west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495
Fax (304) 926-0496

Harold Ward, Cabinet Secretary
dep.wv.gov

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

On June 4, 2021, the Department of Environmental Protection (DEP) Division of Water & Waste Management commenced a forty-five-day public comment period and subsequently held a public hearing on July 19, 2021 to accept oral and written comments on proposed revisions to the WV legislative rule "Requirements Governing Water Quality Standards," 47 CSR 2. DEP proposed the following substantive revisions (summarized):

8.2.c	Adding provision for evaluation of human health criteria on a case-by-case basis through the NPDES permitting process
8.6	Removing human health criteria work group language
8.23	Revising human health criteria to match EPA-recommended criteria for select organic compounds
8.25	Revising human health criteria to match EPA-recommended criteria for select phenolic compounds
8.29.	Adding temperature standard for the East River, Greenbrier River and Summersville Lake and its tailwaters
	Adding footnote i to Appendix E Table 1 to signify which human health criteria have been revised to EPA 2015 recommended criteria

Public Notice, Hearing, and Comments

The following sections are included:

A. Summary of Notices to Public

B. DEP response to comments

C. Written & Oral comments

A. Notices to Public

The public was noticed of WV Water Quality Standards (WQS) 2021 proposed rule changes in several ways. On June 4, 2021, notice of proposed changes to 47 CSR 2 was published on the WV Secretary of State's website, and on June 4th the notice was also shared on the DEP public listserv. On June 11 the notice was published in the WV State Register, Volume XXXVII, Issue 23. 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 19 held live via the Zoom platform, and providing a link to attend the meeting.

B. DEP response to comments

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

DEP is grateful to every person and organization who participated in this public process to revise 47 CSR 2 Requirements Governing Water Quality Standards rule. Public involvement in this process is invaluable because water quality is a concern for everyone who lives, works, and plays in West Virginia. DEP thanks you for providing your views and concerns on this very important subject. Specific responses to comments may be found below.

Written Comments on 2021 Proposed WQS Rule – DEP Responses

Commenter: American Forest and Paper Association (Comments pages 1-11)

Comment : *"West Virginia Department of Environmental Protection should develop human health water quality criteria revisions suited to the unique characteristics of the state's waters." The commenter further expressed that "States are not required to adopt EPA's National HHWQC." The commenter stated that EPA allows flexibility in adopting HHWQC citing criteria approved by EPA for the state of Idaho stating that these criteria deviated significantly from the 2015 EPA recommended criteria. The commenter further stated that "the national HHWQC are unnecessarily conservative and based on unrealistic default values" and that "the national HHWQC are not necessarily applicable to West Virginia waters."*

> **DEP Response**: While adopting scientifically defensible state-specific criteria is encouraged by the United Stated Environmental Protection Agency (EPA), West Virginia does not have the resources at this time to develop its own criteria. In the Human Health Criteria Work Group that met from June 2020 to May 2021, DEP and work group members determined that, while adopting EPA's 2015 revisions for these 35 chemicals is necessary as they represent more improved science than West Virginia's current water quality standards, it is also important that West Virginia and EPA continue to consider improved data to further develop protective human health criteria.

Comment 2: *"There is a more scientifically advanced way to calculate human health criteria: the Probabilistic Risk Assessment (PRA)" and that WVDEP "should consider taking a probabilistic approach to deriving the HHWQC."*

> **DEP Response**: DEP has considered the use of a probabilistic approach to calculation of criteria; however, DEP decided not to use that approach at this time. Currently, no other state or authorized tribe has EPA-approved water quality standards in place that were derived by use of the probabilistic approach. DEP will, however, continue to consider the appropriateness of this approach for future revisions as more information becomes available.

Comment 3: *"If WVDEP does adopt those national HHWQC, then WVDEP should allow interested parties to correct EPA's criteria on a case-by-case basis through the NPDES permitting process in paragraph 8.2.c"*

DEP Response: Thank you for your support of the proposed language of paragraph 8.2.c.

Commenter: U.S. Environmental Protection Agency (Comments pages 12-15)

Comment 1: *"It appears that "alpha-BHC" has been misspelled"*

DEP Response: Thank you. We have corrected this misspelling.

Comment 2: *"EPA notes that WVDEP does not use a uniform unit of measure for its toxics criteria. EPA recommends that WVDEP consider selecting a single unit of measure for its water quality standards to improve public comprehension to avoid errors in implementation."*

DEP Response: Thank you for this suggestion. We have revised all units of concentration for criteria in Appendix E Table 1 to reflect the µg/l units of measurement. For units which were in milligrams per liter (mg/l), the unit has been changed to micrograms per liter (µg/l) and the criterion increased by a factor of 1,000 to reflect this change. For units which were in nanograms per liter (ng/l), the unit has been changed to µg/l and the criterion has been decreased by a factor of 1,000 to reflect the change. For one criterion which was expressed in picograms per liter (pg/l), the unit has been change to µg/l and the criterion has been decreased by a factor of 1,000,000 to reflect the change. We have also revised the units which were mistakenly labeled "ug/l" to the correct "µg/l."

Comment 3: *Regarding the addition of language in §47-2-8.2.c, "in order to meet the requirements of 40 CFR §131.20(b) and 40 CFR Part 25, a public hearing must also be conducted."*

DEP Response: DEP understands that a public hearing will be required whenever §47-2-8.2.c is utilized because without a 45-day public notice and hearing the revision would not meet the federal requirements of 40 CFR §131.20(b) and 40 CFR Part 25, and thus could not be approved by EPA as a water quality standard revision.

Comment 4: *"Any water quality-based permit limit that is based on criteria developed under this provision (8.2.c) would not be effective until EPA approves the site-specific human health criterion under CWA Section §303(c)."*

DEP Response: DEP understands this and has stated it within paragraph 8.2.c. by stating "Permit limits based on revisions to the human health criteria made in accordance with

this paragraph are subject to a 45-day public comment period and are subject to EPA review under CWA 303(c)."

Comment 5: *"In accordance with 40 CFR §131.6(e), the submittal to EPA for its review and approval would need to be accompanied by certification by the State Attorney General or other appropriate legal authority within the state that a criterion developed under this provision was duly adopted pursuant to State law."*

DEP Response: DEP understands this, and any changes made in accordance with the provision in 8.2.c. will be accompanied by a certification from West Virginia Attorney General or other appropriate legal authority within the state.

Comment 6: *"To be effective for CWA purposes, site-specific criteria must be a provision of State law as per 40 CFR §131.3(i). Accordingly, any site-specific criteria adopted under this proposed section must be adopted as a regulation or other provision of State law. To ensure transparency WVDEP should indicate where criteria adopted under this provision will be housed once the criteria are finalized."*

DEP Response: Once criteria developed in accordance with paragraph 8.2.c. are finalized, they will be inserted into West Virginia's Water Quality Standards rule, 47 C.S.R. 2.

Comment 7: *"Unless it is WVDEP's intent under this prevision to allow evaluation of any component of the human health methodology, WVDEP should be specific as to what components can be revised under this provision, rather than just "other relevant factors"."*

DEP Response: DEP did not intend to limit permittees in utilizing paragraph 8.2.c. and therefore did not specify components of the calculation that could or could not be scientifically evaluated. Since the nationally recommended criteria were developed using data available at the time, which in some cases may have been limited, any factors of the calculation could be revised if scientifically defensible research is conducted that better inform the factors.

Comment 8: *"WVDEP should add a requirement that criteria developed under this provision be developed in accordance with EPA's Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000) (EPA-822-B-00-004), its technical support documents (particularly EPA-822-B-00-005 and EPA-822-R-09-008), Guidance for Conducting Fish Consumption Surveys (823B16002), and other appropriate EPA guidance or scientifically defensible survey methods."*

DEP Response: While this requirement is not explicitly stated in the language of paragraph 8.2.c., DEP will encourage permittees to use EPA's methodology and other

appropriate EPA guidance or scientifically defensible survey methods. Applicants will also be advised that if they do not use appropriate methodology, revisions are unlikely to be gain CWA Section §303(c) approval by EPA.

Comment 9: *Regarding the proposed temperature criteria for East River, Greenbrier River and Summersville Lake and its tailwaters, the commenter stated "In accordance with federal regulation at 40 CFR §131.11(a), water quality criteria, including site-specific criteria, must be based on sound scientific rationale and protect the designated use. West Virginia's Category B2 designated use is for the protection of trout waters. WVDEP should provide data regarding site-specific conditions and information demonstrating that the proposed site-specific criteria will be protective of the Category B2 designated use in these waters." Additionally, EPA states "EPA's review of the literature indicates that West Virginia's native brook trout experience physiological stress when water temperatures exceed 21 C (70°F) (Ovellet and Daniels, 2021); the upper temperature limit is about 78°F for brown and rainbow trout and 72 F for brook trout (Piper et al., 1982); and, that chronic temperature effects as well as temperature fluctuation play an important role in limiting salmonid distributions (Wehrly et al., 2007). Finally, the commenter states "WVDEP asserts that these waters exhibit higher natural temperatures than typically expected of B2 trout water streams. If the higher temperature is a natural condition, WVDEP may want to consider if these streams are actually natural trout waters, and whether a redesignation to the state's Category B1, warm water fishery stream designated use may be appropriate."*

DEP Response: In light of EPA's concerns for this temperature revision, DEP has consulted with WV Division of Natural Resources (DNR) and has determined that Summersville Lake and its tailwaters, although stocked with trout annually, do not meet the definition of a B-2 trout water in that they do not sustain year-round trout populations. In fact, 47 CSR 2 defines trout waters in paragraph 2.19 as: "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." Waters that are merely stocked with trout but do not sustain year-round populations are not in fact trout waters as defined in WV's Water Quality Standards rule 47 CSR 2. DNR also noted that, due to this area being critical habitat for the Candy Darter, a designated Species of Concern by the U.S. Fish and Wildlife Service, protections will continue to be put in place to protect this species despite whether the water is a defined B-2 Trout Water. Therefore, DEP has decided to remove "Summersville Reservoir" and "Summersville Tailwaters (Above Collison Creek)" from the specified Category B-2 Trout Waters listed in Appendix A of 47 CSR 2. and has removed the proposed language from 8.29.2.

Commenter: Gas and Oil Association of West Virginia (Comments pages 16-17)

Comment: *"Implementing the revised (human health) criteria could have an economic impact on those who will be subject to the new criteria, many of which are far lower than existing criteria. The DEP must conduct an economic impact analysis regarding the proposed revisions and provide findings to the public before it can make an informed decision on final amendments to the rule."*

DEP Response: DEP is tasked to propose rules which present standards of water quality which "protect the public health and welfare, wildlife, fish and aquatic life and the present and prospective future uses of the water for domestic, agricultural, industrial, recreational, scenic and other legitimate beneficial uses thereof" (W.Va. Code §22-11-7b(c)). As far as considering potential impact on the regulated community, §22-11-7(b) expressly prohibits DEP from specifying "the design of equipment, type of construction or particular method which a person shall use to reduce the discharge of a pollutant." Furthermore, because economic impact is not listed in W. Va. Code §22-11-7(b) among the factors DEP may consider in developing water quality standards, DEP does not possess the authority to evaluate potential economic impacts of water quality standards to individual permit holders.

Additionally, DEP does allow for relief when dischargers are unable to meet West Virginia's standards of water quality due to adverse economic and social impact. As such, dischargers may apply to DEP for a water quality standards variance or use removal, following application and hearing, as provided in 46 CSR 6. When applying for one of these, the applicant supplies required information to DEP detailing the "adverse economic and social impact" which precludes attainment of the designated use, and would establish a variance term during which the highest attainable condition, as opposed to the water quality criterion concentration, would be met.

Commenter: Mountain State Carbon (Comments pages 18-29)

Comment 1: *"Cleveland-Cliffs recommends that the Department preserve the currently-effective human health water quality criteria." The commenter further asserted that "states are not required to adopt nationally recommended water quality criteria" and further stated that "40 CFR §131.11(a) requires states to adopt criteria that protect the designated use and that are based on sound scientific rationale" which "provides states the opportunity to conduct the analysis needed to develop state-specific criteria based on waterbody-specific designated uses, the costs of meeting the criteria, the benefits of the adoption of the criteria, the local and statewide socioeconomic costs, and other relevant factors." The commenter further stated that "the 2015 USEPA nationally recommended human health water quality criteria incorporated overly conservative default values and assumptions" and that "USEPA failed to correct critical flaws and*

errors in methodology in publishing its 2015 nationally recommended human health water quality criteria." The commenter added that the "development of the USEPA NRHHWQC was controversial" citing the comment letter from WVDEP to USEPA regarding the draft criteria and that "these criteria do not consider state-specific data."

DEP Response: Please see response to similar comments from both American Forest and Paper Association and the Gas and Oil Association of West Virginia.

Comment 2: *"Cleveland-Cliffs endorses the Department's proposed revision to allow evaluation of human health criteria on a case-by-case basis."*

DEP Response: Thank you for your support of the proposed language of paragraph 8.2.c.

Comment 3: *"Cleveland-Cliffs believes that a "fiscal note" provided on page 2 of the revised WQS proposed by the Department does not meet the requirements of the West Virginia Administrative Procedures Act (§29A-3-1, et seq).*

DEP Response: Please see response to a similar comment from Gas and Oil Association of West Virginia.

Commenter: United States Department of the Interior National Park Service (Park) (Comments pages 30-79)

Comment: *Regarding the section 8.29 proposed temperature criteria revision, the commenter suggested "providing additional data and rationale clearly demonstrating that the referenced waters within Park Service boundaries presently reflect naturally occurring conditions as described in §47-2-2, 2.11." The commenter also suggested that DEP provide "detailed methodology regarding how "natural temperature" will be determined to appropriately identify what temperature represents 5 F above natural temperature." "The standard does not clearly provide rationale that the referenced waters currently represent a naturally occurring temperature regime nor is the natural baseline presented to a straightforward interpretation to determine when waters are 5 F above natural temperatures. The proposed changes will potentially impact Park resources by allowing a temperature increase that will negatively impact Candy Darter habitat and the survival of other aquatic organisms typically adapted to cold water systems. To minimize these impacts, the Park suggests that WVDEP reconsider a site-specific temperature adjustment to B2 waters in the Park boundaries below Summersville Lake and its tailwaters (above Collison Creek) and revert to the more conservative temperatures expected in all other B2 waters.*

DEP Response: DEP has decided to remove the proposed language from 8.29.2, and instead to remove "Summersville Reservoir" and "Summersville Tailwaters (Above Collison Creek)" from the specified Category B-2 Trout Waters listed in Appendix A of 47 CSR 2 because the water does not meet the definition of a B-2 trout water. Also, please see response to a similar comment from U.S. EPA Comment 9.

Commenter: West Virginia Coal Association (Comments pages 80-82)

Comment 1: "*WVCA cannot condone the lack of scientific support for EPA's national recommended criteria.*"

DEP Response: In the Human Health Criteria Work Group which met from June 2020 to May 2021, WVCA was well represented by an appointee from the Environmental Protection Advisory Council. DEP and work group members determined that adopting EPA's 2015 revisions for these 35 chemicals is necessary as they represent more improved science than West Virginia's current water quality standards.

Comment 2: "*WVCA supports the adoption of the revised criteria set forth in 47 CSR 2 only if accompanied by the language in paragraph 8.2.c, as it provides the necessary flexibility to repair EPA's broken criteria as needed for regulatory compliance.*"

DEP Response: Thank you for your support of the proposed language of paragraph 8.2.c.

Commenter: West Virginia Manufacturers Association (WVMA) (Comments pages 83-84)

Comment: *"WVMA supports the adoption of the 24 criteria proposed by EPA if the rule allows interested parties to correct EPA's criteria on a case-by-case basis through the NPDES permitting process, as proposed in paragraph 8.2.c."*

DEP Response: Thank you for your support of the proposed language of paragraph 8.2.c.

Commenter: West Virginia Rivers Coalition (WVRC) (Comments pages 85-91)

Comment 1: *"WVDEP should adopt all remaining EPA recommended updates that strengthen West Virginia's human health criteria, and establish recommended criteria where standards currently do not exist."*

DEP Response: The Human Health Criteria Work Group which met from June 2020 to May 2021, in which the WVRC was well represented by an appointee from the Environmental Protection Advisory Council, examined EPA's 2015 nationally recommended criteria. While these monthly work group meetings provided the time necessary to fully understand how EPA's approach to the data informed EPA's 2015 revision of human health criteria, the time did not allow for examining the additional criteria recommended by EPA that are not currently in WV water quality standards. DEP is proposing to adopt EPA's 2015 revisions for the 35 remaining chemicals currently in WV water quality standards but has not proposed adopting new standards into the rule at this time. DEP will continue to review these additional nationally recommended criteria and the use of these chemicals in West Virginia when proposing future updates to WV's standards.

Comment 2: *"WV Rivers opposes weakening of existing standards. We request that WVDEP restore the following criteria: Benzo (k) Fluoranthene (Category A), DDT, Chrysene, Gamma BHC and Methyl Bromide."*

DEP Response: The Human Health Criteria Work Group that met from June 2020 to May 2021 set out to learn about water quality standards, how scientific methods were used to determine these standards, and how recent changes made by the EPA have affected water quality standards for the protection of human health. The work group studied how EPA's 2015 criteria were calculated, asked questions of EPA regarding their methodology, and considered how specific data decisions were made by EPA. In most cases, EPA's data decisions matched how the HHC Work Group would approach the same decision-making. Upon extensive review and after receiving answers from EPA on questions about methodology, the HHC Work Group determined that EPA seemed to adhere to its methodologies in data decisions. The HHC Work Group's research led to the proposal of the 35 current updates because the methodology that EPA used to calculate these criteria was sound even though available data was in some cases limited. Based on this research, DEP has proposed EPA's recommended criteria for use in WV despite whether the criteria have become more or less stringent. All the criteria revisions proposed are designed to be fully protective of designated uses for human health.

Comment 3: *"The proposed addition of Paragraph 8.2.c should be rescinded," and "paragraph 8.2.c may be interpreted to allow a change in water quality standards without going through the requisite procedures of the federal Clean Water Act. A change to water quality standards is an action that is separate and distinct from the permitting process and subject to public scrutiny, EPA oversight, and the safeguards of the state lawmaking process."*

DEP Response: See response to EPA Comments 3, 4, 5, and 6.

Comment 4: *"Paragraph 8.2.c does not specify whether modifications to water quality criteria following the procedures set forth in this paragraph will apply statewide or only to the receiving stream for the NPDES permit."*

DEP Response: Depending on the study conducted and data presented, the case-by-case evaluations made by applicants pursuant to paragraph 8.2.c. could apply either statewide or site-specifically. The paragraph does not specify the scope of any potential evaluation because that will not be known until the data is collected and the case-by-case evaluation is provided to DEP.

Comment 5: *"Paragraph 8.2.c reduces the opportunity for public scrutiny and participation. Unlike a triennial review process that often spans a full year of public meetings and various forums for public input and open dialogue with agency officials, 8.2.c only offers a 45-comment period. This is not a reasonable timeframe for the public to have a meaningful opportunity to understand the science behind the proposed change and respond accordingly."*

DEP Response: Please see response to EPA Comments 3, 4, 5, and 6 as these comments and the responses detail the requirements of Clean Water Act Section §303(c) and 40 CFR §131.20(b) and 40 CFR Part 25 for state standards to be approved for Clean Water Act purposes, including the required public input.

Comment 6: *"Paragraph 8.2.c perpetuates and exacerbates inequities faced by disadvantaged communities. The process offered in 8.2.c inherently and unevenly benefits large corporations that can afford conducting studies that disadvantaged communities and small businesses typically cannot afford. It is common that facilities discharging toxins governed by human health criteria are located in industrialized regions of the state which are often poorer communities already struggling with problems related to social, economic, and environmental justice."*

DEP Response: It is not the intent of the proposed language to create a disparity based on the size and economic resource level of permitted entities. All permitted entities are subject to the requirements of 47 CSR 2 and it is the sole responsibility of any permitted entity to provide all the required information and data to WVDEP for consideration when making a request for a revision of water quality standards. In addition to being designed to be fully protective of human health designated uses, any site-specific or statewide criterion developed pursuant to paragraph 8.2.c. will be required to adhere to all state

and federal policies regarding environmental justice. EPA defines environmental justice as follows:

> "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:
>
> - The same degree of protection from environmental and health hazards, and
> - Equal access to the decision-making process to have a healthy environment in which to live, learn, and work."

Comment 7: *"Footnote "i" allows weakening of all human health criteria through Paragraph 8.2.c. The proposed footnote has been applied to all human health criteria, and not just the updated criteria."*

DEP Response: Footnote "i" to Appendix E Table 1 states the following: "Category A and C criteria reflect EPA's 2015 national recommended human health criteria and are subject to evaluation described in subsection 8.2.c."

This footnote has only been applied to human health criteria for which EPA's 2015 recommended criteria were adopted in the previous rule revision and those that are currently proposed. The footnote has not been applied to human health criteria that have not been revised to EPA's 2015 recommended criteria.

Comment 8: *"We request clarification and technical support documents for proposed changes to the temperature standard for trout waters. Additionally, we would like clarification on the specific reaches of these waterbodies impacted by these changes. The revisions would allow temperatures of 81 degrees Fahrenheit, but brook trout exhibit physiological stress at 68 degrees Fahrenheit and mortality at approximately 70 degrees Fahrenheit. Additionally, Candy Darters are a federally listed endangered species in the Greenbrier River and prefer the same temperature range as brook trout."*

DEP Response: DEP has decided to remove the proposed language from 8.29.2, and instead to remove "Summersville Reservoir" and "Summersville Tailwaters (Above Collison Creek)" from the specified Category B-2 Trout Waters listed in Appendix A of 47 CSR 2 because the water does not meet the definition of a B-2 trout water. Also, please see response to a similar comment from U.S. EPA Comment 9.

Commenter: Aileen Curfman (Comments pages 92-93)

Comment 1: *Regarding the proposed Section 8.2.c language, the commenter stated "That revision allows exceptions to the standards if a manufacturer can provide results from a study that indicates that exceeding a standard will not cause harm." The commenter further stated that "It is almost certain that bias, either conscious or unconscious, will find its way into the study's design and affect the result."*

DEP Response: Rather than allowing an exceedance of a standard, the proposed language of paragraph 8.2.c. will provide a mechanism by which alternative criteria that will still be protective of the human health designated uses of the waterbody can be established. The methodology used will be reviewed by both DEP and EPA to determine the scientific defensibility of results before any altered criterion is approved for use in WV.

Comment 2: *Regarding the proposed Section 8.2.c language, the commenter stated, "This revision would put residents who need clean water in the position of having to mount a legal case and challenge the study's findings with results of their own study." The commenter further expressed concern that residents would lack the financial resources to take on such a challenge.*

DEP Response: Please see response to a comments 3, 4, 5 & 6 made by WVRC.

Comment 3: *"I see that West Virginia DEP's mission statement has changed since I looked it up a couple of years ago. The encouraging words about protecting the environment and serving the people have vanished. Your website now says "The WVDEP's mission is to promote a healthy environment. By allowing this loophole, the WVDEP is failing to fulfill even this pitifully watered-down mission."*

DEP Response: DEP's stated mission is "to promote a healthy environment," and the mission of the Division of Water and Waste Management is "to preserve, protect, and enhance the state's watersheds for the benefit and safety of all its citizens through implementation of programs controlling hazardous waste, solid waste and surface & groundwater pollution, from any source." DEP and DWWM take these missions very seriously when administering our many programs, including setting the standards of water quality to protect human health, public water supply, aquatic life, and all designated uses of water.

While DEP's mission statement isn't being contemplated in the proposed revisions to 47 CSR 2, promoting a healthy environment is certainly what these revisions aim to do. The proposed revisions also adhere to the stated scope of 47 CSR 2 Requirements Governing Water Quality Standards, which is:

§47-2-1. General.

