	2500	1.9	~~0.071~~ 0.0022	~~0.071~~ 0.0022	0.071
Endrin (ng/l)	180	2.3	180	2.3	~~2.3~~ 64	~~2.3~~ 63	2.3
Toxaphene[b] (ng/l)	730	0.2	730	0.2	~~0.73~~ 1.5	~~0.73~~ 1.4	0.73
PCB[b] (ng/l)		14.0		14.0	0.045	0.044	0.045
Methoxychlor (ug/l)		0.03		0.03	~~0.03~~ 0.04	0.03	0.03
Dioxin (2,3,7,8- TCDD)[b] (pg/l)					0.014	0.013	0.014
Acrylonitrile[b] (ug/l)					~~0.66~~ 15	~~0.059~~ 0.061	
Benzene[b] (ug/l)					51	0.66	
1,2-dichlorobenzene (mg/l)					~~17~~ 7	~~2.7~~ 2	
1,3-dichlorobenzene (mg/l)					~~2.6~~ 0.027	~~0.4~~ 0.009	
1,4-dichlorobenzene (mg/l)					~~2.6~~ 1.8	~~0.4~~ 0.4	
2,4-dinitrotoluene[b] (ug/l)					~~9.1~~ 3.5	~~0.11~~ 0.049	
Hexachlorobenzene[b] (ng/l)					~~0.77~~ 0.15	~~0.72~~ 0.15	
Carbon tetrachloride[b] (ug/l)					~~4.4~~ 10	~~0.25~~ 0.5	

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
Chloroform[b] (ug/l)					~~470~~ 4,800	~~5.7~~ 66	
Bromoform[b] (ug/l)					~~140~~ 240	~~4.3~~ 7.2	
Dichlorobromomethane[b] (ug/l)					~~17~~ 56	~~0.55~~ 0.96	
Methyl Bromide (ug/l)					~~1500~~ 25,000	~~47~~ 130	
Methylene Chloride[b] (ug/l)					~~590~~ 2,700	~~4.6~~ 17	
1,2-dichloroethane[b] (ug/l)					~~99~~ 1,400	~~0.035~~ 10	
1,1,1- trichloroethane[b] (mg/l)					370	~~12~~ 13	
1,1,2,2-tetrachloroethane (ug/l)					~~11~~ 6	~~0.17~~ 0.2	
1,1-dichloroethylene[b] (ug/l)					~~3.2~~ 34,000	~~0.03~~ 330	
Trichloroethylene[b] (ug/l)					~~81~~ 14	~~2.7~~ 0.6	
Tetrachloroethylene[b] (ug/l)					~~8.85~~ 59	~~0.8~~ 13	
Toluene[b] (mg/l)					~~200~~ 1.1	~~6.8~~ 0.061	
Acenaphthene (ug/l)					~~990~~ 190	~~670~~ 130	
Anthracene (ug/l)					~~40,000~~ 800	~~8,300~~ 570	
Benzo(a) Anthracene[b] (ug/l)					~~0.018~~ 0.0028	~~0.0038~~ 0.0027	
Benzo(a) Pyrene[b] (ug/l)					~~0.018~~ 0.00028	~~0.0038~~ 0.00027	
Benzo(b) Fluoranthene[b] (ug/l)					~~0.018~~ 0.0028	~~0.0038~~ 0.0027	
Benzo(k) Fluoranthene[b] (ug/l)					~~0.018~~ 0.028	~~0.0038~~ 0.027	
Chrysene[b] (ug/l)					~~0.018~~ 0.28	~~0.0038~~ 0.27	