1.1. Scope. -- 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.)

Commenter: AnnaMary Walsh (Comments page 94)

Comment 1: "*West Virginia has always been the low man on the totem pole in conscientious effort to maintain the health of our streams and rivers. Our wildlife, water life and human consumption totally depend upon the strict adherence to guidelines to keep the waterways health. I strongly encourage WVDEP to strike paragraph 8.2.c from this rule.*"

DEP Response: Please see response to a comments 3, 4, 5 & 6 made by WVRC.

Commenter: Betsy Lawson (Comments page 95)

Comment 1: "*Please remove the loopholes and tighten water quality restrictions so that we can live in a healthy and prosperous state with clean water, trout streams and a better quality life.*"

DEP Response: The proposed criteria revisions, which are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria, in many cases do tighten water quality standards for WV. Please also see responses to WVRC Comment 2. Regarding the proposed section 8.2.c. language please see responses to EPA comments 3, 4, 5 and 6.

Commenter: Catherine Wheeler (Comments page 96)

Comment 1: "*The Notice of Public Comment Period issued on June 4, 2021 is incomplete and misleading. Specifically the Notice fails to "Summarize in a clear and concise manner contents of changes in the rule and a statement of circumstances requiring the rule"." The commenter further stated that the June 4, 2021 Notice must be revised to comply with the requirement to state the justification for the proposed amendments, to clarify that the Work Group did not recommend addition of new paragraph 8.2.c., and to explain why new paragraph 8.2.c. is included in this rule.*"

DEP Response: The notice of public comment period was issued on June 4, 2021, both on the WV Secretary of State's (WV SOS) website and via a link in the DEP listserv email. The notice included the required brief summary of changes in the rule and the statement of circumstances requiring the rule. The notice document may be found on the WV SOS website here: http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=54250&Format=PDF, and the summary stated within it is as follows:

> "SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:
>
> These amendments to 47 C.S.R. 2 Requirements Governing Water Quality Standards include revisions to human health criteria in Appendix E, subsections 8.23 and 8.25 recommended by the Human Health Criteria Work Group, which is comprised of WV DEP employees and members of the Environmental Protection Advisory Council. The proposed revisions include updating 35 of West Virginia's criteria for the protection of human health to match US EPA's 2015 updates of nationally recommended criteria. The proposed rule also includes the addition of paragraph 8.2.c., which would add a provision to 47 CSR 2 for the evaluation of factors related to human health criteria on a case-by-case basis as part of the NPDES permitting process.
> Additionally, DEP is proposing to revise subsection 8.29.2 of this rule regarding temperature limits for the B2 aquatic life use designation for East River, Greenbrier River, and Summersville Lake and its tailwaters, which exhibit higher natural temperatures than typically expected of B2 trout water streams."

The addition of the proposed 8.2.c. language was discussed in the work group. Although not all members of the workgroup concurred with this language, others stated that they would not be supportive of the proposed human health criteria revisions had this language not been included. The recommendations of the work group were made to the DEP Cabinet Secretary, and DEP decided to propose the current revisions, including paragraph 8.2.c.

Commenter: Elaine Komarow (Comments page 97)

Comment 1: *"There are few things more important to our future than healthy woods and waters." The commenter further stated, "Given the harms already done, I can't imagine any reasonable person, and certainly not the WVDEP, choosing to make it easier to pollute our water."*

DEP Response: The proposed criteria revisions are designed to be fully protective of all designated uses for human health. The revisions will not make it easier to pollute water; rather, they will establish protective criteria for all designated water uses.

Commenter: Hannah Spencer (Comments page 98)

Ms. Spencer's comments were similar in form and content to those submitted by the WVRC. Please see responses to WVRC.

Comment: *Ms. Spencer further stated that "Increasing the allowable limits that industries can discharge is going to exacerbate the problems our small town public service districts face. Instead of holding industries accountable for keeping toxic chemicals out of our waterways, we are placing the responsibility of cleanup on the backs of the water utility workers."*

DEP Response: The proposed criteria revisions are designed to be fully protective of all designated uses for human health, including Category A, Public Water Supply. As stated in 47 CSR 2 Section 6.2, "This category is used to describe waters which, after conventional treatment, are used for human consumption." In WV, all waters of the state are designated as Category A, therefore West Virginia holds industries accountable to fully protect all waters for use as a public water supply.

Commenter: Marcia Daoust (Comments page 99)

Ms. Daust's were similar in form and content to those made by the WVRC. Please see responses to WVRC.

Comment: *"As the severe drought and water shortages in the western United States has brought into focus, water is a very precious commodity that must be protected. We cannot allow industries to ruin it for their financial gain. Every West Virginian needs a clean, safe source of water for drinking and bathing."*

DEP Response: Please see response to comments from Hannah Spencer.

Commenter: Nathaniel P. Hitt PhD (Comments page 100)

Comment: *"The revised temperature limits are too warm for trout" and "the water bodies listed for the special temperature standards appear to be an arbitrary subset of B2 streams. What criteria were used to identify the 3 waterbodies listed for the proposed temperature standard revisions?"*

DEP Response: DEP has decided to remove the proposed language from 8.29.2, and instead to remove "Summersville Reservoir" and "Summersville Tailwaters (Above Collison Creek)" from the specified Category B-2 Trout Waters listed in Appendix A of 47 CSR 2 because the water does not meet the definition of a B-2 trout water. Also, please see response to a similar comment from U.S. EPA Comment 9.

Commenter: Alan Kuhlman (Comments page 361)

Ms. Kuhlman's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Kuhlman further stated:

Additional Comment: *"Water is now becoming the most valuable and endangered resources on our planet. I oppose any legislation that increases the amount of toxins dumped into our waterways."*

> **DEP Response:** The proposed criteria revisions, which are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria, in many cases will decrease allowable concentrations for these pollutants. Please also see responses to WVRC Comment 2.

Commenter: Anastasya Tabb (Comments page 363)

Ms. Tabb's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Tabb further stated:

Additional Comment: *"According to the WV DHHR we ranked 1st highest in the nation for the prevalence of poor physical health, poor mental health, and activity limitations due to poor physical or mental health. Better protections for what is permitted to be discharged into our water is necessary – without exceptions. The regulations are necessary because we know industries are going to release their harmful manufacturing byproducts. The waterways are not the answer."*

> **DEP Response:** The proposed criteria revisions, which are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria, in many cases will decrease what is permitted to be discharged into the waters of WV. Please also see responses to WVRC Comment 2.

Commenter: Anne Young (Comments page 365)

Ms. Young's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Young further stated:

Additional Comment: *"My husband and I are small business owners that depend on clean water and trusting the government to provide trustworthy, safe effective and accurate policy for West Virginians. Please protect the future of our livelihood and communities and oppose the policy proposed in 8.2.c paragraph."*

DEP Response: Please see response to EPA Comments 3, 4, 5, and 6 and WVRC Comment 7 regarding paragraph 8.2.c.

Commenter: Arietta DuPre (Comments page 366)

Ms. Pupres's comments were similar in form and content to those made by WVRC. Please see the responses to WVRC.

Ms. Dupre further stated:

Additional Comment: *"When did Juan's turn into "testers" for toxic water" and "why are those of us that have to face the aftermath of lies, loopholes. And general pipeline "CRAP" not the ones able to decide about our health, especially when it has already been proven that the best interests of WE THE PEOPLE has not been followed to date by pipelines or decision makers?" Furthermore, the commenter states "Do you read your Bible? Are you not aware that God has promised to destroy those who destroy the earth...That means pipelines and the people allowing them to damage the earth," and asks "Are you not aware that 1 death from toxic water is MURDER?"*

DEP Response: Thank you for your input however this comment appears to be related to pipelines and not related to any of the proposed revisions. Comments regarding pipeline projects should be addressed to WVDEP's 401 Certification Program. Other stated comments appear to be unrelated to the proposed changes to 47 CSR 2.

Commenter: Barbara Frierson (Comments page 367)

Ms. Frierson's comments were similar in form and content to those submitted by WVRC. Please see responses to WVRC.

Ms. Frierson further stated:

Additional Comment: *"Extractive industries and chemical companies have done enormous harm to the land and people here for hundreds of years. Now is the time to preserve and protect our remaining resources and quality of life as we face the enormous challenges of climate change. DO NO MORE HARM, please."*

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies. Please also see response to WVRC Comment 2.

Commenter: Christine Asmann (Comments pages 374-375

Ms. Asmann's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Asmann further stated:

Additional Comment: *"We have a reasonable expectation that the WVDNR should work to attempt to protect the environment and public health, and enforce strict protections for clean unpolluted natural resources."*

DEP Response: It is presumed that this comment was to be directed to the WVDEP as we are unable to address comments to the WVDNR. DEP is charged with the responsibilities defined in the Water Pollution Control Act, §22-11 (please see response to Aileen Curfman Comment 3). It is DEP's position that the proposed revisions are consistent with these requirements.

Commenter: Franklin Crabtree (Comments page 382)

Mr. Crabtree's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Mr. Crabtree further stated:

Additional Comment: *"It is for WVDEP to take a stand against these interests which would further erode our state's environmental integrity."*

DEP Response: Please see response to Aileen Curfman Comment 3.

Commenter: John Doyle (Comments page 393)

Mr. Doyle's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Mr. Doyle further stated:

Additional Comment: *"I support the strictest enforcement of standards concerning my own sewage and solid waste management and I demand that industries do the same. It does no good to create jobs that degrade the environment for wildlife and the very same workers who perform these jobs."*

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies. Please also see response to WVRC Comment 2.

Commenter: Kathi Elkins (Comments page 395)

Ms. Elkins' comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Elkins further stated:

Additional Comment: *"Contaminants/pollutants/carcinogens are often studied by using biological testing, but those subjects (small aquatic animals, insects, fish) are not comparable to the wildlife in streams, rivers, lakes, ponds, where they are already exposed to dozens of other chemicals. This burden of exposure is not just additive, but can multiply the risk of disease and death. Allowing higher levels of any one contaminant can do more damage than we realize."*

> **DEP Response:** The proposed revisions to 47 CSR 2 are calculated according to EPA's methodology, which includes several safety factors designed to protect against increased risk like the one you suggested. Please refer to individual criteria documents for detailed information on these safety factors, such as *Update of Human Health Ambient Water Quality Criteria: Acenaphthene 83-32-9* (USEPA 2015), which can be found here: https://www.regulations.gov/document/EPA-HQ-OW-2014-0135-0234 In addition, the methodology for developing these criteria may be found in EPA's *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (USEPA 2000), which may be found among other information regarding EPA's recommended human health criteria, at the following web address: https://www.epa.gov/wqc/human-health-water-quality-criteria-and-methods-toxics

Commenter: Marilyn Blake (Comments page 410)

Ms. Blake's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Blake further stated:

Additional Comment: *"We must tighten WV water quality standards, not loosen them for big business. By the way, the Department of Highways needs to stop spraying RoundUp or whatever toxic herbicide they are using along guard rails, or we will have another Silent Spring- this one without humans as well."*

> **DEP Response:** DEP's water quality standards program has no jurisdiction over the WV DOH.

Commenter: Max Gold (Comments page 413)

Mr. Gold's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Mr. Gold further stated:

Additional Comment: *"I read the proposal and I noticed that the cyanide levels for column A3 human was dramatically increased. What is the purpose of loosening our standards? It is certainly not in the peoples interest."*

DEP Response: All of the proposed revisions match EPA's 2015 recommended criteria. The former cyanide criteria had been in place since 1980. DEP concurs with EPA that their current recommended cyanide human health criteria are appropriate and will be protective of designated uses for human health.

Commenter: Melissa Shafer (Comments page 414)

Ms. Shafer's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Shafer further stated:

Additional Comment: *"There has been a mass exodus of residents from West Virginia. To keep and attract people in this state, we need to address the pollution, quality of life, and aesthetics of West Virginia. Deteriorating water quality standards is not the way to do this."*

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies. Please also see responses to WVRC.

Commenter: Naomi Cohen (Comments page 417)

Ms. Cohen's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Ms. Cohen further stated:

Additional Comment: *"I am an officer and stakeholder in Sweet Valley Water Company of Gap Mills, WV. Our business depends on pure, uncontaminated water. The proposed policy is a threat to our business and product."*

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies (please also see response to WVRC Comment 2). Additionally, any potential utilization of the process defined in 8.2.c. must adhere to all applicable requirements of DEP and EPA and will be subject to public comment. Any site-specific criteria proposed by use of this process will need to be determined to be protective of human health in order to be approved by DEP and EPA before becoming effective.

Commenter: Paul Breuer (Comments page 343)

Mr. Breuer's comments were similar in content to those provided by WVRC. Please see responses to WVRC. Mr. Breuer further stated:

Additional Comment: *"Being a white water guide and business owner in tourism I know the public awareness of clean water for recreation. If more toxins are allowed in the water, tourists will know, then the tourism industry which many rural communities depend on will die."*

DEP Response: Please see response to Naomi Cohen.

Commenters who submitted identical form letters: Addison Reese, Aju James, Alan Kuhlman, Alice Vance, Alison Conroy, Allan Tweddle, Amy Nelson, Amy Scott, Anastasya Tabb, Angela Mayle, Ann Knott, Anne Young, Arietta DuPre, Art Glick, Ashley Levandoski, Barbara Brown, Barbara Frierson, Barbara Humes, Barbara Llyod, Barbara Steinke, Becky Romine, Ben Badger, Ben Coll, Ben Kessler, Ben Kessler, Bert Lustig, Beth DuBoff, Betty McClintock, Betty Wiley, Bob Moore, Brad Kinder, Brett Smith, Brittany McComas, Brooke Parker, Carla Beaudet, Carole Williams, Caroline Baltezore, Carolyn Komar, Carrie Kline, Charlene Herring, Charlene Kelly, Charles Marsh, Charles Walbridge, Charlotte Fremaux, Cheyenne Carter, Chris Higgins, Chris Linton, Chrissy Zeltner, Christa Lemons, Christiaan Abildso, Christina Melocik, Christine Asmann, Christine Marshall, Christine Mitsch, Christine O'Brien, Christopher Long, Cindy Kinsey, Clara Halfin, Connie McColley Corbi Greenwalt, Cory Chase, Courtney Dowell, Crystal Yoak, Cynthia Taylor, Dana Light, Danielle Maness, Danielle Martin, Dave Harshbarger, David Bolen, David Bott, David Brisell, David Romine, Dawn Parsons, Dawn Weidner, Debbie Naeter, Deborah Parsons, Deborah Quaranto, Debra Jarrell, Dennis Hatcher, Derek Spangler, Diana Greenhalgh, Diana Mullis, Don Sauter, Donald Lynch, Donna Weems, Dorris McGillick, Doug Krause, Duane Nichols, Edward J. Lynch, Eleanor Finn, Eli Cloonan, Elizabeth Cardiel, Elizabeth Hastings, Elizabeth Shockley, Elizabeth Wheeler, Ella Belling, Emily Beane, Emily Dragon, Emily Hilliard, Eric Engle, Eric Henrickson, Everett Mulkeen, Francis Sullivan, Franklin Anderson, Franklin Crabtree, Gail Kohlhorst, George Little, Georgia Cullum, Gina Griffith, Giulia Mannarino, Grazia Apolinares, Hannah King, Heather Johnson, Heather Sprouse, Helen Poffenbarfer-Jordan, Herb Myers, Hillary Banachowski, Holly Bradley, Holly McGuire, I. B. Browning, J and T Walker, J. B. Witten, J. T. Arbogast, Jackie Burns, James and Terri Walker, James Dixon, James Vance, James Walker, Jan Hafer, Jane Birdsong, Jane Butler, Janet Keating, Jason Oosterwijk, Jenni Brashear, Jennifer Baker, Jerry Carson, Jim Lilly, Jo Ann Robinson, Joan Randall, Joanne Bario, Jodi McMillian, Joe Kerner, Joe Webb, Joel Sabo, Joey Aloi, John Brady, John Ciesla, John Doyle, John Doyle, John Dropp, John Geelhaar, John Harshbarger, Johnna Bailey, Josh Polan, Joyce Setchell, Judith Clister, Julie Archer, Juliet Marlier, Kara Cox, Karen Henry, Kat Cooper, Kate Leary, Katherine Adase, Kathi Elkins, Kathryn Madison, Kayla Parker, Kemmeth Walker, Kendra Clark, Kent Karriker, Kerry Harbert, Kevin Pauley, Kit McGinnis, Larry Thomas, Laura Garbet Van Vuuren, Laura Izzo, Laura Levesque, Lawton Rogers, Leah Rampy, Leigh Keener, Lella Miller, Leslie Devine-Milbourne, Linda Frame, Linda Yoder, Linda Zwobota, Lindsay McLaughlin, Lisa Diehl, Lisa Maraffa, Lisa Mitchell, Lisa Payne, Lois Ludwig, Lori Magana, Lori Maloney, Lou Richardson, Lydia Patton, Lynn Delles, Madison Ball, Margaret Baker, Margaret Didden, Marilyn Blake, Marilyn K. Hunt, Marilyn McGeorge, Marion Hazel, Marjory Weber, Mark Muse, Marsha Wells, Martha Mullett, Matthew Bachtell, Matthew Heap, Matthew Waldie, Mavery Davis, Max Gold, Melissa Shafer, Melody Thurman Urbanic, Mia Ross, Michael Carbone, Michael Cole, Michael Jones, Michael Klausing,

Michael Lynn, Michael Turner, Michael Whitten, Michelle Hall, Monty Fowler, Morgan King, Myrna Fox, Nancy and Wood Bouldin, Nancy Dickinson, Nancy Ward, Naomi Cohen, Natalie Sampson, Nathan Thomas, Ned Marshall, Nieltje Gedney, Nina Assimakopoulos, Olivia Qualls, Pam Leonard, Pamela Moe, Pamela Ruediger, Patrick Nelson, Paul Breitenbach, Paul Breuer, Paul Hancock, Paula Kerner, Pedro Salas, Peggy Alexander, Penny Manion, Phil White, Phil White, Rachael Hood, Rachel McGuire, Rachel McGuire, Rachel Tompkins, Randolph Kesling, Rebecca Hamilton, Rhonda Marrone, Robert A. Mertz, Robert Halfin, Robert Jarrell, Robin Wright, Rose Lugar, Rose Winland, Ruth Hatcher, Ryan Lehman, Sailah Hill, Sally Wilson, Sara Henrickson, Sarah Cross, Sarah Hammack, Sarah Hicks, Sarah Phillips, Scott McMillian, Selah Raines, Shirley Marcum, Siri McDonald, Stacy Kay, Stephanie Hyre, Stephen Bodnar, Steve Curry, Steve Malafy, Steven Runfola, Sue Covello, Sue Julian., Susan Bouldin, Susan Cleaver, Susan Cornish, Susan Rosshirt, Susan Sailer, Susan Sauter, Susan Taylor-Dropp, Suzanne Clewell, Suzanne Vance, Taylor McCain, Ted Boettner, Terra McColley, Tim McGowan, Timothy Simmons MD, Tina Scala, Tom Degen, Tom France, Tom Lynch, Tracy Seffers, Troy Christiansen, Valarie Woody, Vivian Stockman, Whit Alexander, William Bentley and William Turner (Comments pages 101-418)

Comments 1-5:

1. *"The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.*
2. *There is already a process in place to revise water quality standards. The revision sidesteps that process with less scrutiny by the Legislature and the public.*
3. *The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in water near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.*
4. *The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.*
5. *WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry."*

DEP Response: Please see response to WVRC Comments.

Comment 6: Many of the commenters also expressed concern regarding family members, such as their children, leaving West Virginia due to poor water quality issues and concern that people will want to come to West Virginia for this reason urging DEP to take action to strengthen water quality standards.

DEP Response: DEP's mission is to promote a healthy environment, and the mission of the Division of Water and Waste Management is "to preserve, protect, and enhance the state's watersheds for the benefit and safety of all its citizens through implementation of

programs controlling hazardous waste, solid waste and surface & groundwater pollution, from any source." DEP and DWWM take these missions very seriously when administering our many programs, including setting the standards of water quality to protect human health, public water supply, aquatic life, and all designated uses of water.

Comment 7: Many of the commenters expressed that water is a very important natural resource and DEP must protect it.

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies (please also see response to WVRC Comment 2). Additionally, any potential utilization of the process defined in 8.2.c. must adhere to all applicable requirements of DEP and EPA and will be subject to public comment. Any site-specific criteria proposed by use of this process will need to be determined to be protective of human health in order to be approved by DEP and EPA before becoming effective.

Comment 8: Many of the commenters commented that DEP should "do its job" and "put the citizens of West Virginia first" and that it should not "side with industry."

DEP Response: All the criteria revisions proposed are consistent with EPA recommended criteria and are designed to be fully protective of designated uses for human health. West Virginia's water quality standards rule, 47 CSR 2, is subject to the given authority of W. Va. Code 22-11 which states the following:

> §22-11-2. Declaration of policy.
> (a) 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, 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.

DEP's is required to adhere to all of the requirements of §22-11 when establishing water quality standards. It is DEP's position that the proposed revisions will continue to do this.

Public Hearing July 9, 2021 – Oral Comments & DEP Response

Commenter: Autumn Crowe

Ms. Crowe's comments were similar in form and content to the written comments from WVRC. Please see responses to WVRC.

Additional Comment 1: *Ms. Crowe further expressed concern for her son's health stating that "It's DEP's job to ensure that our water is safe to swim in, safe to drink and that the fish in our rivers are safe to eat."*

DEP Response: DEP's mission is to promote a healthy environment, and the mission of the Division of Water and Waste Management is "to preserve, protect, and enhance the state's watersheds for the benefit and safety of all its citizens through implementation of programs controlling hazardous waste, solid waste and surface & groundwater pollution, from any source." DEP and DWWM take these missions very seriously when administering our many programs, including setting the standards of water quality to protect human health, public water supply, aquatic life, and all designated uses of water.

Additional Comment 2: *Ms. Crowe also expressed concern that the calculation of human health criteria is based on lifetime exposure and a body weight of 176 pounds and questioned whether the use of this body weight in the calculation would mean that both she and her son would be at higher risk from exposure since their body weights are less than this.*

DEP Response: The Human Health Criteria Work Group which met from June 2020 to May 2021, in which Ms. Crowe was a participating member, discussed in detail EPA's calculation of human health criteria in the proposed updates. The proposed revisions to 47 CSR 2 are calculated according to EPA's methodology, which includes several safety factors designed to protect against increased risk like the one you suggested. Please refer to individual criteria documents for detailed information on these safety factors, such as *Update of Human Health Ambient Water Quality Criteria: Acenaphthene 83-32-9* (USEPA 2015), which can be found here: https://www.regulations.gov/document/EPA-HQ-OW-2014-0135-0234 In addition, the methodology for developing these criteria may be found in EPA's *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (USEPA 2000), which may be found among other information regarding EPA's recommended human health criteria, at the following web address: https://www.epa.gov/wqc/human-health-water-quality-criteria-and-methods-toxics

Commenter: Aileen Curfman

Ms. Curfman's comments were similar in form and content to her written comments.

DEP Response: Please see response to your written comments.

Commenter: Betty Rivard on behalf of NAACP Environmental Justice and Climate Change Committee

Ms. Rivard's comments were similar in form and substance to those provided by the WVRC. Please see responses to WVRC comments.

Additional Comment 1: *Ms. Rivard stated that section 8.2.c should remain as it was before the proposed revision stating that the proposed language would "take away rulemaking review." Ms. Rivard further stated that public participation is needed through the legislative rulemaking review process.*

DEP Response: Please see response to EPA Comments 3, 4, 5, and 6 as these comments and the responses detail the requirements of Clean Water Act Section §303(c) and 40 CFR §131.20(b) and 40 CFR Part 25 for state standards to be approved for Clean Water Act purposes, including the required public input.

Additional Comment 2: *"I disagree with the lack of a fiscal note. Degrading our water quality costs money in healthcare and affects tourism and the outdoor recreation industry."*

DEP Response: The criteria revisions are being proposed to bring WV's standards directly in line with EPA's nationally recommended criteria. In many cases, these revisions will decrease allowable concentrations for these pollutants. In all cases, the proposed criteria are designed to be protective of human health and the designated uses of the waterbodies Please also see response EPA Comments 3, 4, 5, and 6 as these comments and the responses detail the requirements of Clean Water Act Section §303(c) and 40 CFR §131.20(b) and 40 CFR Part 25 for state standards to be approved for Clean Water Act purposes, including the required public input.

Any potential utilization of the process defined in 8.2.c. must adhere to all applicable requirements of DEP and EPA and will be subject to public comment. Any criteria proposed by use of this process will need to be determined to be protective of human health in order to be approved by DEP and EPA before becoming effective.

Additionally, the proposed revisions continue to fulfill the requirements of the Clean Water Act and are not anticipated to result in adverse economic impact as described in this comment.

Additional Comment 3: *"This proposed rule is not in the best interest of our citizens, our land, our economy or our state."*

DEP Response: As defined in W. Va. Code 22-11 DEP is charged with maintaining 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, 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. It is DEP's position that the proposed revisions are consistent with these requirements.

Commenter: Jim Kotcon on behalf for the West Virginia Chapter of the Sierra Club

Mr. Kotcon's comments were similar in form and substance to those provided by the WVRC. Please see responses to WVRC comments.

Additional Comment: *Regarding the proposed section 8.2.c language, Mr. Rivard stated that "If DEP insists on keeping this type of a provision, for case-by-case water quality standards, they must include language requiring that any regulated entity seeking a revision of a water quality standard via NPDES permit process is required to fund a community advocacy group chosen by the community and able to fund their own experts and lawyers with enough time to conduct their own studies to rebut the regulated entity's proposed standard and to propose a more stringent standard wherever their data justifies that." Mr. Kotcon further added that the cost is the responsibility of the regulated entity and that "DEP must not bear the administrative burden with their very limited funds of trying to analyze water quality standards on a case-by-case basis."*

DEP Response: Any potential utilization of the process defined in 8.2.c. must adhere to all applicable requirements of DEP and EPA and will be subject to public comment. Any site-specific criteria proposed by use of this process will need to be determined to be protective of human health in order to be approved by DEP and EPA before becoming effective. Additionally, DEP is indeed tasked with and equipped to handle the administrative cost of reviewing case-by-case analyses for site specific as well as statewide criteria.

Commenter: Christine Wimer on behalf of the Jefferson County Foundation

Comment 1: *"In West Virginia, we must start to recognize human health as a resource that is critical to the long term success of our state economy and our state as a whole.*

DEP Response: DEP recognizes the importance of protection of the health of West Virginia's citizens. The proposed human health criteria are designed for this purpose.

Additionally, any potential utilization of the process defined in 8.2.c. must adhere to all applicable requirements of DEP and EPA and will be subject to public comment. Any site-specific criteria proposed by use of this process will need to be determined to be protective of human health in order to be approved by DEP and EPA before becoming effective.

Comment 2: *"We need to stop choosing economic winners and losers while allowing large corporations to abide by one set of rules while requiring small business to abide by another set of rules. Paragraph 8.2.c does just this." Ms. Wimer further added that "we must start to level the playing field and stop picking winners and losers."*

DEP Response: Please see responses to WVRC Comment 7.

Commenter: Hannah King on behalf of the West Virginia Environmental Council

Ms. King's comments were similar in form and content to those provided by the WVRC.

DEP Response: Please see responses to WVRC.

Commenter: Madison Ball on behalf of Friends of the Cheat

Ms. Ball's comments were similar in form and content to those provided by the WVRC.

DEP Response: Please see responses to WVRC.

Commenter: Angie Rossser on behalf of the West Virginia Rivers Coalition

Ms. Rosser's comments were similar in form and content to those submitted by the WVRC.

DEP Response: Please see responses to WVRC.

Commenter: Linda Frame

Comment 1: *Ms. Frame stated that "It's hard to convince young people to stay in a state that has the third highest cancer rate in the nation." Ms. Frame further stated that DEP "really doesn't seem to care that much about the people and puts industry first." Ms. Frame further said "Please put people first, put people ahead of industry and give young people a reason to stay."*

DEP Response: All the criteria revisions proposed are designed to be fully protective of designated uses for human health. West Virginia's water quality standards rule, 47 CSR 2, is subject to the given authority of W. Va. Code 22-11 which states the following:

§22-11-2. Declaration of policy.
(a) 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, 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.

DEP's is required to adhere to all of the requirements of §22-11 when establishing water quality standards. It is DEP's position that the proposed revisions will continue to do this.

Commenter: Duane Nichols

Comment 1: *"There is a crying need for environmental education in our state." Mr. Nichols further stated that DEP needs "to bring forward programs to familiarize the public with chemical substances and the characteristics of those that can impact the environment and public interest."*

DEP Response: DEP's Water Quality Standards program holds regular public meetings in order to discuss water quality criteria revisions with members of the public who are interested in having a say in the state's standards of water quality. These meetings are typically held on a quarterly basis, although they were put on hiatus while DEP conducted monthly meetings of the Human Health Criteria Workgroup from June 2020 to May 2021. The meetings will resume soon, however, and will endeavor to discuss the details of chemical substances and how they related to the designated uses of water throughout WV.

Comment 2: *"I was shocked to learn that PFS substances have been used in fracking operations. If our DEP is not aware of this, if they're not investigating it fully, if they're not attempting to root this out, prevent it, mitigate, whatever is required, then this would be a serious omission."*

DEP Response: Although this comment is not related to the proposed revisions, DEP appreciates your input. We recommend contacting the DEP Office of Oil and Gas to discuss fracking operations.

Comment 3: *"On behalf of the Monongahela Area Watersheds Compact, I want to bring forward concern for the Monongahela River. The TDS level is above 400. This is not a violation of Federal Code but it is a warning that we have reached the level of concern that is something we cannot*

sustain because it means that in the future there can easily be occurrences that bring us to critical levels beyond 500 for TDS."

DEP Response: Although this comment is not related to the proposed revisions, DEP appreciates your input. EPA currently has no recommended TDS standards for human health or aquatic life. Additionally, EPA does not have a primary drinking water standard for TDS. EPA has however established a secondary drinking water standard of 500 mg/l for TDS. Unlike primary drinking water standards, secondary drinking water standards are non-mandatory that are established as guidelines to assist public water systems in managing their drinking water for aesthetic considerations such as taste, color and odor.

Comment 4: *"I'm particularly concerned about the manner in which frac water residuals are being disposed of." Mr. Nichols added "This is going to be a problem for years to come when we accumulate these toxic wastes."*

DEP Response: Although this comment is not related to the proposed revisions, DEP appreciates your input. We recommend contacting the DEP Office of Oil and Gas to discuss fracking operations.

Comment 5: *"The West Virginia DEP and the Director have a role and responsibility to our state that goes beyond the individual spelled out regulations. A role, a responsibility to advocate for and protect our state and to help to coordinate with other states in order to achieve a better environment."*

DEP Response: DEP's mission is "to promote a healthy environment," and the mission of the Division of Water and Waste Management is "to preserve, protect, and enhance the state's watersheds for the benefit and safety of all its citizens through implementation of programs controlling hazardous waste, solid waste and surface & groundwater pollution, from any source." DEP and DWWM take these missions very seriously when administering our many programs, including setting the standards of water quality to protect human health, public water supply, aquatic life, and all designated uses of water.

Commenter: Warren Peascoe

Comment: *"The DEP has a very, I guess, hard job trying to regulate industry and I want to thank them for the job they are doing but I think that they are not doing enough." Mr. Warren also stated "It seems to me that an industry should be required to carry out their own excrement." He*

added that "something needs to be done and removing and putting in loopholes is not the way to go."

DEP Response: Thank you for your comment. Please also see responses to WVRC comments.

Commenter: Jim Kotcon

Comment 1: *"I counted ten out of ten speakers today who are opposed to the proposed changes and I'm just wondering why is anybody for that?"*

DEP Response: DEP received written comments both in favor of and opposition to the proposed revisions. Please see the comments regarding reasoning for support and opposition to the proposed revisions.

References

USEPA. Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health. 2000. EPA-822-B-00-004. U.S. Environmental Protection Agency, Office of Water, Office of Science and Technology, Washington, DC. http://water.epa.gov/scitech/swguidance/standards/upload/2005_05_06_criteria_human health_method_complete.pdf

USEPA. EPA Response to Scientific Views from the Public on Draft Updated National Recommended Water Quality Criteria for the Protection of Human Health. June 2014. (Docket ID No. EPA_HQ_OW_2014-0135).

USEPA. Human Health Ambient Water Quality Criteria: 2015 Update. EPA-820-F-15-001. June 2015.

USEPA. Update of Human Health Ambient Water Quality Criteria: Acenaphthene 83-32-9. EPA-820-R-15-002. June 2015

B. Written and Oral Comments

Oral comments were accepted at a public hearing held Zoom meeting July 19, 2021, from 6-8PM. Thirty-two people attended, and eleven people spoke at the hearing. Written comments were also accepted by email to Water Quality Standards program staff. A total of 418 pages of comments were received during the public comment period. Comments were accepted until the conclusion of the public hearing on July 19.

Written Comments on revisions to 47 CSR 2

American Forest & Paper Association

July 19, 2021

Christopher Smith
Water Quality Standards, DWWM
WV Department of Environmental Protection 601 57th St. S.E.
Charleston, WV 25304
Submitted Electronically: WQScomments@wv.gov

Re: Comments Concerning Proposed Changes to Legislative Rule 47 C.S.R. 2, Requirements Governing Water Quality Standards.

Dear Mr. Smith:

The American Forest & Paper Association (AF&PA) appreciates the opportunity to comment on the proposed changes to Legislative Rule 47 C.S.R. 2, Requirements Governing Water Quality Standards. Our comments focus on certain policy issues associated with HHWQC derivation.

AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recycle resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative — *Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future.* The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly $300 billion in products annually and employs approximately 950,000 people. The industry meets a payroll of approximately $60 billion annually and is among the top 10 manufacturing sector employers in 45 states.

AF&PA has worked with several states on the issues discussed in our comments below as they considered adopting or revising their water quality standards.

I. West Virginia Department of Environmental Protection (WVDEP) Should Develop Human Health Water Quality Criteria Revisions Suited to the Unique Characteristics of the State's Waters

A. States Are Not Required to Adopt EPA's National HHWQC

Under Section 304 of the Clean Water Act (CWA), states have the primary responsibility to develop water quality standards, including the water quality criteria that is a key component of those standards. This is consistent with the concept of "cooperative federalism," that underlies the CWA, and the statute envisions a process by which states adopt water quality standards to address the water quality needs of its streams, lakes, and other waterbodies.

With respect to HHWQC, EPA issues national recommended HHWQC pursuant to Section 304(a) of the CWA, and states to use these as the starting point for developing the water quality criteria in their water quality standards. However, EPA regulations (40 C.F.R. § 131.11(b)) are clear that states have three options when developing their criteria and submitting them to EPA for approval: 1) adopt the EPA national criteria; 2) modify the national criteria to reflect site-specific conditions; or, 3) develop other "scientifically defensible" criteria.

The EPA criteria are merely recommendations, they do not apply automatically, they are not binding on states, nor are they enforceable. Therefore, states are not required to adopt the national criteria or use the identical default values that EPA included in the equations to derive those national criteria. The states' criteria must protect the designated use and be based on "sound scientific rationale" (40 C.F.R. § 131.11(a)). This provides states the opportunity to work with key stakeholders and to undertake the analysis needed to appropriately adapt national criteria to the state. Several southeastern states have deferred adopting EPA's national recommended HHWQC to undertake additional analysis. In addition, West Virginia enacted a law rejecting proposed rules based on the national HHWQC and requiring the state agency to undertake additional analysis before submitting for approval new HHWQC.

B. State Flexibility in Adopting HHWQC

On April 4, 2019, EPA approved Idaho's HHWQC that deviated significantly from the same EPA 2015 national default criteria. In that approval, EPA reiterated and emphasized that under the CWA's foundation of cooperative federalism and EPA regulations and guidance, a state has the right and flexibility to derive human health criteria based on both sound science and policy decisions using the best available data and risk management judgments.

For example, EPA's *Technical Support Document - EPA Approval of the State of Idaho's New/Revised Human Health Water Quality Criteria for Toxics and Other Water Quality Standards Provisions* states:

> "The CWA and EPA's water quality regulations are structured to provide states with flexibility to adopt the criteria they believe are most appropriately protective of not only designated uses for the waterbody to which the criteria are directly applicable, but also protective of downstream use. When adopting criteria that are protective of designated uses, the federal regulations require that states have a sound scientific rationale for their decisions and, when not adopting criteria based on CWA section 304(a) guidance, criteria are based on scientifically defensible methods and/or reflect site-specific conditions. ***The regulations provide this flexibility to ensure that states can address the unique conditions and characteristics of the circumstances in their state*** and/or of the waterbody to which the criteria will apply." (Emphasis added) Pg.40.

Citing to its previous guidance, the agency states:

> "While the 2000 Human Health Methodology and the 2015 304(a) criteria provide recommended default values, it also recommends that states use the guidance to derive criteria that appropriately reflect local conditions and that states should consider developing criteria to protect highly exposed populations"

The 2000 Human Methodology[1] referenced above also articulated the discretion states may apply to HHWQC derivation:

> "Many of the components in the 2000 Human Health Methodology are an amalgam of science, science policy, and/or risk management. For example, most of the default values chosen by EPA are based on examination of scientific data and application of either science policy or risk management. This includes the default assumption of 2 liters a day of drinking water; the assumption of 70 kilograms for an adult body weight; the use of default percent lipid and particulate organic carbon/dissolved organic carbon (POC/DOC) for developing national BAFs; the default fish consumption rates for the general population and sport and subsistence anglers; and the choice of a default cancer risk level. Some decisions are more grounded in science and science policy (such as the choice of default BAFs) and others are more obviously risk management decisions (such as the determination of default fish consumption rates and cancer risk levels). Throughout the 2000 Human Health Methodology, EPA has identified the kind of decision necessary to develop defaults and what the basis for the decision was" (Pg. 2-4).

Finally, EPA directly reinforces states' discretion to depart from national default criteria in their June 3, 2019 Memorandum on Policy for EPA's review and Action on Clean Water Act Submittals, where it states:

> "EPA shall not substitute its judgment for that of an authorized state or tribe or treat its CWA § 304(a) criteria and information as the only scientifically defensible method for meeting the requirements of 40 C.F.R. §§ 131.5 and 131.11" (page 3).

It is clear that WVDEP has the discretion to consider the costs of meeting the criteria and other social costs and benefits of their adoption, as well as other relevant factors. As it undertakes the risk management inherent in establishing its HHWQC, WVDEP also should recognize the uncertainties and conservative assumptions involved in risk estimates.

C. The National HHWQC Are Unnecessarily Conservative and Based on Unrealistic Default Values

EPA's national HHWQC use very conservative default values that result in unnecessarily stringent criteria because of "compounded conservatism."[2] For example, the national HHWQC assume that every day, for 70 years, everyone drinks 2.4 liters (about 2.5 quarts) of water per day; this is more water than 90 percent of the people in the U.S. drink. The HHWQC also assume that each person is drinking water directly out of a lake or stream or other surface water — and that the water has not been filtered or treated to remove any pollutants. Additionally, the HHWQC assume that everyone is eating 22 grams of locally caught fish every day for 70 years, all of which are contaminated at the resulting criteria level and that none of the pollutants in the fish were lost due to preparation or cooking.

Compounded conservatism means that the HHWQC assume that everyone experiences these exposures and all the other default characteristics that are used to derive the national HHWQC. It is extremely unlikely that there is a significant portion of the population that experiences most or all these exposure factors, it is possible that no one experiences all of these exposure factors, and it strains credulity to assume that everyone experiences all of these exposure factors. Criteria developed in this way will inevitably be more conservative than stated health protection targets. Attached see AF&PA's comments on EPA's proposed national HHWQC that discuss these and other issues (Attachment A).

D. The National HHWQC Are Not Necessarily Applicable to West Virginia Waters

As discussed above, EPA's national default exposure characteristics are extremely conservative and are not likely to reflect the population consuming water or organisms from the waters of West Virginia, or any other state for that matter. The fish consumption rate (FCR) provides a specific example of why the national default criteria are not applicable to West Virginia.

EPA's 2015 HHWQC update includes an FCR of 22.0 grams per day (g/day) (which is more fish and shellfish from inland and nearshore waters than is consumed by 90 percent of the U.S. adult population 21 years of age and older)[3]. The prior recommendations were based on a fish consumption rate of 17.5 g/day. The increase in FCRs from 17.5 to 22.0 g/d is primarily due to policy decisions such as the inclusion and exclusion of certain species and do not reflect a national trend of increasing FCRs over time.

[1] USEPA. 2000. Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000). EPA-822-B- 00-004. U.S. Environmental Protection Agency, Office of Water, Office of Science and Technology, Washington, DC.

[2] See the comments filed by the National Council for Air and Stream Improvement (NCASI) that discuss in more detail the compounded conservatism embodied in the national HHWQC and several other issues including Fish Consumption Rate. Those comments are incorporated by reference.

[3] Supra.

II. There Is A More Scientifically Advanced Way to Calculate Human Health Criteria: The Probabilistic Risk Assessment (PRA)

While the U.S. EPA has taken a deterministic approach to deriving their human health criteria recommendations, they have both endorsed and used the probabilistic approach for several years[4]. In 2014, they published a Risk Assessment Forum White Paper on PRA and their Guidelines for Human Exposure Assessment also recognizes the value of the method[5]. The traditional deterministic risk assessment approach assigns a single value from a range of possible values to each parameter in an equation that yields an HHWQC. On the other hand, PRA uses a range of values for one or more input parameters.

EPA's 2000 Methodology in Section 2.2 (Science, Science Policy, and Risk Management) indicates that:

> "An important part of risk characterization…is to make risk assessment transparent. This means that conclusions drawn from science are identified separately from policy judgements and risk management decisions, and that the use of default values or methods, as well as the use of assumptions in risk assessments, are clearly articulated." Page 2-3.

The ability of the probabilistic approach to employ the full the range of values for parameters that determine HHWQC results in an output that outlines the full range of potential risk.[6] This allows for decisions about the level of protection afforded different segments of the population to be transparent, and the transparency of the distinction between science and policy is better achieved when using PRA than when using deterministic approaches.[7]

For these reasons, West Virginia Department of Environmental Protection should consider taking a probabilistic approach to deriving the HHWQC. The many benefits of this approach have been well documented by the EPA[8] and as demonstrated by the Florida Department of Environmental Protection in Draft Technical Support Document: Derivation of Human Health-Based Criteria and Risk Impact Statement (2016), the necessary inputs for key parameters are available as are the computational tools to run probabilistic analyses.

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[4] Schwartz, Jerry. "BNA Insights: Human Health Criteria, Fish Consumption Rates – More Important Policy Implications than Clean Water Rule?" *Bloomberg BNA: Daily Environment Report.* Issue No. 96. (2016): 2-7.

[5] Supra.

[6] Supra note 2.

[7] Supra.

[8] USEPA. 2014b. Risk Assessment Forum White Paper: Probabilistic Risk Assessment Methods and Case Studies. EPA/100/R- 14/004. Office of the Science Advisor, Risk Assessment Forum.

III. Conclusion

WVDEP should not adopt the national HHWQC as it has proposed. Instead, WVDEP should take the opportunity provided under EPA regulations to develop more scientifically defensible criteria that are achievable and applicable to West Virginia waters. WVDEP also should consider the many benefits of using a probabilistic risk approach when developing all human health criteria.

We understand that WVDEP, perhaps recognizing some of the issue raised in these comments, assembled a work group to develop standards more applicable to West Virginia waters and considered updated studies and methods as part of that process. Unfortunately, the workgroup process did not result in standards applicable to West Virginia and are proposing to adopt certain default national EPA criteria. If WVDEP does adopt those national HHWQC, then WVDEP should allow interested parties to correct EPA's criteria on a case-by case basis through the NPDES permitting process, as proposed in paragraph 8.2.c, and discussed in the comments submitted by the West Virginia Manufacturers Association.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at Laura_Seidman@afandpa.org.

Sincerely,

Laura Seidman
Manager, Environmental Policy
American Forest & Paper Association

Attachment



American Forest & Paper Association

August 13, 2014

(Via e-mail)

Water Docket
Environmental Protection Agency
28221T
1200 Pennsylvania Ave., N.W.
Washington D.C. 20460

Attention: Docket ID No. EPA-HQ-OW-2014-0135

Re: Updated National Recommended Water Quality Criteria for the Protection of Human Health ("Update") (79 *Fed. Reg.* 27303 (May 13, 2014))

To Whom It May Concern:

AF&PA appreciates the opportunity to comment on the above-referenced Update. AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - *Better Practices, Better Planet 2020*. The forest products industry accounts for approximately 4.5 percent of the total U.S. manufacturing GDP, manufactures approximately $200 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately $50 billion annually and is among the top 10 manufacturing sector employers in 47 states. AF&PA members own and operate facilities required to obtain Clean Water Act (CWA) permits that would include limits derived from any final criteria adopted pursuant to the Update, and therefore have a direct interest in this action. While we appreciate EPA extending the public comment period for the Update, we believe that additional time is needed for public review and comment to address the numerous issues that are raised by the Update.

AF&PA is a member of the Federal Water Quality Coalition (FWQC) and we strongly support their comments also filed today. We would like to highlight a few of the issues raised in those comments.

General Comments

EPA has described the Update as nothing more than updating HHWQC to incorporate "the latest scientific information and current EPA policies." 79 *Fed. Reg.* 27303. However, EPA has not provided sufficient technical detail to explain how they incorporated the new science. Moreover, the agency has not adequately responded to the concerns of its own Science Advisory Board about some aspects of the criteria.

Regarding incorporating "current policies," this does not appear to be the case. As discussed below,[1] EPA has adopted several new policies in the derivation of the Update criteria.

Compounded Conservatism

EPA's choice to use a deterministic procedure to derive Human Health Water Quality Criteria (HHWQC), while continuing to select upper percentile values for nearly all of the parameters in the derivation equation is inconsistent with EPA's own documents that suggest that much less conservative approaches can provide adequate protection of public health. For example, the formula assumes that people consume water that is contaminated to the criteria level and that the exposure occurs every day at that level for 70 years. Very few, if any, people would have behaviors that represent this scenario. Also, implicit in the formula is the assumption that no loss of contaminants occurs with cooking, which again is an unrealistic assumption for many substances. These are just some of the parameters in the equation, but others are equally conservative. This extreme conservatism is "compounded" such that after 3 or 4 such parameter values are selected, virtually the whole population is protected. Adding additional extreme values for parameters does not increase health protection, but it does reduce the value of the calculated HHWQC, sometimes below the level at which they can be measured or economically achieved.

Compounding Already "Compounded Conservatism" with New Policies

As discussed above, "compounded conservatism" is inherent in the derivation of the existing HHWQC. The new criteria proposed in the Update would compound the existing "compounded conservatism" because of several agency policy choices in the Update:

- Including Fish Caught in Near Coastal Waters in the Fish Consumption Rate (FCR): Pursuant to EPA's Methodology, marine species are not included when calculating the FCR. Without sufficient justification, the Update now includes fish caught in near coastal waters in the FCR calculation.
- Relative Source Contribution (RSCs) Are Set at 0.2. RSC is used to account for non-water sources of exposure. First, we question the need for an RSC at all, and EPA's policy of assigning the burden of exposures to multiple sources of a pollutant to CWA permit holders, in light of the already conservative nature of the HHWQC derivation formula. Second, for substances without an already EPA-established RSC, EPA has frequently approved state HHWQC with an RSC of 1. The Update would change that practice and enforce the arbitrarily-established RSC of 0.2.
- All Fish and Shellfish are Assumed to be Caught in Local Waters and Must be Included in the Fish Consumption Rate (FCR)[2]. As indicated in the FWQC

[1] See the "Compounding Already 'Compounded Conservatism' with New Policies" section.

comments, there is no basis for this highly-conservative assumption; over 90% of seafood consumed in the U.S. is imported, and much locally-caught fish are exported.