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APPENDIX E, TABLE 1

PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
Dibenzo(a,h)Anthracene[b] (ug/l)					~~0.018~~ 0.00028	~~0.0038~~ 0.00027	
Fluorene (ug/l)					~~5300~~ 130	~~1100~~ 90	
Indeno(1,2,3-cd)Pyrene[b] (ug/l)					~~0.018~~ 0.0028	~~0.0038~~ 0.0027	
Pyrene (ug/l)					~~4000~~ 60	~~830~~ 40	
2-Chloronaphthalene (ug/l)					~~1600~~ 2,500	~~1000~~ 1,200	
Phthalate esters[6] (ug/l)		3.0		3.0			
Bis(2-Ethylhexyl) Phthalate (ug/l)					0.81	0.61	
Butylbenzyl Phthalate (ug/l)					0.22	0.22	
Diethyl Phthalate (ug/l)					1,400	1,100	
Dimethyl Phthalate (ug/l)					4,000	3,800	
Di-n-Butyl Phthalate (ug/l)					60	50	
Vinyl chloride[b] (chloroethene) (ug/l)					~~525~~ 3.4	~~2.0~~ 0.022	
alpa-BHC (alpha- Hexachloro-cyclohexane)[b] (ug/l)					~~0.013~~ 0.00084	~~0.0039~~ 0.00073	
beta-BHC(beta- Hexachloro-cyclohexane)[b] (ug/l)					~~0.046~~ 0.029	~~0.014~~ 0.011	
gamma-BHC (gamma- Hexachloro-cyclohexane)[b] (ug/l)	2.0	0.08	2.0	0.08	~~0.063~~ 9.1	~~0.019~~ 8.2	
Chlorobenzene (mg/l)					~~21~~ 1.7	~~0.68~~ 0.12	
Ethylbenzene (mg/l)					~~29~~ 0.26	~~3.1~~ 0.094	

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
Heptachlor[b] (ng/l)	520	3.8	520	3.8	~~0.21~~ 0.011	~~0.21~~ 0.0011	
2-methyl-4,6-Dinitrophenol (ug/l)					~~765~~ 56	~~13.4~~ 2	
Fluoranthene (ug/l)					~~370~~ 43	~~300~~ 37	
8.23.1 When the specified criteria for organic chemicals listed in §8.23 are less than the practical laboratory quantification level, instream values will be calculated from discharge concentrations and flow rates, where applicable.							
8.24 pH[c] No values below 6.0 nor above 9.0. Higher values due to photosynthetic activity may be tolerated.	X	X	X	X	X	X	X
8.25 Phenolic Materials							
8.25.1 Phenol (ug/l)					~~4,600,000~~ 570,000	~~21,000~~ 4,000	
8.25.2 2-Chlorophenol (ug/l)					~~400~~ 1,700	~~120~~ 33	
8.25.3 2,4-Dichlorophenol (ug/l)					~~790~~ 120	~~93~~ 17	
8.25.4 2,4-Dimethylphenol (ug/l)					~~2300~~ 5,300	~~540~~ 130	
8.25.5 2,4-Dinitrophenol (ug/l)					~~14,000~~ 740	~~70~~ 13	
8.25.6 Pentachlorophenol[b] (ug/l)					~~8.2~~ 0.07	~~0.28~~ 0.04	
8.25.6.a The one-hour average concentration of pentachlorophenol determined by the following equation: exp(1.005(pH)-4.869)	X		X				

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.25.6.b The 4-day average concentration of pentachlorophenol determined by the following equation: exp(1.005(pH)-5.134).		X		X			
8.25.7 2,4,6-Trichlorophenol[b] (ug/l)					~~6.5~~ 5.8	~~2.1~~ 2	
8.26 Radioactivity: Gross Beta activity not to exceed 1000 picocuries per liter (pCi/l), nor shall activity from dissolved strontium-90 exceed 10 pCi/l, nor shall activity from dissolved alpha emitters exceed 3 pCi/l.	X		X		X	X	X
8.26.1 Gross total alpha particle activity (including radium-226 but excluding radon and uranium shall not exceed 15 pCi/l and combined radium-226 and radium-228 shall not exceed 5pCi/l, provided that the specific determination of radium-226 and radium-228 are not required if dissolved particle activity does not exceed 5pCi/l; the concentration of tritium shall not exceed 20,000 pCi/l; the concentration of total strontium-90 shall not exceed 8 pCi/l in the Ohio River main stem.	X		X		X	X	X
8.27 Selenium (ug/l) Water Column Concentration [f]		5		5		50	