- Using Great Lakes-Based Default Input Parameters in the BCFBAF™ Model and Limiting the Use of Regional or Site-Specific Inputs. When EPA promulgated the Great Lakes Initiative in 1995 it stressed the unique character of the Great Lakes ecosystem. By using Great-Lakes based input parameters in the BCFBAF™ Model for waters across the country, EPA is departing from its previous policy of treating the Great Lakes as unique. Further, by selecting a model limiting use of regional or site-specific inputs, EPA is changing its existing policy of using site-specific data as the preferred option for deriving Bioaccumulation Factors.

Deriving criteria on such a conservative basis may have been appropriate decades ago, when our ability to measure low levels of pollutants, identify sources of the pollutants, and understand the impacts of exposures to those pollutants was not as sophisticated as it is today. However, with our current, more advanced scientific capabilities, erring on the side of such conservatism is unwarranted and inconsistent with EPA's own risk assessment principles. It also is counterproductive, as public and private resources that could be more effectively deployed to address more pressing environmental issues are diverting to implementing and attempting to comply with unnecessarily stringent and, in some cases unattainable, criteria when the corresponding incremental health benefit is vanishingly small and perhaps non-existent.

Probabilistic Risk Assessment (PRA) Approach

We appreciate the need to occasionally update CWA criteria to incorporate new and more advanced science, as is EPA's intent with this Update. We believe that with this Update EPA has an opportunity to move beyond the compounded conservatism inherent in the deterministic approach it has used to derive criteria for many decades. A PRA approach to deriving HHWQC would begin to address compounded conservatism, link risk targets with environmental concentrations, improve transparency, and make greater use of available data.

EPA has endorsed or used a PRA approach as a general policy matter (Policy for Use of Probabilistic Analysis in Risk Assessment[3]), in the pesticides program (Initiative to Revise the Ecological Assessment Process for Pesticides[4]), and in the Superfund Program (Risk Assessment Guidance for Superfund (RAGS) Volume III - Part A: Process for Conducting Probabilistic Risk Assessment (2001))[5]. The National Research

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[2] This new policy was announced in a "Frequently Asked Questions" document placed on EPA's website without any notice to the public or opportunity for public comment or state input before it was adopted.
[3] http://www.epa.gov/spc/2probana.htm.

[4] http://www.epa.gov/oppefed1/ecorisk/index.htm#Probabilistic.
[5] http://www.epa.gov/oswer/riskassessment/rags3adt/.

Council also recently endorsed a PRA approach (Assessing Risks to Endangered and Threatened Species from Pesticides[6]).

Finally, EPA has just released a Risk Assessment Forum White Paper on probabilistic risk assessment.[7] The White Paper identifies situations in which PRA "may be particularly useful," including situations in which "uncertainty in some aspect of the risk assessment is high, and decisions are contentious or have large resource implications," as well as situations in which "the scientific rigor and quality of the assessment is critical to the credibility of the EPA decision." The development of water quality criteria to protect human health fits well into those criteria for use of PRA, further supporting the need for the Agency to apply the PRA approach in developing these criteria.

AF&PA and other parties have supported development of a tool that would enable state agencies or EPA to develop HHWQC using a PRA approach. We appreciated having the opportunity to present the tool to EPA staff and we look forward to continuing to work with the agency as it reviews the tool to better understand it and perhaps suggest modifications. We believe that upon completion of the review and any needed modifications, EPA would be in a position to use the tool to develop PRA-based criteria that could be included in any final Update. We request that EPA also approve state HHWQC criteria that are developed using PRA techniques (assuming, of course, that the criteria are otherwise approvable).

Therefore, we recommend that EPA pursue the following course of action. First, as stated, EPA should develop new criteria using a PRA approach, using the tool discussed above. It also should address the major scientific problems raised in these comments. Once it has taken those actions, the Agency should finalize its new human health criteria methodology, issue new technical support documents (TSDs) that present the new methodology and all supporting information, and then present those TSDs for review by the Science Advisory Board (SAB) and then for public review and comment. Finally, after those actions have been taken, and a new, final methodology is in place, EPA can develop new recommended HHWQC, which should also be issued for public review and comment.

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[6] http://www.nap.edu/catalog.php?record_id=18344.
[7] http://www.gpo.gov/fdsys/pkg/FR-2014-08-12/pdf/2014-19065.pdf.

Thank you for the opportunity to comment on the Update. We look forward to working with the agency as it moves forward to develop new HHWQC. If you have any questions, please contact me at (202) 463-2581 or jerry_schwartz@afandpa.org.

Sincerely,



Jerry Schwartz
Senior Director
Energy and Environmental Policy

cc: Betsy Southerland
Heidi Bethel
Betsy Behl
Elizabeth Doyle
Matt Doyle

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

July 15, 2021

Mr. Christopher Smith
Water Quality Standards
Division of Water and Waste Management
West Virginia Department of Environmental Protection
601 57th St SE
Charleston, WV 25304

Dear Mr. Smith:

The U.S. Environmental Protection Agency, Region III (EPA) has reviewed the proposed revisions to West Virginia's "Requirements Governing Water Quality Standards" (Title-Series, 47-02). This proposal, which was released for public review and comment on the West Virginia Secretary of State website on June 4, 2021, includes: 1) revisions to 31 of West Virginia's current water quality criteria for the protection of human health; 2) the adoption of 4 additional human health water quality criteria; 3) a provision for development of human health criteria on a case-by-case basis; and 4) temperature criteria specific to several designated trout waters in West Virginia. The purpose of this letter is to provide EPA's comments on the proposed revisions prior to any future submission by West Virginia pursuant to Clean Water Act (CWA) Section 303(c). Please note that the comments and recommendations contained in this letter are for West Virginia Department of Environmental Protection's (WVDEP) consideration and do not constitute EPA approval or disapproval decisions under CWA §303(c) and 40 CFR §131.21. Neither are these comments a determination by EPA under CWA §303(c)(4)(B) and 40 CFR §131.22(b) that revised or new standards are necessary to meet the requirements of the Act.

Human Health Criteria

West Virginia is proposing to adopt revisions to 31 of its criteria for the protection of human health and the adoption of 4 additional human health criteria, all of which are consistent with EPA's CWA 304(a) recommended criteria. EPA offers the following comments:

- It appears "alpha-BHC" has been misspelled.
- EPA notes that WVDEP does not use a uniform unit of measure for its toxics criteria. EPA recommends that WVDEP consider selecting a single unit of measure for its water quality criteria to improve public comprehension to avoid errors in implementation.

Development of Human Health Criteria on a Case-by-Case Basis

WVDEP is adding §47-2-8.2.c. as a new provision for the evaluation of factors related to human health criteria on a case-by-case basis as part of the NPDES permitting process. This provision appears to be designed to streamline WV's administrative process for the adoption of site-specific human health criteria. Since the outcome would be a site-specific human health criterion, it is important to keep in mind that procedures for establishing water quality standards must be strictly followed. EPA offers the following comments:

- While the proposed provision does require a 45-day public notice, in order to meet the requirements of 40 CFR §131.20(b) and 40 CFR Part 25, a public hearing must also be conducted. This is different from standard public participation for NPDES permits where public hearings generally are conducted only upon request.
- Any water quality-based permit limit that is based on criteria developed under this provision would not be effective until EPA approves the site-specific human health criterion under CWA Section §303(c). EPA's approval would comply with all relevant statutory requirements for approval of a water quality standard revision.
- In accordance with 40 CFR §131.6(e), the submittal to EPA for its review and approval would need to be accompanied by certification by the State Attorney General or other appropriate legal authority within the state that a criterion developed under this provision was duly adopted pursuant to State law.
- To be effective for CWA purposes, site-specific criteria must be a provision of State law as per 40 CFR § 131.3(i). Accordingly, any site-specific criteria adopted under this proposed section must be adopted as a regulation or other provision of State law. To ensure transparency WVDEP should indicate where criteria adopted under this provision will be housed once the criteria are finalized. WVDEP can consider subsequently adding these criteria to §47-2-7.2 of its water quality standards regulation or, if not inconsistent with State law, add to this provision a reference to where these criteria can be found online.
- Unless it is WVDEP's intent under this provision to allow evaluation of any component of the human health methodology, WVDEP should be specific as to what components can be revised under this provision, rather than just "other relevant factors."
- WVDEP should add a requirement that criteria developed under this provision be developed in accordance with EPA's *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000)*(EPA-822-B-00-004), its technical support documents (particularly EPA-822-B-00-005 and EPA-822-R-09-008), *Guidance for Conducting Fish Consumption Surveys* (823B16002), and other appropriate EPA guidance or scientifically defensible survey methods.

Temperature Criteria for East River, Greenbrier River and Summersville Lake

WVDEP is proposing to revise subsection §47-2-8.29.2 in Appendix E regarding temperature criteria for B2 aquatic life use designation for East River, Greenbrier River, and Summersville Lake and its tailwaters. EPA offers the following comments:

- In accordance with federal regulation at 40 CFR §131.11(a), water quality criteria, including site-specific criteria, must be based on sound scientific rationale and protect the designated use. West Virginia's Category B2 designated use is for the protection of trout waters. West Virginia's defines "trout waters" as waters which sustain year-round trout populations. WVDEP

should provide data regarding site-specific conditions and information demonstrating that the proposed site-specific criteria will be protective of the Category B2 designated use in these waters.

- EPA's review of the literature indicates that West Virginia's native brook trout experience physiological stress when water temperatures exceed 21 °C (70 °F) (Ovellet and Daniles, 2021); the upper temperature limit is about 78 °F for brown and rainbow trout and 72 °F for brook trout (Piper et al., 1982); and, that chronic temperature effects as well as temperature fluctuation play an important role in limiting salmonid distributions (Wehrly et al., 2007). The full references for these papers are provided at the end of this letter, as well as several other studies WVDEP may want to review.
- WVDEP asserts that these waters exhibit higher natural temperatures than typically expected of B2 trout water streams. If the higher temperature is a natural condition, WVDEP may want to consider if these streams are actually natural trout waters, and whether a redesignation to the state's Category B1, warm water fishery stream designated use may be appropriate. The redesignation could be for the entire waterbody or part of the waterbody as appropriate. Any such redesignation would need to be done in accordance with federal regulation at 40 CFR §131.10, including the development of a use attainability analysis (UAA) and a determination that the trout waters use is not an existing use. Alternatively, WVDEP could consider the further refinement of its Category B, propagation and maintenance of fish designated use to recognize the highest attainable use (HAU) in these streams. For examples of how this could be done, WVDEP can refer to the discussion on adoption of HAU in the Federal Register notice preamble for EPA's proposed *Water Quality Standards Regulatory Clarifications* (78 FR 54523-54524, 9/4/2013). The proposal in its entirety can be found here: https://www.govinfo.gov/content/pkg/FR-2013-09-04/pdf/2013-21140.pdf.

Thank you for this opportunity to provide comments on West Virginia's proposed revisions to its water quality standards regulation. EPA would be happy to assist WVDEP as necessary to complete this revision, and we look forward to receiving responses to these comments. If you have any questions concerning this letter, please contact me at (215) 814-5737, or Denise Hakowski at (215) 814-5726.

Sincerely,

Gregory Voigt, Chief
Standards and TMDL Section
Water Division

References:

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Comments on Proposed Changes to 47 CSR 2 Requirements Governing Water Quality Standards

July 9, 2021

To: Christopher Smith
Water Quality Standards, DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304

Via E-mail: WQScomments@wv.gov

The Gas and Oil Association of WV, Inc. ("GOWV") appreciates the opportunity to submit these comments concerning the proposed changes to Legislative Rule 47 CSR 2, Requirements Governing Water Quality Standards ("WQS"). The West Virginia Department of Environmental Protection ("DEP") published a notice soliciting comments on the proposed water quality standard changes on June 4, 2021 and requested that comments be submitted by July 19, 2021.

Pursuant to the West Virginia State Administrative Procedures Act, W. Va. Code §29A-3-5 and §29A-3-4(b), a fiscal note "itemizing the cost of implementing the rules as they relate to this state and to persons affected by the rules" is required to accompany the notice of a proposed rule. The notice of the proposed changes to 47 CSR 2 states that "[n]o economic impacts on the state or its residents are anticipated."

The proposed changes to 47 CSR 2 include revisions to 24 human health criteria to make them consistent with nationally recommended criteria set by the federal Environmental Protection Agency. Implementing the revised criteria could have an economic impact on those who will be subject to the new criteria, many of which are far lower than existing criteria. At the very least, those NPDES permittees who have water quality-based permit limits established for any of the 24 criteria that will be changed could incur additional treatment cost.

The DEP must conduct an economic impact analysis regarding the proposed revisions and provide the findings to the public before it can make an informed decision on final amendments to the rule. We urge the DEP to promptly identify the costs associated with the final amendments and report those to the public.

GOWV supports the comments submitted by the West Virginia Manufacturers Association regarding the substantive changes made in this rule, and appreciates their work on the Environmental Protection Advisory Council workgroup that considered potential changes to the rule.

Respectfully Submitted,

Gas and Oil Association of WV, Inc.



1851 Main Street, P.O. Box 670, Follansbee, WV 26037

July 19, 2021

Via E-Mail WQSComments@wv.gov
Christopher Smith
Water Quality Standards, DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304
WQSComments@wv.gov

Re: Mountain State Carbon, LLC
(Wholly Owned Subsidiary of Cleveland-Cliffs Inc.)
Comments on Proposed Revisions to Requirements
Governing Water Quality Standards
Water Resources Division of Water and Waste Management
W. Va. Code §§ 22-11-4(a)(16); 22-11-7b
Title 47, Series 2 (§47-2)

Dear Mr. Smith:

Cleveland-Cliffs Inc. (Cleveland-Cliffs) is pleased to submit comments on proposed revisions to the Requirements Governing Water Quality Standards (WQS) at Title 47, Series 2. These comments are submitted in response to the West Virginia Department of Environmental Protection's (the Department) public notice of June 4, 2021. Cleveland-Cliffs is providing comments on the following proposed revisions to the WQS:

1. Recommendations made by the Human Health Criteria Work Group proposing updates to West Virginia criteria for the protection of Human Health to match the U.S. Environmental Protection Agency's 2015 updates of nationally recommended criteria;

2. Proposed adoption of the provision for evaluating human health criteria on a case-by-case basis; and,

3. Cleveland-Cliffs believes the proposed revisions to the WQS are legally insufficient and do not meet the requirements of the West Virginia Administrative Procedures Act.

A detailed discussion for each comment is provided below.

COMMENT 1 | **Cleveland-Cliffs recommends the Department preserve the currently-effective human health water quality criteria (§47 CSR-2 Appendix E, Table 1)**

States are not Required to Adopt the Nationally Recommended Water Quality Criteria

The U.S. Environmental Protection Agency (USEPA) issues national recommendations for water quality criteria pursuant to Section 304(a) of the Clean Water Act. Individual states may use the national recommendations as starting points for developing water quality criteria in their state-specific standards. 40 CFR §131.11(b)(1) provides the following options for establishing numeric water quality criteria values for individual states:

1. Adopt the nationally recommended criteria;
2. Modify the national criteria considering state-specific conditions; or
3. Develop alternate scientifically-defensible criteria.

The federal regulations make clear that states are not required to adopt the nationally recommended criteria as published by USEPA, or to adopt the default values USEPA relied upon in the equations used to derive those criteria. 40 CFR §131.11(a) requires states to adopt criteria that protect the designated use and that are based on "sound scientific rationale." This provides states the opportunity to conduct the analysis needed to develop state-specific criteria based on waterbody-specific designated uses, the costs of meeting the criteria, the benefits of the adoption of the criteria, the local and statewide socioeconomic costs, and other relevant factors.

The 2015 USEPA Nationally Recommended Human Health Water Quality Criteria are Overly Conservative

The equations used to derive USEPA's National Recommended Human Health Water Quality Criteria (NRHHWQC) incorporated overly conservative default values and assumptions. USEPA's use of multiple conservative values and assumptions in the NRHHWQC equations led to *compounding conservatism* in the calculations, and ultimately resulted in excessively stringent criteria for many parameters.

Compounding Conservatism	*The compounding effect of multiple, conservative assumptions resulting in an implausibly high exposure estimate that when combined with most sensitive effects metrics, results in unrealistic estimates of risk.*[1]

Exposure assessments for regulatory purposes have evolved over time. In the 1970s, U.S. regulatory policy encouraged or mandated the use of conservative approaches in conducting exposure assessments.[2] By the 1980s, concerns arose regarding the repeated use of conservative exposure factors or assumptions that produced unrealistically high estimates of exposure risks, such that the costs of achieving the resultant cleanup levels or criteria were insurmountable.[3] In the early 1990s, risk assessors began to apply

[1] *Measures of Compounding Conservatism in Probabilistic Risk Assessment.* Alison Cullen. Risk analysis: an official publication of the Society for Risk Analysis. Society for Risk Analysis. 14.389-93. August 1994.

[2] *Risk Assessment Guidance for Superfund.* USEPA Office of Emergency and Remedial Response. EPA/540/1-89/002. December 1989.

[3] *Principles and Methods of Toxicology, Fifth Edition.* Edited by A. Wallace Hayes. Taylor and Francis Group, LLC. ISBN: WBBL-419-2C78. 2008.

probabilistic or "Monte Carlo" techniques to minimize the effects of *compounding conservatism.*[4] USEPA and other agencies have embraced this approach as documented in several guidance documents, including the *Technical Support Document for Water Quality-based Toxics Control* (USEPA TSD) and the *Risk Assessment Guidance for Superfund: Volume III - Part A.*[5,6]

USEPA recently recommended the enhanced utilization of probabilistic risk assessment (PRA or "Monte Carlo" analysis) in lieu of *compounding conservatism* resulting from the use of a deterministic risk assessment. USEPA has acknowledged that PRA more accurately estimates risk, and has recommended that new or updated guidance be developed in the following areas:[7]

- Use of probabilistic approaches for environmental risk assessments;
- Use of probabilistic risk assessments (PRA models) to evaluate health effects data;
- Use of PRA models to evaluate toxicity data; and
- Methods for addressing PRA model uncertainties.

Until USEPA develops new or updated guidance in the areas listed above, and in turn develops revised criteria based on the new or updated guidance, Cleveland-Cliffs believes it would be reasonable and defensible for the Department to preserve the currently effective human health water quality criteria, and to forgo adoption of the NRHHWQC, which are based on deterministic risk assessments that result in *compounding conservatism* and unreasonably stringent criteria.

USEPA Failed to Correct Critical Flaws and Errors in Methodology in publishing its 2015 Nationally Recommended Human Health Water Quality Criteria

In response to the 2014 public notice of the draft NRHHWQC proposed by USEPA, many commenters identified critical flaws in the draft NRHHWQC. Despite USEPA's awareness of these critical flaws and errors in methodology, the agency failed to revise its methodology and data prior to promulgating the final NRHHWQC. Therefore, the following comments made by numerous parties to USEPA in 2014 remain pertinent to the draft criteria currently proposed by the Department:

- Outdated Methodology - The draft and final NRHHWQC were developed using the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health*[8] and did not follow the 2014 USEPA *Framework for Human Health Risk Assessment to Inform Decision Making*.[9] Many commenters asserted that this methodology should be updated, because amongst numerous identified flaws, the methodology has not been reviewed by USEPA's Science Advisory Board since 1993;

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[4] Ibid.

[5] *Technical Support Document for Water Quality-based Toxics Control.* USEPA Office of Water. EPA/505/2-90-001. March 1991.

[6] *Risk Assessment Guidance for Superfund: Volume III - Part A, Process for Conducting Probabilistic Risk Assessment.* USEPA Office of Emergency and Remedial Response. EPA 540-R-02-002. December 2001.

[7] *Risk Assessment Forum White Paper: Probabilistic Risk Assessment Methods and Case Studies.* USEPA Office of the Science Advisor. EPA/100/R-14-004. July 2014.

[8] *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health.* USEPA Office of Science and Technology. EPA-822-B-00-004. October 2000.

[9] *Framework for Human Health Risk Assessment to Inform Decision Making.* USEPA Office of the Science Advisor. EPA-100-R-14-001. February 2015.

- Upper Percentile Values - The methodology used upper percentile values for nearly all parameters in the criteria derivation equations (another example of *compounding conservatism*);

- Drinking Water Consumption Values – The draft NRHHWQC were calculated assuming a drinking water intake of 3 liters per day of untreated surface water for adults age 21 or older (representing the 86th percentile, and revised to 2.4 liters per day in the final 2015 NRHHWQC), which fails to consider the following:

    - A miniscule portion of the U.S. population consumes any untreated surface water. The vast majority of drinking water consumed by humans in the U.S. is via treated and untreated groundwater, treated surface water, or bottled water;
    - The Safe Drinking Water Act already regulates the consumption of surface water, and many of its Maximum Contaminant Levels (MCLs) are already more stringent than the final NRHHWQC;
    - Bottled water and water consumed in commercial establishments is already regulated by public health laws; and
    - USEPA failed to use best available science, in a variety of ways that were identified in the 2014 comments, in calculating the 2.4 liters per day consumption rate.

- Fish Consumption Values – The criteria were developed based on the assumption that all fish consumed by humans in the U.S. were caught from U.S. inland waters, and did not consider fish caught from offshore U.S. waters or fish imported from other global regions, despite evidence that the majority of fish consumed in the U.S. are imported; and

- Bioaccumulation vs. Bio-concentration Factors[10]

    Bioaccumulation: Bioaccumulation is the accumulation of chemicals in aquatic organisms from all sources (water, food, sediment, etc.).

    Bio-concentration: Bio-concentration is the accumulation of chemicals in an organism when the source of the chemicals is solely water. Bio-concentration values are used to predict contamination levels in an organism based on chemical concentration in surrounding water, or water consumed by the organism.

    The criteria were developed utilizing chemical-specific bioaccumulation factors and did not consider chemical-specific bio-concentration factors. This methodology utilized by USEPA has been widely criticized, including by USEPA's Scientific Advisory Board, as being overly conservative. The previous criteria were based on bio-concentration factors, formulated using measured values from field testing. In contrast, the new criteria are based on bioaccumulation factors that were modeled, using a tool (Estimation Programs Interface, or EPI Suite) that

[10] *Bioconcentration, Bioaccumulation, Biomagnification and Trophic Magnification: A Modeling Perspective.* D. Mackay, A. Celsie, D. Powell and J. Parnis. Environmental Science: Processes & Impacts, Royal Society of Chemistry. 2018, 20, 72.

USEPA's own website acknowledges is not appropriate for use when measured values are available:

> *"EPI Suite™ is a screening-level tool and should not be used if acceptable measured values are available."*[11]

The use of modeled bioaccumulation factors creates unnecessarily stringent criteria, especially for many PAH compounds. As an example, the updated NRHHWQC for benzo(a)pyrene shows EPI Suite model-estimated bioaccumulation factors of 2,736 L/kg, 984 L/kg and 396 L/kg for trophic levels 2, 3 and 4, respectively, while the previous bio-concentration factor used was 30 L/kg.[12] This previous bio-concentration factor was derived from a model ecosystem study. A recent bioaccumulation study in fish found that the depuration rate, or the rate in which biological contaminants are purged from an organism, was so rapid that a reliable bioaccumulation factor could not be calculated. In addition, the study found that the majority of benzo(a)pyrene was concentrated in the digestive system and therefore not in the edible portion of the fish.[13] USEPA also reports most aquatic organisms metabolize benzo(a)pyrene, eliminating it in days, and thus this compound is not expected to bio-concentrate in these organisms.[14]

Considering the information presented above, it is evident that the Department did not recognize the latest and best available science in formulating the current proposal, including data and assessments published by USEPA after promulgating the final 2015 NRHHWAC. Cleveland-Cliffs believes it would be reasonable and defensible for the Department to maintain the currently-effective human health water quality criteria and to forgo adoption of the NRHHWQC.