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.27.1 Selenium (ug/g)[g] (based on instantaneous measurement) 8.0 ug/g Fish Whole-Body Concentration or 11.3 ug/g Fish Muscle (skinless, boneless filet)		X		X			
8.27.2 Selenium (ug/g) Fish Egg/Ovary Concentration[h] (based on instantaneous measurement)		15.8		15.8			
8.28 Silver (ug/l) Hardness / Silver 0-50 / 1 51-100 / 4 101-200 / 12 >201 / 24				X		X	
8.28.1 0-50 / 1 51-100 / 4 101-200 / 12 201-400 / 24 401-500 / 30 501-600 / 43		X					
8.28.2 The one-hour average concentration of dissolved silver determined by the following equation: $Ag=e^{(1.72[ln(hardness)]-6.59)} \times CF^{5}$	X		X				

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.29 Temperature Temperature rise shall be limited to no more than 5°F above natural temperature, not to exceed 87°F at any time during months of May through November and not to exceed 73°F at any time during the months of December through April. During any month of the year, heat should not be added to a stream in excess of the amount that will raise the temperature of the water more than 5°F above natural temperature. In lakes and reservoirs, the temperature of the epilimnion should not be raised more than 3°F by the addition of heat of artificial origin. The normal daily and seasonable temperature fluctuations that existed before the addition of heat due to other natural causes should be maintained.	X						
8.29.1 For the Kanawha River Main Stem (K-1): Temperature rise shall be limited to no more than 5°F above natural temperature, not to exceed 90°F in any case.	X						
8.29.2 No heated effluents will be discharged in the vicinity of spawning areas. The maximum temperatures for cold waters are expressed in the following table: Daily Mean °F / Hourly Max °F Oct-Apr 50 / 55 Sep-&May 58 / 62 Jun-Aug 66 / 70			X				

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.29.3 For Ohio River Main Stem (01) (see section 7.1.d, herein): Dates — Period Ave. — Inst. Max. Jan 1-31 — 45°F — 50°F February — 45 — 50 March 1-15 — 51 — 56 March 16-31 — 54 — 59 April 1-15 — 58 — 64 April 16-30 — 64 — 69 May 1-15 — 68 — 73 May 16-31 — 75 — 80 June 1-15 — 80 — 85 June 16-30 — 83 — 87 July 1-31 — 84 — 89 August 1-31 — 84 — 89 Sept 1-15 — 84 — 87 Sept 16-30 — 82 — 86 Oct 1-15 — 77 — 82 Oct 16-31 — 72 — 77 Nov 1-30 — 67 — 72 Dec 1-31 — 52 — 57	X						
8.30 Thallium (ug/l)					6.3	1.7	
8.31 Threshold odor[c] Not to exceed a threshold odor number of 8 at 104°F as a daily average.		X		X	X	X	
8.32 Total Residual Chlorine (ug/l - measured by amperometric or equivalent method)	19	11					
8.32.1 No chlorinated discharge allowed			X				

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.33 Turbidity No point or non-point source to West Virginia's waters shall contribute a net load of suspended matter such that the turbidity exceeds 10 NTU's over background turbidity when the background is 50 NTU or less, or have more than a 10% increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTUs. This limitation shall apply to all earth disturbance activities and shall be determined by measuring stream quality directly above and below the area where drainage from such activity enters the affected stream. Any earth disturbing activity continuously or intermittently carried on by the same or associated persons on the same stream or tributary segment shall be allowed a single net loading increase.		X		X	X	X	
8.33.1 This rule shall not apply to those activities at which Best Management Practices in accordance with the State's adopted 208 Water Quality Management Plan are being utilized, maintained and completed on a site-specific basis as determined by the appropriate 208 cooperative or an approved Federal or State Surface Mining Permit is in effect. This exemption shall not apply to Trout Waters.		X			X	X	
8.34 Zinc (ug/l) The four-day average concentration of dissolved zinc determined by the following equation[5]: $Zn = e^{(0.8473[\ln(\text{hardness})]+0.884)} \times CF$[5]		X		X			

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PARAMETER	USE DESIGNATION						
	AQUATIC LIFE				HUMAN HEALTH		ALL OTHER USES
	B1, B4		B2		C[3]	A[4]	
	ACUTE[1]	CHRON[2]	ACUTE[1]	CHRON[2]			
8.34.1 The one-hour average concentration of dissolved zinc determined by the following equation[a]: $Zn = e^{(0.8473[\ln(\text{hardness})]+0.884)} \times CF^{5}$	X		X				

[1] One hour average concentration not to be exceeded more than once every three years on the average, unless otherwise noted.
[2] Four-day average concentration not to be exceeded more than once every three years on the average, unless otherwise noted.
[3] These criteria have been calculated to protect human health from toxic effects through fish consumption, unless otherwise noted. ~~Concentration~~ Annual geometric mean concentration not to be exceeded, unless otherwise noted.
[4] These criteria have been calculated to protect human health from toxic and/or organoleptic effects through drinking water and fish consumption, unless otherwise noted. ~~Concentration~~ Annual geometric mean concentration not to be exceeded, unless otherwise noted.
[5] The appropriate Conversion Factor (CF) is a value used as a multiplier to derive the dissolved aquatic life criterion is found in Appendix E, Table 2.
~~[6] Phthalate esters are determined by the summation of the concentrations of Butylbenzyl Phthalate, Diethyl Phthalate, Dimethyl Phthalate, Di-n-Butyl Phthalate and Di-n-Octyl Phthalate.~~
[a] Hardness as calcium carbonate (mg/l). The minimum hardness allowed for use in this equation shall not be less than 25 mg/l, even if the actual ambient hardness is less than 25 mg/l. The maximum hardness value for use in this equation shall not exceed 400 mg/l even if the actual hardness is greater than 400 mg/l.
[b] Known or suspected carcinogen. Human health standards are for a risk level of 10^{-6}.
[c] May not be applicable to wetlands (B4) - site-specific criteria are desirable.
[d] The early life stage equation in the National Criterion shall be used to establish chronic criteria throughout the state unless the applicant demonstrates that no early life stages of fish occur in the affected water(s).
[e] Hardness as calcium carbonate (mg/l). The minimum hardness allowed for use in this equation shall not be less than 26 mg/l, even if the actual ambient hardness is less than 26 mg/l. The maximum hardness value for use in this equation shall not exceed 200 mg/l even if the actual hardness is greater than 200 mg/l.
[f] Water column values take precedence over fish tissue values when new inputs of selenium occur in waters previously unimpacted by selenium, until equilibrium is reached between the water column and fish tissue.
[g] Overrides any water column concentration when water concentrations and either fish whole body or fish muscle (skinless, boneless filet) are measured, except in situations described in footnote [f]
[h] Overrides any fish whole-body, fish muscle (skinless, boneless filet), or water column concentration when fish egg/ovary concentrations are measured, except in situations described in footnote [f]

APPENDIX E

TABLE 2

Conversion Factors

Metal	Acute	Chronic
Aluminum	1.000	1.000
Arsenic (III)	1.000	1.000
Cadmium	1.136672-[(ln hardness)(0.041838)]	1.101672-[(ln hardness)(0.041838)]
Chromium (III)	0.316	0.860
Chromium(VI)	0.982	0.962
Copper	0.960	0.960
Lead	1.46203-[(ln hardness)(0.145712)]	1.46203-[(ln hardness)(0.145712)]
Nickel	0.998	0.997
Silver	0.85	N/A
Zinc	0.978	0.986

APPENDIX F
COOL WATER LAKES

This list contains lakes to be managed for cool water fisheries and is not intended to exclude any waters which meet the definition in Section 2.2.

River Basin	County	Lake
Potomac River		
PC	Hardy Lost River	Trout Pond (Impoundment)
PC	Hardy Lost River	Rock Cliff Lake (Impoundment)
PSB	Pendleton	Hawes Run (Impoundment)
PNB	Mineral	New Creek Dam 14(Impoundment)
Monongahela River		
MC	Monongalia	Coopers Rock (Impoundment)
MC	Monongalia	Cheat Lake
MC	Tucker	Thomas Park (Impoundment)
MC	Randolph	Spruce Knob Lake (Impoundment)
MT	Taylor	Tygart Lake
MW	Lewis	Stonecoal Lake
Kanawha River		
KC	Raleigh	Stephens Lake (Impoundment)
KG	Nicholas	Summersville Reservoir (Impoundment)
KG	Greenbrier	Summit Lake (Impoundment)
KNG	Pocahontas	Watoga Lake
KNG	Pocahontas	Buffalo Fork (Impoundment)
KNG	Pocahontas	Seneca (Impoundment)
KCG	Pocahontas	Handley Pond
Guyandotte River		
OG	Wyoming/Mingo	RD Bailey Lake