Development of the Draft and Final USEPA NRHHWQC was Controversial

In addition to the overly conservative default values and assumptions in the equations USEPA relied upon to derive the NRHHWQC, development of the NRHHWQC was controversial for several reasons:

- With recommended criteria significantly more stringent for numerous pollutants than currently-effective human health criteria (see table below for pollutants of concern for Mountain State Carbon), the imposition of permit limits based on those criteria would likely create considerable and unreasonable new costs to NPDES permit holders. A study conducted by HDR consultants for the Washington Department of Ecology indicates compliance costs for industrial and municipal dischargers could be in excess of hundreds of millions of dollars;[15]

[11] https://www.epa.gov/tsca-screening-tools/epi-suitetm-estimation-program-interface

[12] *Draft Update of Human Health Ambient Water Quality Criteria: Benzo(a)pyrene.* USEPA Office of Water Quality Standards. EPA 820-D-14-012. 2014.

[13] *Draft Validation Report of a Ring Test for the OECD 305 Dietary Exposure Bioaccumulation Fish Test.* Organization for Economic Cooperation and Development. 2011.

[14] *Toxicological Review of Benzo[a]pyrene [CASRN 50-21-8].* USEPA Office of Research and Development. EPA/635/R-17/003Fa. January 2017.

[15] *2018 Kentucky Triennial Review.* K. Shanks, Director of Public Affairs, Kentucky Chamber of Commerce. June 6, 2018.

Table 1
Comparison of Current and Proposed Revised Human Health Criteria
For Parameters Monitored by Mountain State Carbon (ug/L)

	Human Health Criteria					
	Fish Consumption			Drinking Water & Fish Consumption		
Parameter	Current	Proposed	% Decrease	Current	Proposed	% Decrease
Free Cyanide	5.0	400	NA	5.0	4.0	20 %
Pyrene	4.0	0.03	99 %	0.83	0.02	98 %
Benzo(a)anthracene	0.018	0.0013	93 %	0.0038	0.0012	68 %
Chrysene	0.018	0.13	NA	0.0038	0.12	NA
Fluoranthene	0.37	0.02	95 %	0.3	0.02	93 %
Fluorene	5.3	0.07	99 %	1.1	0.05	95 %
Acenaphthene	0.99	0.09	91 %	0.67	0.07	90 %
Anthracene	40	0.4	99 %	8.3	0.3	96 %
Benzo(b)fluoranthene	0.018	0.0013	93 %	0.0038	0.0012	68 %
Benzo(k)fluoranthene	0.018	0.013	28 %	0.0038	0.012	NA
Benzo(a)pyrene	0.018	0.00013	99 %	0.0038	0.00012	97 %
Dibenzo(a,h)antiracene	0.018	0.00013	99 %	0.0038	0.00012	97 %
Indeno(1,2,3-cd)pyrene	0.018	0.0013	93 %	0.0038	0.0012	68 %

The tables provided below present possible water quality-based effluent limits (WQBELs) at Mountain State Carbon Outlets 004 and 006 based on the proposed revised human health criteria presented in Table 1. The WQBELs presented below in Tables 2 and 3 are WQBELs necessary to meet applicable water quality criteria, and do not consider *reasonable potential* assessments which may or may not result in monitor only conditions for some parameters:

Table 2
Comparison of Current and Possible WQBELs Based on Proposed Revised Criteria
For Parameters Monitored by Mountain State Carbon (ug/L)
OUTLET 004 (ug/L)

	Monthly Average WQBELs			Daily Maximum WQBELs		
Parameter	Current NPDES Permit	Based on Proposed Criteria	% Decrease	Current NPDES Permit	Based on Proposed Criteria	% Decrease
Free Cyanide	22	35	NA	65	46	29 %
Pyrene	8.3	0.2	98 %	12	0.29	98 %
Benzo(a)anthracene	0.105	0.033	69 %	0.31	0.33	89 %
Chrysene	0.105	3.3	NA	0.31	3.6	NA
Fluoranthene	1.3	0.2	85 %	1.9	0.29	85 %
Fluorene	11	0.5	95 %	16	0.73	95 %
Acenaphthene	6.7	0.7	90 %	9.8	1.0	90 %
Anthracene	83	3.0	96 %	121	4.4	96 %
Benzo(b)fluoranthene	0.105	0.033	69 %	0.27	0.033	68 %
Benzo(k)fluoranthene	0.105	0.33	NA	0.22	0.33	NA
Benzo(a)pyrene	0.105	0.0033	97 %	0.25	0.0033	99 %
Dibenzo(a,h)anthracene	0.105	0.0033	97 %	0.20	0.0033	98 %
Indeno(1,2,3-cd)pyrene	0.105	0.033	69 %	0.21	0.033	84 %

Table 3
Comparison of Current and Possible WQBELs Based on Proposed Revised Criteria
For Parameters Monitored by Mountain State Carbon (ug/L)
OUTLET 006 (ug/L)

Parameter	Monthly Average WQBELs			Daily Maximum WQBELs		
	Current NPDES Permit	Based on Proposed Criteria	% Decrease	Current NPDES Permit	Based on Proposed Criteria	% Decrease
Free Cyanide	174	270	NA	521	446	15 %
Pyrene	*	1.6	*	*	2.3	*
Benzo(a)anthracene	7.5	2.4	68 %	42	5.0	88 %
Chrysene	7.5	237	NA	42	518	NA
Fluoranthene	*	1.6	*	*	2.3	*
Fluorene	*	3.9	*	*	5.7	*
Acenaphthene	*	5.5	*	*	8.0	*
Anthracene	*	24	*	*	34	*
Benzo(b)fluoranthene	7.5	2.4	68 %	44	6.0	86 %
Benzo(k)fluoranthene	7.5	23.7	NA	38	49.2	NA
Benzo(a)pyrene	7.5	0.24	97 %	35	0.59	98 %
Dibenzo(a,h)anthracene	7.5	0.24	97 %	32	0.35	99 %
Indeno(1,2,3-cd)pyrene	7.5	2.4	68 %	35	4.9	86 %

**Preliminary WQBELs not provided in fact sheet to currently-effective NPDES permit*

- Even after expending exorbitant costs to construct, install and operate wastewater treatment systems utilizing advanced treatment technologies that are currently available and technologically feasible, many of the criteria still could not be achieved;

- Operation of advanced treatment technologies would generate new residual waste streams containing pollutants that could otherwise be discharged with no appreciable or discernable harm to human health or the environment. These residual waste streams would require further treatment or offsite disposal by either dewatering for solid waste disposal or by deep-well injection. In addition, the operation of advanced treatment technologies would also result in increased water treatment chemical usage. The increased energy use associated with operation of advanced treatment technologies is also a concern; and

- The NRHHWQC are based on toxicity values derived by the California Environmental Protection Agency which may not be appropriate for West Virginia.

The Department's Comments to USEPA Critical of the May 2014 Draft NRHHWQC Remain Valid

In response to the *Draft: Updated National Recommended Water Quality Criteria – Human Health* proposed by USEPA in May 2014, the Department provided its own set of comments raising several concerns with the draft NRHHWQC.[16] In summarizing those comments, the Department explained:

[16] *Comments – Draft: Updated National Recommended Water Quality Criteria for the Protection of Human Health. Docket ID No. EPA-HQ-OW-2014-015.* S. Mandirola, Director WVDEP Division of Water and Waste Management. August 13, 2014.

- The proposed criteria for many organic compounds are below method detection levels achievable by conventional gas chromatography (GC) and low-level gas chromatography/mass spectrometry (GC/MS) instrumentation;

    - In support of the Department's comment to the May 2014 Draft NRHHWQC, the unreliability in the accuracy of estimated "J-flag" values below MDLs reported for ultra-low analytical methods (e.g. GC/MS by EPA Method 625.1) is of great concern to MSC if these estimated values are to be used for demonstrating compliance with NPDES permit limits.

- The lower detection levels achievable by high resolution GC and GC/MS instrumentation are closer to the proposed criteria for some parameters; however most environmental laboratories do not have this instrumentation available, most likely due to prohibitive costs;

- The proposed criteria for several parameters are still considerably lower than the detection levels achieved by high resolution GC and GC/MS instrumentation;

- An increase in analytical costs will be incurred by NPDES permit holders for those parameters for which detection levels can be provided at or below the proposed criteria with high resolution GC and GC/MS instrumentation

- Proposed standards for organic compounds in the parts per quadrillion range increases the potential for false positives, which could result in unmerited exceedances or violations for NPDES permit holders; and

- USEPA should examine the proposed criteria before adoption to ensure they are both technologically possible and economically feasible.

USEPA chose not to revise the methodologies and data used to develop the criteria in response to comments from the Department (and similar comments submitted by numerous other parties) prior to promulgation of the final NRHHWQC, and the concerns the Department expressed in 2014 continue to be warranted. Cleveland-Cliffs requests that the Department consider its own comments critical of the NRHHWQC in support of preserving the currently-effective human health water quality criteria in West Virginia.

The NRHHWQC do not Consider State-Specific Data

The risk assessments conducted by USEPA in development of the NRHHWQC do not consider state-specific data. For example, USEPA assigned national default values for both human fish consumption and body weight:

Fish Consumption: A 2008 survey commissioned by the Department indicate that West Virginians consume significantly less fish than the national average:[17,18]

[17] *Survey of West Virginia Residents' Consumption of Fish.* Responsive Management. November 2008.
[18] *Estimated Fish Consumption Rates for the U.S. Population and Selected Subpopulations Final Report.* USEPA. April 2014.

Region	90th Percentile Freshwater Fish Consumption
National Average	48 to 58 grams per day
West Virginia	9.3 to 9.9 grams per day

These data indicate West Virginians consume 80 to 84 % less fish than the national average.

Body Weight: The average weight of an adult male in the United States is 195.7 pounds (2017).[19] The average weight of an adult male in West Virginia is 202.1 pounds (2011).[20]

Based on the information presented above, West Virginians are consuming significantly less freshwater fish per unit of body weight than the national average. The risk factors used by USEPA to calculate the NRHHWQC are disproportionately high and are not appropriate for West Virginia residents.

Regional States' Review and/or Adoption of the Final NRHHWQC

The table below presents the status of regional states' water quality standards that are in the process of or have completed triennial reviews since USEPA adopted the Final NRHHWQC. In summary, of the eight regional states listed, none have adopted the NRHHWQC and only three states are even considering adopting the NRHHWQC.

Table 4
Comparison of Regional States' and Agencies' Water Quality Standards Reviewed since USEPA adopted the Final NRHHWQC

State or Agency	EPA Region	Most Recent Review of Water Quality Standards	Status of Adopting the 2015 NRHHWQC
ORSANCO	-	2019 Review	NRHHWQC were not adopted
IN	5	2021 Triennial Review (pre-public notice period)	Proposed revisions have not been public noticed. No indication of whether NRHHWQC are proposed to be adopted.
KY	4	2021 Triennial Review (pre-public notice period)	According to June 2021 Public Listening Session presentation, no indication of proposed adoption of NRHHWQC; possible revisions to human health criteria for 94 pollutants based on state-specific data.
MD	3	2019 Triennial Review (Amendments not yet adopted)	NRHHWQC will not be adopted
MI	5	2017 Triennial Review (Amendments adopted 2018)	NRHHWQC were not adopted

[19] https://www.cdc.gov/nchs/fastats/body-measurements.htm.
[20] http://www.wvdhhr.org/bph/hsc/pubs/other/obesityreport2011/obesityreport2011.pdf.

Table 4
Comparison of Regional States' and Agencies' Water Quality Standards Reviewed since USEPA adopted the Final NRHHWQC

State or Agency	EPA Region	Most Recent Review of Water Quality Standards	Status of Adopting the 2015 NRHHWQC
OH	5	2019 Triennial Review (Amendments adopted 2021)	For the Ohio River drainage basin, NRHHWQC have been adopted for non-carcinogenic pollutants and criteria equivalent to NRHHWQC x 10 have been adopted for carcinogenic pollutants.[21] For the Lake Erie drainage basin, NRHHWQC have been adopted for 8 pollutants
PA	3	2018 Triennial Review (Amendments adopted 2019)	NRHHWQC have been adopted
TN	4	2018 Triennial Review (Amendments adopted 2019)	NRHHWQC were not adopted
VA	3	2018 Triennial Review (Amendments adopted 2019)	Similar to Ohio, NRHHWQC have been adopted for non-carcinogenic pollutants and criteria equivalent to NRHHWQC x 10 have been adopted for carcinogenic pollutants.

COMMENT 2 | **Cleveland-Cliffs endorses the Department's proposed revision to allow evaluation of human health criteria on a case-by-case basis**

Cleveland-Cliffs endorses the Department's proposed revision to allow evaluation of human health criteria on a case-by-case basis. In addition to the proposed revision, Cleveland-Cliffs suggests the following amendment to subsection 8.2.c which specifies site-specific human health criteria may be based on alternate risk levels for carcinogenic pollutants, similar to human health criteria recently adopted in Ohio and Virginia (see above table). U.S. EPA has acknowledged the NRHHWQC may be adjusted based on alternate risk levels (proposed amendment emphasized):[22]

> 8.2.c. *The components and other aspects of the human health criteria based on EPA's 2015 national recommended human health criteria were developed using available data, which in some cases may have been limited. The bioaccumulation factors, relative source contributions, and other relevant factors <u>including alternate risk levels for carcinogenic parameters</u> used in development of the human health criteria may be evaluated on a case-by-case basis as part of the NPDES permitting process or by petition to the Secretary. Permit limits based on revisions to the human health criteria made in accordance with this paragraph are subject to a 45-day public comment period and are subject to EPA review under CWA 303(c), but are not subject to review by the Legislative Rule-Making Review Committee in accordance with the rule-making procedures of the West Virginia Administrative Procedures Act.*

[21] NRHHWQC are based on a carcinogenity of 10^{-6} risk. Ohio criteria for carginogenic pollutants are based on a carcinogenity of 10^{-5} risk.

[22] https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table

COMMENT 3 | **Cleveland-Cliffs believes the "fiscal note" provided on page 2 of the revised WQS proposed by the Department does not meet the requirements of the West Virginia Administrative Procedures Act (§29A-3-1, *et seq*)**

Per the West Virginia Administrative Procedures Act at §29A-3-5, all proposed rules must include a "fiscal note." The Act provides that a fiscal note shall itemize the cost of implementing the rule as it relates to persons affected by the rule, include a statement of the economic impact of the rule on the state or its residents, and clearly state the objectives of the rule. Page 2 of the public notice for the revised standards proposed by the Department simply states that "no economic impacts on the State or its residents are anticipated" as a result of adopting the proposed revised standards. Cleveland-Cliffs believes this statement does not meet the requirements of the Act.

The information provided herein under Comment 1 demonstrates that the "fiscal note" provided with the proposed revised standards lacks any basis in a sound economic analysis. In stark contrast to the Department's assertion that "no economic impacts… are anticipated," the following economic impacts to the state or its residents will be generated by the Department's adoption of the NRHHQWC:

- Costs in excess of hundreds of millions of dollars to NPDES permit holders for the design, construction, installation and operation of advanced treatment technology facilities required as a result of the imposition of permit limits based on the NRHHWQC;

- Rising prices of consumer goods manufactured with processes generating any of the chemicals covered under the NRHHWQC, as a direct result of the increased water treatment expenses;

- Many of the criteria still not being achievable even with costly advanced treatment technologies, resulting in unmerited NPDES permit violations potentially resulting in fines or other costs to regulated entities; and

- As previously stated, the proposed criteria for many organic compounds are below method detection limits (MDL) achievable by both conventional gas chromatography (GC) and low-level gas chromatography/mass spectrometry (GC/MS) instrumentation. The unreliability in the accuracy of estimated "J-flag" values below MDLs reported for low-level analytical methods (e.g. GC/MS by EPA Method 625.1) is of great concern to MSC if these estimated values are to be used for demonstrating compliance with NPDES permit limits.

- Non-water quality environmental impacts:

    - Increased solid waste generation - The operation of advanced treatment technologies generating residual waste streams containing pollutants that could have otherwise been discharged with no appreciable or discernable harm to human health or the environment; and

    - Increased energy consumption resulting from the operation of advanced treatment technology facilities.

Specifically, Cleveland-Cliffs anticipates there would be adverse financial impacts on Mountain State Carbon from the proposed revisions to the water quality standards, which were not taken into account in the "fiscal note".

As part of the comments provided to USEPA on the draft 2014 HHNRWQC, the Department did acknowledge increased costs associated with the implementation of high resolution analytical methods capable of lower method detection levels, but did not consider the economic impacts to NPDES permit holders resulting from the design, construction, installation and operation of advanced treatment technology facilities that would be required as a result of the imposition of permit limits based on the NRHHWQC. The increased analytical costs acknowledged by the Department are exceedingly low in comparison to the costs to install and operate advanced treatment facilities.

As a result of these anticipated impacts to Mountain State Carbon, other regulated entities, and residents of the state, Cleveland-Cliffs recommends that the Department conduct a comprehensive state-wide analysis to assess financial and economic impacts to West Virginia prior to adopting the NRHHWQC or other criteria significantly more stringent than the currently-effective human health water quality criteria.

Cleveland-Cliffs appreciates the opportunity to provide comments on revisions to the water quality standards proposed by the Department. Cleveland-Cliffs reserves the right to present additional comments on subsequent draft water quality standards proposed by the Department as part of any future public notice process. If you have any questions, please feel to contact me at (304) 527-5676 or at Patrick.Smith@mscarbonllc.com. We appreciate the consideration of these comments and look forward to the Department's response.

Sincerely,

Patrick J. Smith
Environmental Manager
Mountain State Carbon, LLC

cc: Rob Beranek, Cleveland-Cliffs, Inc.
Cary Mathias, Cleveland-Cliffs, Inc.
Katie Kistler, Cleveland-Cliffs Inc.
Michael Long, Cleveland-Cliffs Inc.
Matthew Oxsalida, P.E., Amendola Engineering, Inc.

United States Department of the Interior
NATIONAL PARK SERVICE
NEW RIVER GORGE NATIONAL PARK AND PRESERVE
GAULEY RIVER NATIONAL RECREATION AREA
BLUESTONE NATIONAL SCENIC RIVER
104 Main Street
P.O. Box 246
Glen Jean, West Virginia 25846

IN REPLY REFER TO:

1.A.1 (NERI)

July 19, 2021

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

Dear Mr. Smith:

Thank you for the opportunity to comment on the changes to Legislative Rule 47 C.S.R. 2, "Requirements Governing Water Quality Standards" proposed by the West Virginia Department of Environmental Protection's (WV DEP) Division of Water and Waste Management.

Gauley River National Recreation Area (the Park) was established as a unit of the National Park System (NPS) in 1988 to preserve the scenic, geological, and natural resources of the rugged gorges of the Gauley and Meadow Rivers, while providing for compatible and safe recreational use and access. In addition to whitewater boating, the Park is a popular destination for recreational fishing, with access areas at Gauley Tailwaters, Masons Branch, and Woods Ferry. The Gauley River provides habitat for recreationally important fish including trout, which typically thrive in cool waters. The Park also contains critical habitat for the Candy Darter, a species of fish federally listed as endangered. The habitat designated within the Park includes approximately 2.9 miles of the Gauley River from the base of Summersville Dam downstream to the confluence of Collison Creek (Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Candy Darter, 86 Fed. Reg. 17,956-17,992 [April 7, 2021]).

The WV DEP is proposing to update the temperature limits for several Category B2 waters (Trout Waters) including "Summersville Lake and its tailwaters (Above Collison Creek)". These standards allow a site-specific temperature increase in the specified waters compared to the standard for all other B2 waters. The proposed changes state that "temperature shall be limited to no more than 5°F above natural temperature, not to exceed 81°F at any time during the months of May through November and not to exceed 73°F at any time during December through April." This raises several concerns related to basic monitoring and interpretation of the standard along with the potential effect of increased temperature on cool water species including trout and Candy Darter. These concerns and our recommended actions are as described as follows:

1) "Natural" or "naturally occurring" conditions are defined in §47-2-2, 2.11 of the Requirements Governing Water Quality Standards, and state that water quality should be

"unaffected by, or unaffected as a consequence of any water use by any person" and "unaffected by the discharge, or direct or indirect deposit of, any solid, liquid or gaseous substance from any point source or non-point source." It has not been demonstrated that the tailwaters above Collison Creek meet the definition of "natural" and are currently unaffected by upstream anthropogenic influences. As such, it will be challenging to causally associate temperature exceedances with current activities or future alterations within the watershed, especially small localized changes in riparian vegetation or nonpoint runoff.

The Park suggests providing additional data and rationale clearly demonstrating that the referenced waters within Park boundaries presently reflect naturally occurring conditions as described in §47-2-2, 2.11.

2) The proposed standard and associated documentation lacks a clear methodology for how to derive the baseline natural temperature, making it challenging to determine whether measured temperatures are more than 5°F above natural temperatures. Without this baseline, it is possible that the upper "not to exceed" value of 81°F May through November or the value of 73°F December through April will serve as the functional default for determining exceedances, and this might represent a less conservative value than 5°F above natural temperatures.

   The Park suggests providing detailed methodology regarding how "natural temperature" will be determined to appropriately identify what temperature represents 5°F above natural temperature.

3) Water temperature increase poses a risk to cool water aquatic species including trout and the macroinvertebrates on which they feed and is considered a general threat to Candy Darter conservation. Increasing temperatures are linked to the following:
   a. *Increasing trend of hybridization of Candy Darters with variegate darters.*
   b. *Exacerbation of toxicity for other water pollutants.* The scientific literature describes many observations of increasing toxicity when fish are co-exposed to temperature increases. For example, Patra et al (2015) demonstrated that toxicity occurred more rapidly at high temperatures (25°C) in rainbow trout exposed to pesticides and phenol.
   c. *Changes in dissolved oxygen dynamics.* The concentration of dissolved oxygen in water is inversely related to water temperature, with colder waters capable of holding more dissolved oxygen than warmer waters. An increase in water temperature results in water with less dissolved oxygen capacity, which may result in increased stress to aquatic ecosystems.

As proposed, the standard does not clearly provide rationale that the referenced waters currently represent a naturally occurring temperature regime nor is the natural baseline presented to allow a straightforward interpretation to determine when waters are 5°F above natural temperatures. The proposed changes will potentially impact Park resources by allowing a temperature increase that will negatively impact Candy Darter habitat and the survival of other aquatic organisms typically adapted to cold water systems. To minimize these impacts, the Park suggests that WV DEP reconsider a site-specific temperature adjustment to B2 waters in the Park boundaries below

Summersville Lake and its tailwaters (Above Collison Creek) and revert to the more conservative temperatures expected in all other B2 waters.

Thank you for the opportunity to express our concerns regarding potential impacts to the Gauley River National Recreation Area. Should you need additional information, please contact Jennifer Flippin, Aquatic Ecologist, at 304-465-6513, or jennifer_l_flippin@nps.gov.

Sincerely,

Lizzie Watts
Superintendent

Enclosures
86 Fed. Reg. 17,956-17,992 (April 7, 2021)
Petra et al, 2015

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Interactions between water temperature and contaminant toxicity to freshwater fish

John Chapman, Ramasamy Sunderam

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INTERACTIONS BETWEEN WATER TEMPERATURE AND CONTAMINANT TOXICITY TO FRESHWATER FISH

RONALD W. PATRA,*†‡§‖ JOHN C. CHAPMAN,†§ RICHARD P. LIM,‡§ PETER C. GEHRKE,‖# and RAMASAMY M. SUNDERAM†§

†Office of Environment & Heritage, Department of Planning and Environment, Lidcombe, New South Wales, Australia
‡School of the Environment, University of Technology Sydney, Broadway, New South Wales, Australia
§Centre for Ecotoxicology, Office of Environment & Heritage, and University of Technology Sydney, Australia
‖Narrandera Fisheries Centre, Narrandera, New South Wales, Australia
#Opus International Consultants (Australia), Spring Hill, Queensland, Australia

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Abstract: Warming of freshwaters as a result of climate change is expected to have complex interactions with the toxicity of contaminants to aquatic organisms. The present study evaluated the effects of temperature on the acute toxicity of endosulfan, chlorpyrifos, and phenol to 3 warm water species of fish—silver perch, rainbowfish, and western carp gudgeon—and 1 cold water species, rainbow trout. Endosulfan was more toxic to silver perch at 30 °C and 35 °C than at 15 °C, 20 °C and 25 °C during short exposures of 24 h, but at 96 h, temperature had no effect on toxicity. Toxicity to rainbow trout increased with increasing temperature, whereas warm water species exhibited maximum toxicity at around 30 °C, decreasing again toward 35 °C. Chlorpyrifos became more toxic to all species with increasing temperature. Phenol toxicity to all species decreased at low to intermediate temperatures; but as temperatures increased further toward the upper thermal limit, phenol became more toxic. Increasing toxicity in the upper thermal range of cold water species may contribute to upstream range contraction in rivers with high toxicant loads. In contrast, warm water species may not exhibit a range shift within rivers as a result of interactions between temperature and toxicity. Catchment management to offset global warming at local scales may present opportunities to mitigate increased toxicity of contaminants to fish. *Environ Toxicol Chem* 2015;34:1809–1817. © 2015 SETAC

Keywords: Climate change Temperature Toxicity Australian fish Pesticides and phenol

INTRODUCTION

Interactions between climate-related increases in temperature and the toxicity of a wide range of contaminants to aquatic organisms exhibit bidirectional behavior [1–3]. On the one hand, chronic exposure to common contaminants may reduce the upper thermal tolerance of fish by as much as 5.9 °C [4], increasing the risk of temperature stress and range shifts during heat wave and drought conditions [5]. On the other hand, some contaminants become more toxic at elevated temperatures, increasing the risk of toxic interactions in a warming world [6,7], whereas other contaminants become less toxic or show no change in toxicity [8]. The complex nature of interactions between toxicity and temperature presents challenges for climate change adaptation to manage contaminants through regulatory approaches, as well as adaptation through habitat restoration to reduce the exposure of at-risk habitats to changes such as warming [9,10].

In the tropical Pacific region, for example, under the Special Report on Emissions Scenarios B1 and A2 climate change scenarios, surface water temperature is projected to warm by 0.5 °C to 1.0 °C by 2035, and by 1.0 °C to 1.5 °C (B1) to 2.5 °C to 3.0 °C (A2) by 2100 [11], although the increase in river temperatures will be slightly lower [12]. Interactions between human activities and water temperature are further compounded by factors such as clearing riparian vegetation for agriculture, forestry, or other economic development, which may reduce shading of the water surface and elevate water temperature by between 0.4 °C and 8 °C [13,14].

Many studies have investigated the effect of temperature on pesticide toxicity to fish [8,15], with different classes of contaminants exhibiting diverse toxicity responses to temperature. Despite the development of tools to predict the toxicity of structurally diverse chemicals [16,17], the limited understanding of interactions between contaminant toxicity and temperature hampers the interpretation of laboratory toxicity data to guide climate change adaptation for the protection of aquatic ecosystems [18].

The present study examines the effects of temperature on acute toxicity of endosulfan, chlorpyrifos, and phenol to 4 species of freshwater fish to assess potential climate change interactions. Endosulfan is an organochlorine insecticide used in growing a wide range of agricultural products such as cotton and fruit crops; however, it was recently listed as a persistent organic pollutant (POP) under the 2011 Stockholm Convention [19], with elimination of its future use mandated. Chlorpyrifos is an organophosphorus insecticide also widely used in cotton- and fruit-growing countries. These pesticides are easily washed into surface waters [20] and have a long history of harmful effects on nontarget aquatic organisms. Phenol (CAS no. 108-95-2) is a common industrial chemical used in a wide range of manufacturing processes.

The fish used in the present study represent families with wide distributions in tropical and temperate freshwater ecosystems. Silver perch (*Bidyanus bidyanus*) belong to the family Terapontidae, which is widely distributed in freshwater and coastal habitats in the Indo–West Pacific region. Rainbowfish (*Melanotaenia duboulayi*), belong to the Melanotaeniidae, which are restricted to freshwater in Australia and New Guinea.

All Supplemental Data may be found in the online version of this article.
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Western carp gudgeon (*Hypseleotris klunzingeri*) are members of the family Eleotridae, found circumglobally in tropical and some temperate freshwater and coastal habitats. Rainbow trout (*Oncorhynchus mykiss*) is a member of the Salmonidae, and is one of the most widely distributed species of freshwater fish, having been introduced to all continents except Antarctica, for aquaculture and as an angling species.

In natural environments, variable and suboptimal temperatures or other conditions may be present during the lifespan of organisms [21,22], potentially altering the toxic effects of chemicals compared with standard laboratory tests. As temperature influences physiological processes in ectotherms, interactions between temperature and contaminants can be expected to affect the rate at which chemicals are taken up by fish, metabolized, and eliminated [23], and the resulting toxic effects. Although individual freshwater fish species may have relatively broad temperature tolerances to survive fluctuating environments, the present study examines changes in toxicity over relatively small temperature increments to identify potential changes in toxic exposure and sensitivity of fish to the direct and indirect effects of climate change.

MATERIALS AND METHODS

Ethical considerations

All the experimental procedures that fish were subjected to are consistent with the guidelines set out by the New South Wales Department of Primary Industries on Animal Care and their accreditation by the University of Technology Sydney as an animal research establishment.

Fish procurement, handling, and maintenance

All experiments were conducted at the Inland Fisheries Research Station at Narrandera, in New South Wales, Australia. Silver perch (*Bidyanus bidyanus* Mitchell, 1838) and rainbow trout (*Oncorhynchus mykiss* Walbaum, 1792) were obtained from New South Wales government fish hatcheries. Rainbowfish (*Melanotaenia duboulayi* Castelnau, 1878) were bred at the Centre for Ecotoxicology laboratory at the University of Technology, Sydney. Western carp gudgeon (*Hypseleotris klunzingerii* J.D. Ogilby, 1898) were collected from ponds and dams near Narrandera. Mean length and weight ± standard deviation of juvenile fish tested were, respectively, 46.3 ± 8.2 mm and 1.4 ± 0.7 g (silver perch), 70.2 ± 9.0 mm and 4.4 ± 1.4 g (rainbowfish), 31.9 ± 2.8 mm and 0.4 ± 0.1 g (western carp gudgeon), and 67.2 ± 7.6 mm and 3.1 ± 1.0 g (rainbow trout). Fish were obtained from the same source population and age group for all tests to eliminate any possible variation in susceptibility among populations.

Fish were kept in holding tanks and transferred to 60-L glass aquaria for acclimation at different test temperatures. Silver perch, rainbowfish, and western carp gudgeon were initially held at 20 °C, whereas rainbow trout were held at 10 °C. Fish were brought to acclimation temperatures gradually at a rate never exceeding 1 °C per day and were then maintained in the dilution water at these temperatures for at least 15 d before use. Toxicity tests were conducted in a flow-through system at 15 °C, 20 °C, 25 °C, 30 °C, and 35 °C for warm water species (silver perch, rainbowfish, and western carp gudgeon), and at 5 °C, 10 °C, 15 °C, 20 °C, and 25 °C for rainbow trout, in recognition of its cold water status.

Fish were fed twice daily 7 d a week. Silver perch were fed commercial fish pellets and live zooplankton. Rainbowfish were given commercial flakes and live zooplankton. Western carp gudgeon were fed live zooplankton. Rainbow trout were fed commercial pellets and beef liver paste. A 16:8-h light:dark photoperiod was maintained in both test and acclimation rooms.

Dilution water

The bore water supply to the laboratory was dechlorinated and passed through sets of filters, including ultraviolet and activated carbon filters. Water quality used for toxicity tests remained within the ranges of 90% to 95% dissolved oxygen saturation, conductivity of 700 μS cm^{-1} to 800 μS cm^{-1}, pH of 7.5 to 8.0, and hardness of 115 mg L^{-1} as $CaCO_3$, and NH_3-N < 1000 μg N L^{-1}.

Chemicals

Technical grades of endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide, 96.2% purity, CAS no. 115-29-7), chlorpyrifos (O,O-diethyl O-3,5,6-trichloropyridin-2-yl phosphorothioate, 94% purity, CAS no. 2921-88-2), and reagent grade phenol (99.95% purity, CAS no. 108-95-2) were supplied by Hoechst Australia, Dow Elanco Australia, and Rhone-Poulenc Laboratory Products, respectively. Stock solutions of 1 mg L^{-1} each of endosulfan and chlorpyrifos were prepared by dissolving each pesticide in pesticide analytical grade acetone. A stock solution of phenol was prepared by dissolving 10 g of phenol in a liter of deionized water.

Concentrations of chemicals used in the tests were based on range-finding acute tests over a period of 96 h at various temperatures using silver perch [4].

Test procedure

Acute toxicity, expressed as the 96-h median effective concentration (EC50) of each chemical, was determined for silver perch only, at 5 temperatures from 15 °C to 35 °C. The time for induction of acute toxicity (ET50) was determined at the same 5 temperatures for silver perch, rainbowfish, and western carp gudgeon, and at 5 °C to 25 °C for rainbow trout, using single concentrations of each chemical. The ET50 approach reduced the number of fish required for testing temperature effects, in accordance with the policy of the New South Wales Animal Care and Ethics Research Review Panel.

Acute toxicity tests were carried out using a flow-through system with a constant head overhead tank of 1200 L capacity supplying dilution water to test aquaria by gravity. The overhead tank received water pumped from a temperature-regulated reservoir of dechlorinated filtered water.

Stock solutions of chemicals were stored in 10-L glass jars and delivered to the test chambers by 8-channel Gilson Minipuls 3 peristaltic pumps at the rate required to produce the nominated concentrations. Except for the short length of silicon peristaltic pump tubing, the chemicals were withdrawn and delivered to the test chambers in glass tubes with an internal diameter of 0.5 mm. Tubes from the peristaltic pump fed directly to tubes delivering dilution water to allow proper mixing of water and chemical before entering the test chambers. Five peristaltic pumps and 35 test tanks were used for each test. Temperatures of test solutions were maintained by using submersible thermostatically controlled aquarium heaters.

Test procedures followed the principles in the 1987 Organisation for Economic Co-operation and Development (OECD) Guidelines (test 203) for Testing of Chemicals [24]. Fish were placed in the test chambers (20 L; 460 mm × 260 mm × 230 mm; containing 15 L of test solutions) after a flow-through period of approximately 5 h to allow toxicant concentrations to stabilize. This continuous flow allowed a reasonable rate of flow of test

solution per gram of fish (2–3 L g^{-1} d^{-1}) and a replacement time of the test water of 90% in <8 h [25]. Ratios of the biomass of test animals to volume of test solution (≤1 g L^{-1}) in the test chamber were in accordance with 1987 OECD protocols [24]. Control tanks, and solvent controls with acetone for endosulfan and chlorpyrifos, were maintained in every test. Acetone concentrations were <0.10 ml L^{-1} (<78.8 mg L^{-1}), which did not exceed the 1987 OECD [24] approved value of 100 mg L^{-1}.

Ten acclimated fish of uniform size were randomly selected for each test chamber. Toxicant treatments were randomly allocated among chambers. Acute toxicity tests to determine EC50 values were conducted simultaneously at 5 different temperatures, according to the ranges determined for each species. Each temperature treatment included 5 chemical concentrations in geometrical progression, plus 1 control, and 1 solvent control where applicable.

Desired concentrations of chemicals reaching the test chambers were obtained by adjusting both the flow rates of chemicals and the dilution water. The endpoint of acute tests was imbalance, defined as the loss of equilibrium and inability to maintain balance and swimming ability. Fish in each test chamber were observed for imbalance at 24 h, 48 h, 72 h, and 96 h.

Acute ET50 tests involved exposing fish to a single concentration of chemical at 5 temperatures. The single concentration used for each chemical was chosen after conducting several range-finding tests to identify a concentration close to the EC50 for each species. Acute ET50 tests were also conducted following the methods recommended by Sanchez-Bayo and Goka [26].

Chemical analysis

Endosulfan, chlorpyrifos, and phenol concentrations were measured at 0-h and 24-h intervals in the flow-through tests with fish. Samples for analysis of endosulfan were extracted twice with 100 mL 1:1 solvent mixture of nanograde hexane and nanograde dichloromethane. The extracts were passed through dried anhydrous sodium sulfate to remove traces of water and then concentrated in a Kuderna–Danish evaporative concentrator (Alltech Australia). Concentrated solutions were cooled, made up to 10 mL with fresh hexane, transferred to vials, labeled, sealed, and stored in a refrigerator at 4 °C for analyses. The extraction method for chlorpyrifos was similar to that used for endosulfan except that samples were extracted with 100 mL of dichloromethane. Phenol samples were analyzed directly from water samples. Phenol and the extracted endosulfan samples were analyzed by gas chromatography fitted with an electron capture detector at the Office of Environment and Heritage Chemistry Laboratory, Lidcombe, New South Wales, Australia. Chlorpyrifos samples were analyzed by gas chromatrography fitted with a flame photometric detector at the Australian Analytical Laboratories, Asquith, New South Wales, Australia.

Statistical analyses

Results of acute toxicity tests were presented as EC50 (concentration) and ET50 (time) values, with 95% confidence limits calculated using the trimmed Spearman–Karber method [27]. The standard error of the difference was used to determine statistical differences between the EC50, or ET50, values using a probability threshold of $p \leq 0.05$.

Toxicity results were compared using one-way analysis of variance, with multiple comparison tests (2-tailed Dunnett's test for equal sample sizes; Bonferroni's t test for unequal sample sizes) to determine the concentrations showing significant effects.

RESULTS

Water quality of the test solution

Measured test temperatures did not vary more than the ± 0.7 °C from nominal values. Conductivity and pH were within ± 0.015 and ± 0.19 from their mean values, respectively. Dissolved oxygen was ≥ 80% saturation. Fish imbalance in the control and solvent control treatments was less than 10%, which meets the requirements of the experimental protocol.

Measured concentrations of chemicals

Concentrations of chemicals, measured at 24-h intervals and compared with those for nominal concentrations, were 80% for endosulfan, 11% for chlorpyrifos, and 81% for phenol (Supplemental Data, Table S1). Hence measured concentrations were used in subsequent calculations. Measured chlorpyrifos concentrations were comparatively much lower than the nominal concentrations, which agrees with Tilton et al. [28].

Toxicity of endosulfan

Toxicity of endosulfan, measured as EC50, to silver perch generally increased with increasing temperature (Figure 1A), although the response was not monotonic. Endosulfan was more toxic at higher temperatures in the initial stages of tests, as indicated by the measured 24-h EC50 values of 1.7 μg L^{-1} and 1.8 μg L^{-1} at 30 °C and 35 °C, respectively, compared with 3.5 μg L^{-1}, 2.4 μg L^{-1}, and 2.7 μg L^{-1} at 15 °C, 20 °C, and 25 °C, respectively (Figure 1A). There were slight but nonsignificant increases in 24-h EC50 values from 20 °C to 25 °C and from 30 °C to 35 °C. At 96 h, however, there was no significant change in toxicity between temperatures (1.0–0.9 μg L^{-1}; $p > 0.05$; Figure 1A).

The EC50 values of endosulfan for silver perch were lower at 35 °C than at 15 °C, but the differences varied with exposure time (Supplemental Data, Table S2). The 24-h EC50 value at 35 °C was approximately 47% lower than the 24-h EC50 value at 15 °C, but as exposure time increased, the difference in EC50 values gradually decreased to 8% at 96 h (Supplemental Data, Table S2) and became nonsignificant (Figure 1A).

The ET50 results with endosulfan indicated a different pattern of toxicity at various temperatures (Figure 2A). For silver perch exposed to 1.5 μg L^{-1} of endosulfan, the ET50 values increased significantly from 20 °C to 25 °C and then decreased significantly from 30 °C to 35 °C. The ET50 results for rainbowfish exposed to 2.0 μg L^{-1} endosulfan were highly variable, (Figure 2B). The onset of 50% imbalance was most rapid at 25 °C and 35 °C, at 77 h and 81 h, respectively. These ET50 values were significantly ($p < 0.05$) lower than those at 15 °C (160 h), at 20 °C (147 h), and at 30 °C (162 h; Supplemental Data, Table S3). Western carp gudgeon exposed to 1.8 μg L^{-1} endosulfan had the lowest ET50 values at 62 h and 61 h (20 °C and 25 °C, respectively), which increased at 89 h and 78 h (30 °C and 35 °C respectively), indicating a slower response to endosulfan exposure at higher temperatures (Figure 2C). Rainbow trout exposed to 0.8 μg L^{-1} endosulfan showed a gradual decrease in the ET50 values with increasing temperature, from 108 h at 5 °C to 40 h at 25 °C, indicating highest toxicity at the highest temperature tested (Figure 2D).

In contrast to rainbow trout, silver perch, rainbowfish, and western carp gudgeon all demonstrated, to varying degrees, a decrease in toxicity of endosulfan with increasing temperature to 30 °C, followed by an increase in toxicity at 35 °C.

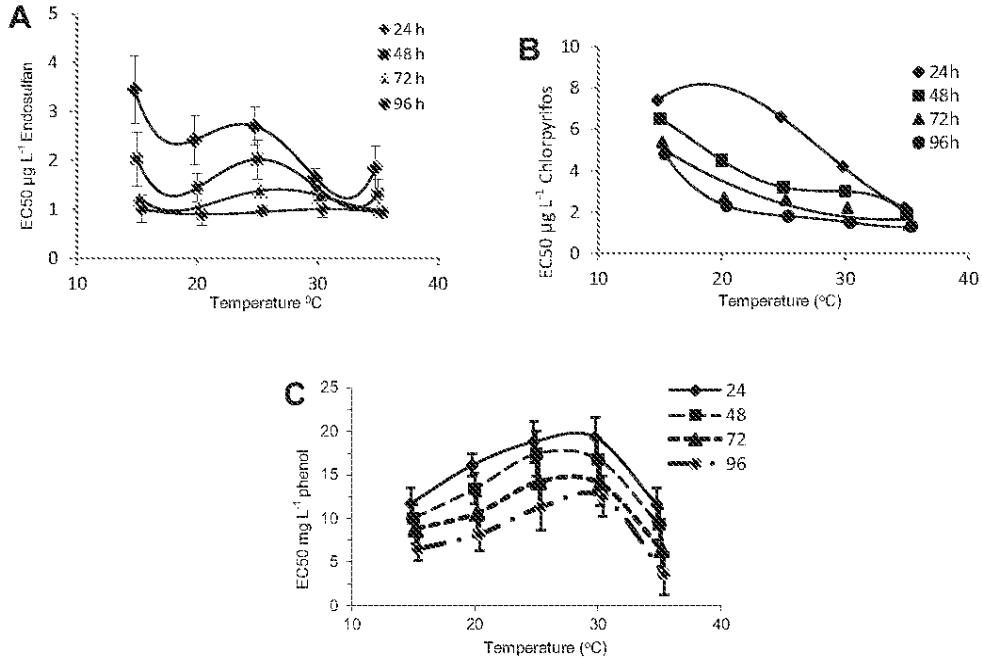


Figure 1. Median effective concentration (EC50) for silver perch exposed to endosulfan (**A**), chlorpyrifos (**B**), and phenol (**C**) at selected temperatures. The 95% confidence interval is shown for each EC50 as a vertical bar.

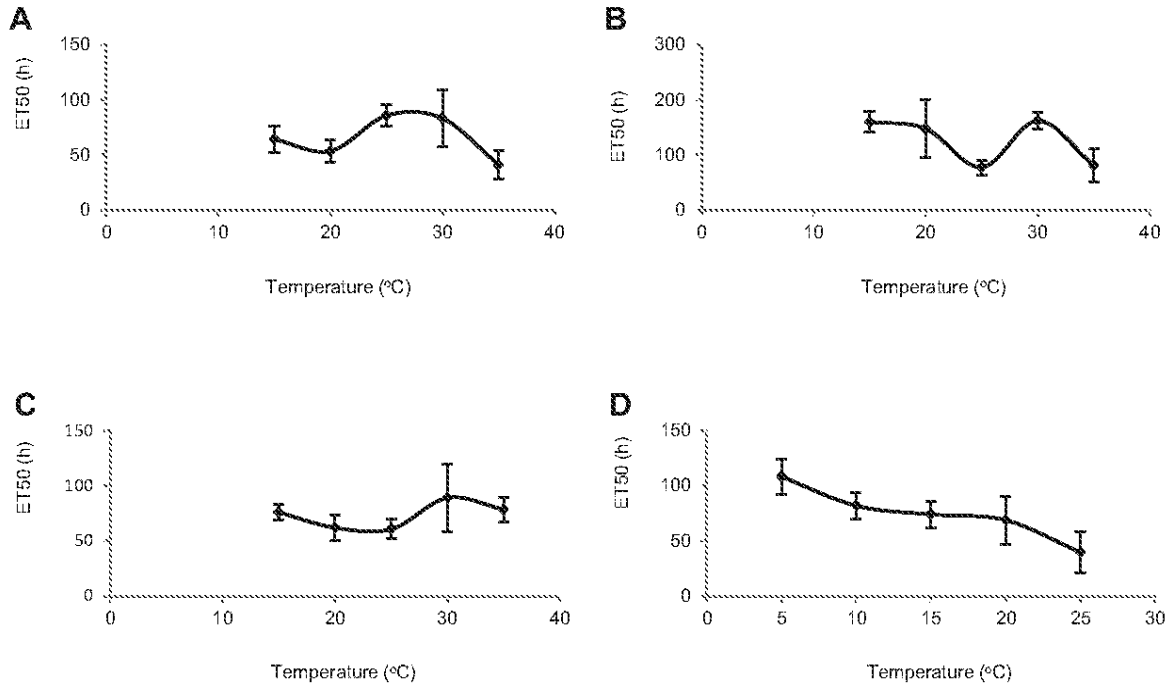


Figure 2. Median effective time (ET50) for silver perch (**A**), rainbowfish (**B**), western carp gudgeon (**C**), and rainbow trout (**D**) exposed to endosulfan at selected temperatures. The 95% confidence interval is shown for each ET50 as a vertical bar.

Toxicity of chlorpyrifos

Chlorpyrifos became more toxic to silver perch at higher temperatures, at all exposure times (Figure 1B), as demonstrated by decreasing EC50 values at all temperatures over increasing exposure times from 24 h to 96 h. Confidence intervals at 24 h were unreliable, and prevented statistical comparisons among temperatures. The 96-h EC50 values were significantly higher at 15 °C than at all other temperatures ($p < 0.05$) and significantly higher at 20 °C than at 35 °C. All exposures at 35 °C had had similar EC50 values, of approximately 1 µg L^{-1} to 2 µg L^{-1}.

The ET50 results with chlorpyrifos indicated a similar trend, with the time before fish exhibited imbalance from toxicity decreasing consistently at progressively higher temperatures (Figure 3A–D). At 15 °C, the ET50 value for silver perch exposed to 6.0 µg L^{-1} was 74 h (Figure 3A), and for rainbowfish exposed to 440 µg L^{-1}, the ET50 value was 95 h (Figure 3B). For western carp gudgeon exposed to 8.5 µg L^{-1}, the ET50

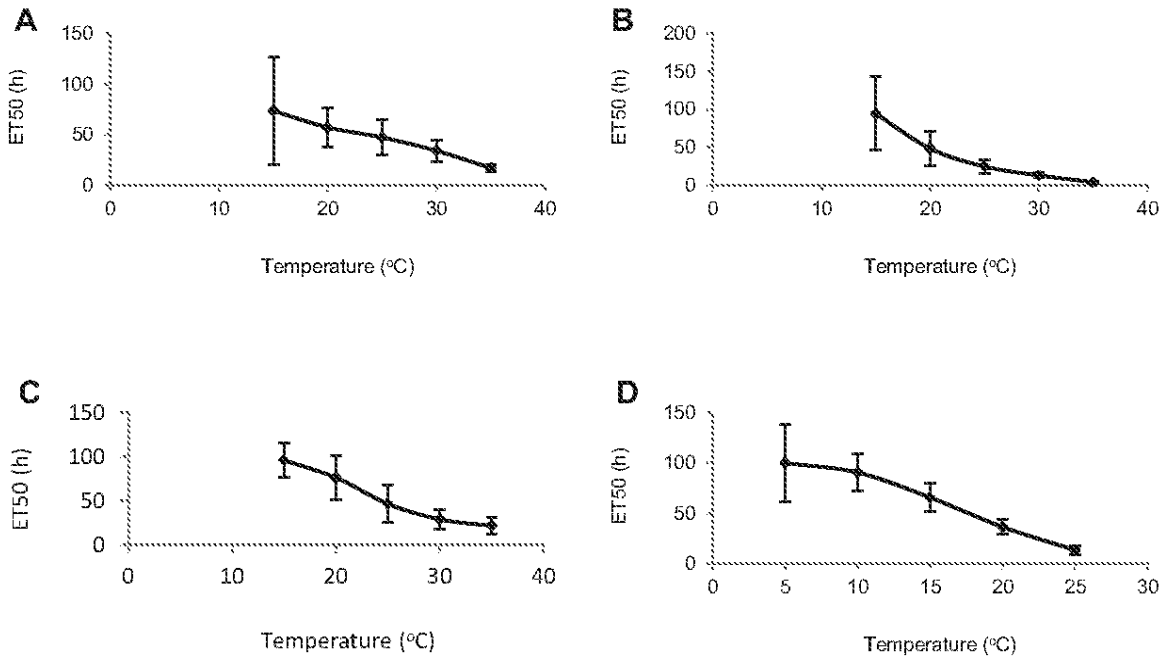


Figure 3. Median effective time (ET50) for silver perch (**A**), rainbowfish (**B**), western carp gudgeon (**C**), and rainbow trout (**D**) exposed to chlorpyrifos at selected temperatures. The 95% confidence interval is shown for each ET50 as a vertical bar.

value was 96 h (Figure 3C). At 35 °C, the ET50 values for these warm water fish declined, ranging from 4 h for rainbowfish to 21 h for western carp gudgeon. Rainbow trout exposed to 22.0 μg L^{-1} exhibited a similar trend, with the ET50 decreasing from 100 h at 5 °C to 14 h at 25 °C (Figure 3D).

Toxicity of phenol

The EC50 values for silver perch exposed to phenol demonstrated a biphasic response to temperature (Figure 1C), with a gradual decrease in toxicity up to 25 °C, a leveling off at approximately 30 °C, and then a rapid increase in toxicity at 35 °C, over all time periods. For instance, at 96 h, phenol toxicity gradually decreased from an EC50 of 6.5 mg L^{-1} at 15 °C to 12.5 mg L^{-1} at 30 °C, followed by a rapid increase in toxicity to an EC50 of 3.6 mg L^{-1} at 35 °C. Progressive increases in exposure time from 24 h to 96 h resulted in consistent reductions in EC50 values across the entire temperature range tested (Figure 1C).

A similar biphasic response to temperature was observed for the ET50 values of all species after exposure to a constant phenol concentration (Figure 4A–D). At 15 °C silver perch exposed to 15 mg L^{-1} phenol exhibited imbalance after 17 h,

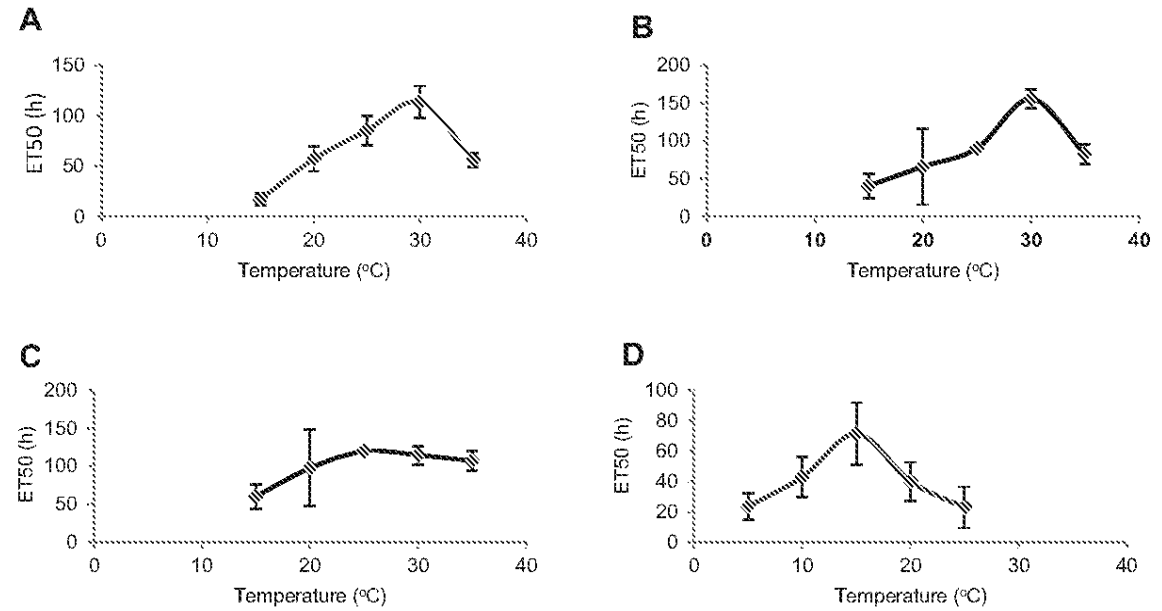


Figure 4. Median effective time (ET50) for silver perch (**A**), rainbowfish (**B**), western carp gudgeon (**C**), and rainbow trout (**D**) exposed to phenol at selected temperatures. The 95% confidence interval is shown for each ET50 as a vertical bar.

with the slowest response by western carp gudgeon exposed to 20 mg L^{-1}, after 60 h. The ET50 for warm water species increased progressively to 30 °C before declining again at 35 °C, although the rapid decrease at the highest temperature was not evident for western carp gudgeon. Peak ET50 values at 30 °C for silver perch and rainbowfish (20 mg L^{-1}) were 114 h and 156 h, decreasing at 35 °C to 56 h and 83 h, respectively (Figure 4A and B). In cold water, rainbow trout exposed to 7.5 mg L^{-1} phenol exhibited an ET50 of 24 h at 5 °C, increasing to 72 h at 20 °C before declining to 23 h at 25 °C. (Figure 4D).

DISCUSSION

Toxicity behavior with increasing temperature

Each of the 3 chemicals demonstrated different toxicity patterns to fish with increasing temperature.

As endosulfan is degraded and metabolized rapidly at higher temperatures [29], it exhibited the most complex toxicity responses to temperature, with the 3 warm water species showing multimodal effects of toxicity. These exhibited 2 phases of increasing toxicity: in the low temperature range from 15 °C to 20 °C and in the high range from 30 °C to 35 °C, with a phase of decreasing toxicity from 25 °C to 30 °C, although at progressively longer exposure times up to 96 h, the effects of increasing temperature on toxicity became weaker. In contrast, cold water rainbow trout demonstrated a more consistent linear increase in endosulfan toxicity at increasing temperatures, which accords with Sunderam et al. [30], who reported 96-h median lethal concentration (LC50) values of 1.6 μg L^{-1} at 4 °C and 0.7 μg L^{-1} at 12 °C. Endosulfan acts as neurotoxin, affecting neurotransmission by antagonizing chloride channels and inhibiting adenosine triphosphatase [31,32]. It is a respiratory irritant, causing damage to fish gills as well as damaging the liver and kidneys [33]. Endosulfan is primarily detoxified by the liver and kidneys. The primary metabolite is the intermediary endosulfan sulfate, which has similar toxicity to the parent compound, and later metabolizes to the nontoxic endosulfan ether, so that increased metabolism at high temperatures would not be expected to exacerbate toxic responses to endosulfan.

Increasing toxicity of endosulfan with increasing temperature has been reported for a number of warm water fish species. Toxicity in *Gambusia holbrooki* increased from a 96-h LC50 of 2.3 μg L^{-1} at 25 °C to 2.06 μg L^{-1} at 30 °C, although at 35 °C the LC50 increased to 4.6 μg L^{-1} [34]. Reduced toxicity at the highest temperature was possibly a result of faster degradation by hydrolysis, dissipation by volatilization, or detoxification and metabolism [35]. Other studies also observed nonlinear toxicity of endosulfan with increasing temperature. Eels *Anguilla anguilla* exposed to endosulfan exhibited 96-h LC50 values of 38 μg L^{-1} at 15 °C, becoming slightly less toxic at 22 °C (42 μg L^{-1}) and significantly more toxic at 29 °C (20 μg L^{-1}) [36]. The same study found a similar relationship for lindane.

We postulate that the multimodal toxicity response in warm water fish resulted from a combination of increased metabolic transformation and dissipation of endosulfan at intermediate temperatures [34], as well as interaction with increasing temperature stress approaching 35 °C.

Chlorpyirofos exhibited the simplest pattern, with a curvilinear increase in toxicity with increasing temperature for both warm water and cold water species. Acute toxicity of organophosphorus pesticides is generally attributed to inhibition of acetylcholinesterase [37], which is highly temperature dependent [38]. Uptake of organophosphorus through body surfaces, metabolism in the liver, and excretion via the kidneys are all dependent on temperature [39], leading to numerous reports of positive relationships between toxicity of organophosphorus pesticides with increasing temperature and delayed onset of toxicity at lower temperatures [40]. Bioconcentration of organophosphorus pesticides has also been reported to affect fish imbalance in acute toxicity tests, depending on water temperature, and the formulation and concentration applied [41]. Increased toxicity of parathion to the midge larva *Chironomus riparius* with increasing temperature from 10 °C to 30 °C has been attributed to a combination of direct temperature toxic effects of parathion on enzyme conversion, increased metabolic transformation to the more toxic paraoxon, and increased toxicity of paraoxon at higher temperatures [42]. It is likely that similar temperature effects on metabolic conversion would operate with chlorpyrifos, given its analogous structure and the fact that chlorpyrifos is metabolically activated. It is also likely that in the present study the rate of metabolic transformation of chlorpyrifos in fish increased with increasing temperature, resulting in greater imbalance.

Phenol toxicity to silver perch decreased with increasing temperature over the range from 15 °C to 30 °C, as indicated by the EC50. A similar pattern of phenol toxicity to the 4 fish species at 5 temperatures was found from the tests for ET50 values. The exposure time for 50% fish mortality increased as temperature increased. The present results are in agreement with those of Jiang and Cao [43], who observed a slight decrease in phenol toxicity to some carp species with increasing temperature. Similar trends of toxicity of other phenolic compounds were also reported by Marking et al. [44] and Brecken-Folse et al. [45]. Phenol toxicity to warm water and cold water fish followed a more complex, biphasic, dome-shaped response to increasing temperature, with the lowest toxicity occurring in the mid-to-upper temperature range for each species. The mode of action for phenol toxicity is typically through uncoupling oxidative phosphorylation [46].

Tested temperature ranges versus expected warming

Despite historical studies on the effects of temperature on toxicity to aquatic organisms, there has been limited toxicological research on the modulation of chemical actions by temperature and potential temperature effects within the range of expected global warming [47]. Most studies, including the present one, consider responses over a wider range of temperatures than the 2 °C to 3 °C expected increase, and standard toxicity tests are conducted at constant temperatures that do not reflect the rate and magnitude of daily, seasonal, annual, and decadal temperature variation. Much of the available toxicity data have been derived using North American species under local conditions, which are not directly relevant to Australian species and climates. Furthermore, although toxicity may increase, decrease, or not change at all in response to increasing temperature, exposure to sublethal concentrations may significantly reduce the temperature tolerance of fish [4], potentially changing the dynamic balance among uptake, metabolism, and elimination of toxicants. As the solubility of oxygen in water declines with increasing temperature, fish must increase ventilation of their gills to meet the increase in metabolic oxygen demand [48], which in turn may increase the rate of toxicant uptake. Exposure to elevated temperatures over longer periods may elicit adaptations that will decrease the metabolic rate to rates that are similar to those of temperate fishes or that will result in the production of more heat-shock protein to cope with thermal stress [49], so that toxicity at higher

temperatures may be less than expected based on short-term exposures. Although the mean temperature increase is expected to be 2 °C to 3 °C over several decades, additional thermal stress may occur where diel variation in water temperature approaches the critical thermal maximum [50]. Accordingly, a more refined experimental approach is required to simulate the more subtle rate and magnitude of warming under the influence of climate change, to project potential changes in toxicity with greater certainty.

Toxicity in the upper thermal range

From a climate change perspective, the main areas of concern in temperature–toxicity interactions are in the upper 5 °C portion of temperature tolerance, where all contaminants in the present study were most toxic, subject to variation between species. Within this narrow range of temperatures, other simultaneous changes, such as reduced shading of the water surface as a result of clearing vegetation [13,14] or environmental hypoxia [47,50] and increased sensitivity of fish to temperature as a result of sublethal toxicant exposure [4], may combine to significantly increase the vulnerability of fish to global warming. The risk of acute toxicity from contaminants may also increase [9,51]. These risks will be accentuated during drought or heatwave conditions when maximum temperatures are greatest [5]. In contrast, at midrange temperatures, the expected increase in water temperature is likely to be too small to result in detectable changes in acute toxicity in natural populations.

Range shifts of cold water and warm water species

Range shifts toward higher elevation streams have been demonstrated for 23 of 32 species of freshwater fish in France [52]. Upstream expansion was observed for warm water or low-elevation species, whereas cold water or mid- to high-elevation species exhibited contractions in their lower distribution limits and expansion in their upper range. Similar contractions have been projected in Asia [53] and the tropical Pacific [9]. In individual rivers with high toxicant loads, cold water species might be expected to exhibit upstream range contractions near their lower elevation limit as a result of increased sensitivity to elevated temperatures. In contrast, warm water species in temperate freshwaters may not demonstrate a temperature-driven range shift as a result of toxic effects, because their downstream distribution is more frequently determined by salinity in the upper estuarine reaches rather than temperature. In tropical rivers, however, where most fish species live closer to their upper temperature limit [9,50], exposure to toxicants may cause a contraction of the downstream distribution limit.

Potential changes in fish distributions as a result of temperature and toxicant interactions will be influenced by the spatial patterns of exposure. Pesticides such as chlorpyrifos and endosulfan, and their modern counterparts, are typically applied in agricultural landscapes surrounding low elevation rivers [54], such as the sugar-growing floodplains of the Burdekin and Herbert rivers in northern Australia, and the cotton-growing regions of the Gwydir and Namoi catchments in New South Wales. For cold water species such as rainbow trout, exposure to organophosphorus and organochlorine pesticides is generally less likely, except perhaps near the lower elevation limit, or upper thermal limit, of their distributions. Where use of these chemicals or persistent residues continue, it is conceivable that they may accelerate upstream range contraction of cold water species as river temperatures increase [55].

For warm water species, exposure to organophosphorus and organochlorine pesticides may contribute to increased patchiness in species distributions as fish retreat from shallow marginal habitats that experience frequent high temperatures [9]. Poleward expansion of warm water species' distributions [5] is unlikely to be obstructed by toxicant interactions, because these distribution limits are defined by low temperatures, at which contaminants such as endosulfan and chlorpyrifos are less toxic.

Mitigating risks from increased toxicity

The major initiatives to mitigate risks of increased toxicity as a result of increased temperature are to reduce contamination of waterways, to reduce warming of freshwaters through mitigating global warming, and to restore riparian zones.

Environmental policies intended to phase out the global use of POPs, such as endosulfan, represent timely adaptations to climate change, to diminish the risk of toxic exposure as global water temperatures increase. The use of organophosphorus insecticides, such as chlorpyrifos, is regulated to reduce environmental risks, although added risks from increased toxicity are likely as temperatures increase. Exposure to phenols is potentially problematic for warm water and cold water fish species because of the increase in toxicity to species like silver perch, rainbowfish, and rainbow trout as temperatures approach their upper thermal limit. Regulatory approaches to reduce the risk of toxic exposure to phenols may be enhanced by complementary measures to reduce temperature stress in marginal aquatic habitats.

The effects of clearing riparian vegetation on increasing stream temperatures are well established [13,14]. Recent evidence suggests that reestablishment of riparian forests may reduce summer water temperatures in narrow streams by 4.4 °C to 4.8 °C [56]. Patra et al. [4] showed that sublethal exposure to endosulfan reduced the critical thermal maximum by 2.8 °C for silver perch and by 4.8 °C for rainbow trout, with other species exhibiting intermediate reductions. Similarly, exposure to chlorpyrifos caused a 2.5 °C reduction in the critical thermal maximum of rainbowfish, and a 5.8 °C reduction in rainbow trout. These studies suggest that reestablishment of riparian forests may not only help offset the expected increase in water temperature with climate change but may also reduce the toxicity of contaminants to fish by reducing water temperatures.

Continued restrictions on the use of toxic chemicals are clearly required to reduce the risks of toxic exposure to fish and other biota. In addition, carbon sequestration policies to mitigate greenhouse gas emissions may serve an additional purpose in reducing the risk of toxic effects on aquatic ecosystems through local-scale cooling of small streams by restoring riparian vegetation.

In conclusion, as temperatures increase because of climate change, it is important to continue regulatory and best management approaches to mitigate any adverse effects from increased toxicity at higher temperatures, as well as to minimize temperature increases. Climate change will also result in changed agricultural practices, and more detailed evaluation of chemical risk will be required under such scenarios.

SUPPLEMENTAL DATA

Tables S1–S3. (276 KB PDF).

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provided laboratory facilities at the Inland Fisheries Research Station, Narrandera, New South Wales.

Data availability—Data can be accessed by contacting the corresponding author (Ronald.Patra@environment.nsw.gov.au).

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operations to enable TDD synchronization.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R5–ES–2018–0050; FF09E21000 FXES11110900000 212]

RIN 1018–BD15

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Candy Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for the candy darter (*Etheostoma osburni*) under the Endangered Species Act (Act). In total, approximately 593 stream kilometers (368 stream miles) in Virginia and West Virginia fall within the boundaries of the critical habitat designation. The effect of this final rule is to designate critical habitat under the Act for the candy darter, an endangered species of fish.

DATES: This rule becomes effective on May 7, 2021.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R5–ES–2018–0050 or at *https://www.fws.gov/northeast/candydarter* and at the West Virginia Ecological Services Field Office. Comments and materials we received, as well as some supporting documentation we used in preparing this rule, are available for public inspection in the docket at *http://www.regulations.gov*. All of the comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, West Virginia Ecological Services Field Office, 90 Vance Drive, Elkins, WV, 26241; telephone 304–636–6586.

The coordinates or plot points or both from which the maps are generated are included in the administrative record for this critical habitat designation and are available at *http://www.regulations.gov* at Docket No. FWS–R5–ES–2018–0050, and at the West Virginia Ecological Services Field Office, *https://www.fws.gov/westvirginiafieldoffice/index.html* (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available at the U.S. Fish and Wildlife Service website and field office set out above, and may also be included in the preamble and at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Acting Field Supervisor, U.S. Fish and Wildlife Service, West Virginia Ecological Services Field Office, 90 Vance Drive, Elkins, WV 26241; telephone 304–636–6586. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. This document is a final rule to designate critical habitat for the candy darter. Under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), any species that is determined to be an endangered or threatened species requires critical habitat to be designated, to the maximum extent prudent and determinable. Designations and revisions of critical habitat can be completed only by issuing a rule.

We listed the candy darter as an endangered species on November 21, 2018 (83 FR 58747). Also, on November 21, 2018, we published in the **Federal Register** a proposed critical habitat designation for candy darter (83 FR 59232). Section 4(b)(2) of the Act states that the Secretary shall designate critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat.

What this document does. This document is a final rule that designates critical habitat necessary for the conservation of the candy darter. The critical habitat areas we are designating in this rule constitute our current best assessment of the areas that meet the definition of critical habitat for candy darter. We are designating a total of approximately 593 stream kilometers (368 stream miles) of rivers and streams in Virginia and West Virginia for the candy darter.

Peer review and public comment. Our designation is based on the best scientific data available in our peer-reviewed species status assessment (SSA) report. The SSA was used to inform the decisionmaking process of the proposed and final listing rules (82 FR 46197 and 83 FR 58747, respectively) and proposed and final critical habitat designations (83 FR 59232 and this rule, respectively). For further detail on the responses from peer reviewers, see the final rule listing the candy darter as an endangered species (83 FR 58747). We also considered all comments and information received from the public during the comment period for the proposed designation of critical habitat. Information we received from public comment is incorporated in this final designation of critical habitat, as appropriate, or addressed below in Summary of Comments and Recommendations.

Previous Federal Actions

We proposed the candy darter for listing on October 4, 2017 (82 FR 46197), and finalized the listing on November 21, 2018 (83 FR 58747). As such, the candy darter is included as an endangered species on the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations at 50 CFR 17.11(h). We also proposed to designate critical habitat for the candy darter on November 21, 2018 (83 FR 59232). For information on any actions prior to these rules, refer to the proposed listing rule.

Summary of Comments and Recommendations

We requested written comments from the public on the proposed designation of critical habitat for the candy darter (83 FR 59232) during an open comment period that opened on November 21, 2018, and closed on January 22, 2019. We did not receive any requests for a public hearing. We also contacted appropriate Federal, State, and local agencies; scientific organizations; and other interested parties and invited them to comment on the proposed rule and draft economic analysis during these comment periods.

During the comment period, we received 14 comment letters directly addressing the proposed critical habitat designation. All substantive information provided during the comment period has been grouped into general issues specifically relating to the proposed critical habitat designation for the candy darter and either incorporated directly into this final determination, as appropriate, or addressed below in the following summary.

In addition, some of the 14 substantive comments directly related to the critical habitat designation also contained suggestions that were applicable to general recovery issues for

the candy darter, but not directly related to the critical habitat designation (*i.e.,* meaning these comments are outside the scope of the critical habitat rule). These general comments included topics such as the use of reintroductions or translocations, specific areas for high-quality reintroduction sites, riparian vegetation management to address the effects of climate change on water temperature in candy darter streams, and baitfish regulations. While these comments may not be directly incorporated into the critical habitat rule, we have noted the suggestions and look forward to working with our partners on these topics during recovery planning for the candy darter.

Comments From Federal Agencies

(1) Comment: The U.S. Forest Service (USFS), the West Virginia Department of Natural Resources (DNR), and several public commenters suggested that reintroductions or translocations or both would be important conservation strategies for the candy darter. Some commenters suggested specific areas that would represent high-quality reintroduction sites.

Our response: During recovery planning and implementation for the candy darter, we will work collaboratively with our partners and all stakeholders to recover the species. Translocation into historically occupied habitats is consistent with the recovery strategy laid out in the Candy Darter Recovery Outline (Service 2019, entire). We appreciate the support of our partners in this regard and will continue to work with them to determine appropriate locations to implement this strategy, monitor the success of these efforts, and manage these populations as needed.

(2) Comment: The USFS urged us to consider that designating critical habitat might mandate conservation measures beneficial to the candy darter but perhaps be detrimental to the overall aquatic ecosystem (*e.g.,* maintaining or adding barriers to fish passage).

Our response: Barriers to fish passage may reduce the spread of variegate darters (*Etheostoma variatum*), the primary threat to candy darters, within candy darter habitats. However, the designation of critical habitat will not result in the mandate to install any passage barriers. Any proposals to install or remove fish passage barriers would be evaluated on a case-by-case basis for their potential effects to the candy darter and its critical habitat, as well as for the overall conservation benefits and effects to other ecosystem functions.

(3) Comment: The USFS asked us to clarify and recognize that the areas of ongoing hybridization between variegate darters and candy darters may change.

Our response: Occupied habitat for the candy darter are those areas where individual fish with pure candy darter alleles were found based on the most recent survey results. We recognize that the zone of hybridization may change over time and that pure candy darters may become extirpated from some portions of currently occupied habitat in the future. However, maintaining existing populations is important to the survival and recovery of the species. Therefore, designation of occupied habitat as it occurs at the time of listing is appropriate. Critical habitat can be revised in the future if substantial new information becomes available that would suggest certain areas should be added or removed.

(4) Comment: The USFS asked to us to acknowledge the importance of Forest Service Watershed Restoration Action Plans (and other conservation actions ongoing in national forests) within the range of the candy darter and expressed interest in discussing potential effects of critical habitat designations on land management activities.

Our response: We acknowledge the significant conservation contributions that the USFS has made to protecting and enhancing candy darter habitat and its surrounding watershed. We also recognize that there are section 7 consultation requirements as a result of the listing of the candy darter and the designation of critical habitat. We will continue to work collaboratively with the USFS to address these workload concerns and to determine what additional avoidance, minimization, and conservation measures are appropriate for the species.

(5) Comment: The USFS suggested that we consider whether or not the designation of critical habitat may increase the risk of malicious introductions of nonnative fish into candy darter streams.

Our response: We are not aware of any efforts to maliciously introduce nonnative fish in candy darter waters. The designation of critical habitat may increase public awareness of the importance of these watersheds and encourage the development of education and outreach about baitfish regulations. We are working with the West Virginia DNR to revise regulations to reduce the potential for baitfish introductions with the aim of increasing awareness and enforcement on this issue.

(6) Comment: The USFS and one public commenter raised concerns that climate change may cause widespread changes in vegetation in the riparian areas that would result in higher temperatures or increased flooding, which increases sedimentation in candy darter streams.

Our response: We acknowledge the importance of intact riparian areas to maintaining candy darter habitat and will work with partners to maintain and restore appropriate riparian areas to provide the proper thermal properties and bank stability in candy darter habitat.

Comments From States

Section 4(i) of the Act states, ''the Secretary shall submit to the State agency a written justification for his failure to adopt regulations consistent with the agency's comments or petition.'' Comments received from agencies within the State of West Virginia (the State) regarding the proposal to designate critical habitat for the candy darter are addressed below.

(7) Comment: The proposed critical habitat rule also sought comments on the Service's intent to explore other recovery tools that may require additional regulations (*e.g.,* designating experimental populations under section 10(j) of the Act) or permits (*i.e.,* Safe Harbor Agreements under section 10 of the Act). The West Virginia DNR expressed concern with using our authorities under section 10(j) of the Act for recovery of the candy darter. The State concluded that establishing experimental populations (or designating additional areas of critical habitat, other than those proposed) is not in the best interest of the species. Conversely, one public commenter suggested that we should use our authorities under section 10(j) of the Act to establish experimental candy darter populations to promote State and private landowner collaboration in conserving the species.

Our response: As discussed above, during the recovery planning process for the candy darter, we will work collaboratively with our partners and stakeholders to ensure the best conservation outcome for the species. Translocation into historical habitats is consistent with the species' recovery strategy.

Upon further consideration, we conclude that designating experimental populations (under section 10(j) of the Act) is not appropriate at this time, and we are not designating any areas as critical habitat beyond those that were proposed. In the future, if we determine, in consultation with partners and stakeholders, that the reintroduction of the species to certain historically occupied streams would benefit from

the regulatory flexibility offered by section 10(j) of the Act, we will publish a proposed rule for public comment. See Summary of Changes from Proposed Rule, below, for additional information.

(8) Comment: The West Virginia Department of Environmental Protection (DEP) and a public commenter expressed concerns with designating critical habitat. Commenters indicated that we should not designate critical habitat because: (1) Hybridization (and not loss of habitat) is the primary stressor affecting the candy darter; (2) habitat protections would not reduce the likelihood of extinction; and (3) habitat protections may disproportionately benefit the variegate darter.

Our response: The designation of critical habitat is not a discretionary action. According to section 4(a)(3)(A) of the Act, the Secretary of the Interior shall, to the maximum extent prudent and determinable, concurrently with making a determination that a species is an endangered species or a threatened species, designate critical habitat for that species. We have determined that critical habitat is both prudent and determinable for the candy darter (83 FR 59232, November 21, 2018). Therefore, as required by the Act and after consideration of substantive comments on the proposed rule, we are designating, as critical habitat, those areas occupied by the species at the time of listing on which are found the physical or biological features essential for the conservation of the species and which may require special management considerations or protection.

As we discussed in the SSA report (Service 2018, entire) and the proposed rule (83 FR 59232, November 21, 2018), there are multiple stressors in addition to the introduction of the variegate darter that are affecting the candy darter. Management of these other stressors will be important to the conservation of the species. In addition, while eliminating variegate darters from candy darter watersheds is an important goal for the conservation of the species, we are not aware of feasible methods for achieving this goal. We look forward to working with our conservation partners to research potential methods for reducing the threat of variegate darter hybridization. Though the candy darter and variegate darter share many of the same habitat requirements, such as unembedded gravel substrate, we have no evidence to suggest that the maintenance of high-quality habitat for the candy darter disproportionately benefits the variegate darter. On the contrary, it is conceivable that variegate darters are more tolerant of marginal habitat conditions and that high-quality streams within the candy darter's historical range might provide the candy darter a competitive advantage over the introduced variegate darter.

(9) Comment: The West Virginia DNR noted that candy darters may also be present in several perennial tributaries outside of the streams proposed for designation as critical habitat, but that these tributaries have not been surveyed. The State did not recommend including these tributaries as critical habitat at this time, but did recommend that these streams should be considered when reviewing projects that may affect the species.

Our response: We acknowledge that the candy darter may be present in additional streams or tributaries that have not been surveyed, and will work with the West Virginia DNR and Virginia Department of Game and Inland Fisheries to develop a list of these streams so that they can be considered during project reviews. The candy darter will be protected as an endangered species wherever it is found under the prohibitions described in section 9 of the Act.

(10) Comment: The West Virginia DEP pointed out that the rule does not define the ratio or density of nonnative species that would be consistent with the conservation of the candy darter.

Our response: As discussed in the candy darter SSA report, the scientific evidence is clear that nonnative species can have a detrimental effect on native species such as the candy darter. However, the data are not currently available to explicitly define a ratio or density of nonnatives that is protective of the candy darter. Research into establishing such conservation metrics and recovery goals for the candy darter will be addressed during the recovery planning and implementation process.

(11) Comment: The West Virginia DNR informed us that they have taken steps to formulate regulations designed to curtail, mitigate, or both, the practice of moving baitfish in regions that still contain candy darter populations and in areas in which they hope to reestablish candy darter populations.

Our response: Limiting the movement of baitfish is a key component to reduce the threat of additional variegate darter introductions, and we applaud the State's efforts in this regard.

(12) Comment: The West Virginia DNR suggested that we may have underestimated the threat of acid precipitation in the Upper Gauley.

Our response: Stream acidification in some candy darter watersheds is a serious concern and we appreciate the efforts of the State and other partners in addressing this threat. We will address this topic in future recovery planning.

Public Comments

(13) Comment: Two public commenters expressed concerns regarding the effect of a critical habitat designation on the coal mining industry. There was a particular emphasis of concern around a statement in the incremental effects memorandum (IEM) prepared by us for the economic analysis of the critical habitat designation (IEM 2018). The statement reads: "Specific recommendations for coal mining in candy darter watersheds (augmenting the general management recommendations) will include not using valley fills. Strategic placement and frequent maintenance of all construction and operational features (*e.g.,* roads, slurry ponds, and other features that lead to sedimentation) will also be recommended." The commenters stated that this provision would result in a ban on coal mining.

Our response: It is important to note the context of this statement within the IEM, as it describes "protections or efforts relevant to the known threats to the species that would provide some level of conservation for the candy darter absent the proposed critical habitat designation." The suggestion of avoiding valley fills as a conservation measure for candy darters specifically refers to potential actions that are *not* a result of critical habitat designation. Therefore, the IEM does not include the effects of these actions in its analysis, as they would occur regardless of the presence or absence of designated critical habitat.

We do not propose (nor do we have the authority) to ban coal mining. Federal agencies are required to consult with the Service to ensure that any action they carry out, fund, or authorize will not jeopardize the species or destroy or adversely modify designated critical habitat. The requirement to ensure any action does not jeopardize the species applies whether or not the action area is designated as critical habitat. Avoiding the use of valley fills in coal mining in candy darter watersheds, as referenced by the IEM, is an example of a conservation measure the Service might recommend during section 7 consultation, whether or not the area is designated as critical habitat.

The Service's 1996 Biological Opinion (BO) issued to the Office of Surface Mining and Reclamation and Enforcement (OSMRE) addresses coal mining practices regulated under the Surface Mining Control and Reclamation Act. The terms and conditions of that BO require the

Service to work with the appropriate State regulatory authority to develop species-specific protective measures (SSPMs) to avoid and minimize the impacts to listed species. Implementation of SSPMs and development of the required protection and enhancement plan do not make any single conservation measure mandatory (*e.g.,* banning the use of valley fills). Rather, during the consultation process for each project, the Service works with OSMRE and the State regulatory agency to develop specific conservation measures to satisfy the requirement of the BO to avoid and minimize impacts to the candy darter while allowing coal mining to proceed.

(14) Comment: Two public commenters provided comments describing the beneficial impacts of forestry best management practices (BMPs) on water quality and encouraged us to use "consistent language, that is supported by science when discussing the value of forestry BMPs."

Our response: We have always relied upon the use of the best scientific and commercial data available in decisionmaking processes, and we will continue to do so with regard to discussions of BMPs. The implementation of BMPs for forestry can reduce sedimentation when consistently and diligently applied, and that these BMPs are important for preserving the integrity of aquatic habitats and the species that occupy them. However, the assertion that current mechanisms are protective of the species does not relieve the Service of its statutory obligation to designate critical habitat. In *Ctr. for Biological Diversity* v. *Norton,* 240 F. Supp. 2d 1090 (D. Ariz. 2003), the court held that the Act does not direct us to designate critical habitat only in those areas where "additional" special management considerations or protection is needed. If any area provides the physical or biological features essential to the conservation of the species, even if that area is already well managed or protected, that area still qualifies as critical habitat under the statutory definition if special management is needed.

(15) Comment: Two public commenters encouraged us to work with the State and private landowners to establish forestry BMPs on property that is adjacent to the critical habitat designation.

Our response: We recognize and appreciate the importance of working with landowners and project proponents to protect candy darter habitats, and to avoid, minimize, and mitigate any adverse effects that may occur. We will continue to use our existing authorities to address these issues as appropriate.

(16) Comment: Two public commenters noted that candy darters occupy habitats in watersheds with active coal mining. They stated that this situation suggests that candy darters can "thrive" in these areas.

Our response: While candy darter populations may persist in some watersheds where mining or other land disturbances are or have been present, the extent to which these populations are stable and/or thriving remains to be determined. The proposed critical habitat rule does not specify that any particular land use is incompatible with the persistence of candy darter populations. As mentioned in previous responses to comments raising concerns about the impacts to the coal mining industry, we plan to work cooperatively with the relevant State and Federal regulatory agencies to develop conservation measures allowing the continuation of coal mining in a manner that avoids and minimizes impacts to the candy darter and its habitat.

(17) Comment: One public commenter requested that we reinitiate section 7 consultation and issue a biological opinion for two natural gas Executive Order 13211 construction projects.

Our response: We are aware of these two pipeline projects and are in discussions with the Federal Energy Regulatory Commission regarding section 7 consultation needs for the candy darter.

(18) Comment: One public commenter asked us to clarify the terms "stream mile" and "protection of riparian buffers" and to confirm that private forest lands are not included in the critical habitat designation. Similarly, another commenter suggested that we should exclude State and private forest lands from a final critical habitat designation.

Our response: We determined the "stream mile" to be the estimated length of the occupied stream segment by tracing the approximate centerline of the stream channel from the appropriate upstream defining characteristic to the appropriate downstream defining characteristic using the USA Topo Environmental Systems Research Institute (ESRI) basemap and/or U.S. Geological Survey topographic map. See the "Criteria Used to Identify Critical Habitat" section in the proposed critical habitat rule (83 FR 59232, November 21, 2018) for further details. Within these stream segments, critical habitat consists of the stream channel up to the ordinary high water line. As defined at 33 CFR 329.11, the "ordinary high water mark" on nontidal rivers is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

Therefore, adjacent upland or terrestrial areas that are not below the ordinary high water line are not included in designated critical habitat. However, we would anticipate conducting section 7 consultations with Federal agencies for projects on Federal lands or for projects with a Federal nexus if a project had indirect impacts to the candy darter's critical habitat or on the species itself. In general, activities in riparian areas should be conducted in such a manner as to protect adjacent streams from excessive sedimentation, high water temperatures, and other water quality perturbations that would be detrimental to the candy darter. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Summary of Changes From Proposed Rule

Changes from the proposed to the final critical habitat designation were minor in nature. Based on substantive comments received during the public comment period that provided new candy darter survey data and habitat observations, we corrected some stream termini (and resultant segment lengths). Additionally, one stream with candy darter occurrence data was inadvertently omitted from the proposed rule; this segment is now included as critical habitat. The changes listed below resulted in a net reduction of approximately 2.8 stream kilometers (1.7 stream miles) of critical habitat from what was originally proposed. All changes are reflected on the maps, which outline the areas designated as critical habitat and are located at the end of this document.

TABLE 1—CHANGES TO CRITICAL HABITAT UNITS BASED ON INFORMATION RECEIVED DURING THE PUBLIC COMMENT PERIOD

Unit	Subunit	Net change	
		Stream kilometers	Stream miles
1—Greenbrier	1a	−5.0	−3.1
1—Greenbrier	1b	+3.9	+2.4
2—Middle New	2b	−3.1	−1.9
2—Middle New	2c	+1.4	+0.9
Total		−2.8	−1.7

As mentioned above in Summary of Comments and Recommendations, the Service has reconsidered its intent to establish nonessential experimental populations using our authority under section 10(j) of the Act at this time. Based on comments from a State partner, we conclude that allowing the States to reestablish and translocate the candy darter into historically occupied areas using their own authorities will be a more effective recovery strategy for the candy darter. However, if we receive further substantive information at a later date and determine that the use of a section 10(j) rule will aid in the recovery of the candy darter, we will publish a proposed rule for public comment. Reestablishing candy darter populations into historically occupied areas continues to be an important part of our recovery strategy for the candy darter. We will coordinate with our partners to implement the most effective recovery strategy. In both the State of Virginia and the State of West Virginia, the water and the streambed fall under the authority of the State. As a result, the State resource agencies hold the State regulatory authority over the waters (Virginia Code § 62.1, West Virginia Code § 22–26).

Critical Habitat

Background

Please refer to our November 21, 2018, proposed critical habitat rule (83 FR 59232) for a summary of species information available to the Service at the time that the proposed rule was published. Based on information we received during the proposed rule's public comment period, we updated several critical habitat stream termini to more accurately capture areas that meet the definition of critical habitat and remove areas that do not. We also added one inadvertently omitted occupied stream as critical habitat in the Greenbrier River watershed. The result of these changes in this final rule is a net reduction of approximately 1.7 stream miles (2.8 stream kilometers) (outlined above). These changes are incorporated into the critical habitat maps at the end of this rule.

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features:

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as, "An area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals)."

Conservation, as defined under section 3 of the Act, means "to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the Act] are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking."

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features: (1) Which are essential to the conservation of the species, and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the specific features that support the life-history needs of the species, including but not limited to,

water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside of the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species, the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) the Act's section 9 prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to the recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

On August 27, 2019, we published a final rule in the **Federal Register** (84 FR 45020) to amend our regulations concerning the procedures and criteria we use to designate and revise critical habitat. That rule became effective on September 26, 2019, but, as stated in that rule, the amendments it sets forth apply to "rules for which a proposed rule was published after September 26, 2019." We published our proposed critical habitat designation for the candy darter on November 21, 2018 (83 FR 59232); therefore, the amendments set forth in the August 27, 2019, final rule at 84 FR 45020 do not apply to this final designation of critical habitat for the candy darter.

Physical or Biological Features

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. For example, physical features might include gravel of a particular size required for spawning, alkali soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic needed to support the life history of the species. In considering whether features are essential to the conservation of the species, the Service may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of candy darter from studies of this species' habitat, ecology, and life history as described below. Additional information can be found in the proposed critical habitat designation and final listing rule published in the **Federal Register** on November 21, 2018 (83 FR 59232 and 83 FR 58747, respectively), and the recovery outline for the candy darter (Service 2019, entire), which can be found at: *https://ecos.fws.gov/docs/recovery_plan/2018%20CDRecoveryOutline.pdf.* We have determined that the following physical or biological features are essential to the conservation of the candy darter:

(1) Ratios or densities of nonnative species that allow for maintaining populations of candy darters;

(2) A blend of unembedded gravel and cobble that allows for normal breeding, feeding, and sheltering behavior;

(3) Adequate water quality characterized by seasonally moderated temperatures and physical and chemical parameters (*e.g.,* pH, dissolved oxygen levels, turbidity, etc.) that support normal behavior, growth, and viability of all life stages of the candy darter;

(4) An abundant, diverse benthic macroinvertebrate community (*e.g.,* mayfly nymphs, midge larvae, caddisfly larvae) that allows for normal feeding behavior; and

(5) Sufficient water quantity and velocities that support normal behavior, growth, and viability of all life stages of the candy darter.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection. The overall habitat characteristics that are important for the candy darter include sufficiently stabilized forest streambanks throughout the watersheds such that water quality allows for normal feeding, breeding, and sheltering in an area with sufficiently low numbers of nonnative species (Service 2018, pp. 15–17, 22–25, 32–34). The features essential to the conservation of the candy darter may require special management considerations or protections to reduce the following threats: (1) Hybridization with the nonnative variegate darter; (2) general increase in water temperature, primarily attributed to land use changes; (3) changes in water chemistry, including, but not limited to, changes in pH levels or concentrations of certain contaminants (such as, but not limited to, coliform bacteria); (4) habitat fragmentation primarily due to construction of barriers and impoundments; (5) excessive sedimentation and stream bottom embeddedness (the degree to which gravel, cobble, rocks, and boulders are surrounded by, or covered with, fine sediment particles); and (6) competition for habitat and other instream resources and predation from nonnative fishes.

Management activities that could ameliorate these threats include, but are not limited to: (1) Use of BMPs designed to reduce sedimentation, erosion, and bankside destruction; (2) protection of riparian corridors and retention of sufficient canopy cover along streambanks; (3) reduction of other watershed disturbances that release sediments, pollutants, or nutrients into the water; (4) public outreach requesting the public's assistance with stopping the movement of nonnative aquatic species; (5) increased enforcement and/or outreach regarding existing regulations prohibiting the movement of bait fish; (6) survey and monitoring to further characterize the extent and spread of hybridization with variegate darters; (7) research to determine whether some environmental factors or set of factors might allow candy darters to persist in particular areas despite variegate darter introductions; (8) research characterizing habitat conditions in historically extirpated candy darter sites to facilitate successful reintroduction efforts; (9) research and development of tools and techniques that can be used to address the competitive behavior that allows for variegate darters to dominate candy darters, which leads to hybridization; and (10) reintroductions of candy darters to historically extirpated areas and/or population augmentation of candy darters in sufficient numbers to outcompete variegate darters.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not designating any areas outside the geographical area occupied by the species at the time of listing, because we did not find any areas that were essential for the conservation of the species. We are designating critical habitat in areas within the geographical area occupied by the species at the time of listing in 2018. Refer to the candy darter proposed critical habitat designation for a full description of criteria used to identify critical habitat (83 FR 59232, November 21, 2018).

When determining critical habitat boundaries within this final rule, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features that are suitable for the candy darter. The scale of the maps that the Service prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation requirements with respect to critical habitat and the requirement of no destruction or adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document in the rule portion. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *http://www.regulations.gov* at Docket No. FWS–R5–ES–2018–0050, on our internet site *https://www.fws.gov/northeast/candydarter/,* and at the field office responsible for the designation (see **FOR FURTHER INFORMATION CONTACT**, above).

Final Critical Habitat Designation

We are designating five units as critical habitat for the candy darter. The critical habitat areas described below constitute our best assessment at this time of areas that meet the definition of critical habitat. Those five units are: (1) Greenbrier, (2) Middle New, (3) Lower Gauley, (4) Upper New, and (5) Upper Gauley.

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Table 2. Designated critical habitat units for candy darter.

Critical Habitat Unit	Land Ownership	Unit Size (Stream Length)	
		Miles	Kilometers
1. Greenbrier	Federal	78	125
	State	6	10
	Private	70	113
	Unit Total	154	248
2. Middle New	Federal	12	19
	State	0	0
	Private	14	22
	Unit Total	25	41
3. Lower Gauley	Federal	2	3
	State	0	0
	Private	0	0
	Unit Total	2	3
4. Upper New	Federal	0	0
	State	0	0
	Private	5	8
	Unit Total	5	8
5. Upper Gauley	Federal	90	145
	State	0	0
	Private	92	148
	Unit Total	182	293
	Grand Total	368	593

Note: Stream lengths may not sum due to rounding.

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We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the candy darter, below. In all instances, the units are occupied. The State of Virginia (VA) or West Virginia (WV), as applicable, owns the stream water and stream bottoms, and the lands described below are those adjacent to the designated critical habitat stream areas.

Unit 1: Greenbrier

The Greenbrier Unit consists of six subunits in Pocahontas County, WV. The occupied streams are adjacent to primarily Federal land, with some private land and one State-owned parcel. The Greenbrier Unit has been surveyed for the candy darter as recently as 2014 (Service 2018, p. 48). The unit currently supports all breeding, feeding, and sheltering needs for the species. See details below.

Unit 1a: East Fork of the Greenbrier River, Pocahontas County, WV

Unit 1a consists of approximately 29.7 stream kilometers (skm) (18.5 stream miles (smi)) of the East Fork of the Greenbrier River from the confluence of an unnamed tributary (located 1.8 skm (1.1 smi) upstream of the Bennett Run confluence), downstream to the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, WV; approximately 6.8 skm (4.2 smi) of the Little River from the U.S. Highway 250 crossing, downstream to the confluence of the Little River and the East Fork of the Greenbrier River; and approximately 1.9 skm (1.2 smi) of Buffalo Fork from the Buffalo Lake dam, downstream to the confluence of Buffalo Fork and the Little River. The land adjacent to this unit is mostly forested interspersed with small communities, low-density residences, and agricultural fields along the lower portion of the East Fork of the Greenbrier River. Approximately 21.2 skm (13.2 smi) of Unit 1a is within the Monongahela National Forest with the remainder located almost entirely adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Candy darters occur at multiple sites in this unit (Service 2018, p. 28). Unit 1a contributes to the redundancy of the Greenbrier metapopulation.

Unit 1b: West Fork of the Greenbrier River, Pocahontas County, WV

Unit 1b consists of approximately 29.9 skm (18.6 smi) of the West Fork of the Greenbrier River from the confluence with Snorting Lick Run, downstream to the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, WV; approximately 13.3 skm (8.3 smi) of the Little River from the confluence with Hansford Run, downstream to the confluence of the Little River and the West Fork of the Greenbrier River; and approximately 4.8 skm (3.0 smi) of Mountain Lick Creek from the confluence with an unnamed tributary (located 1.5 skm (0.9 smi) downstream of the Upper Mountain Lick Forest Service Road crossing), downstream to the confluence of Mountain Lick Creek and the West Fork of the Greenbrier River. The land adjacent to this unit is almost entirely forested interspersed with a few residences and agricultural fields along the lower portion of the West Fork of the Greenbrier River near

the town of Durbin, WV. Approximately 47.1 skm (29.3 smi) of Unit 1b is within the Monongahela National Forest with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys found candy darters at multiple sites in this unit (Service 2018, p. 28). Unit 1b contributes to the redundancy of the Greenbrier metapopulation.

Unit 1c: Upper Greenbrier River, Pocahontas County, WV

Unit 1c consists of approximately 69.3 skm (43.1 smi) of the Greenbrier River from the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, WV, downstream to the confluence of Knapp Creek at Marlinton, WV. The land adjacent to this unit is mostly forested; however, several small communities with residences and light commercial development, along with scattered rural residences and agricultural fields, occur at various locations. Approximately 47.5 skm (29.5 smi) of Unit 1c is within the Monongahela National Forest and the Seneca State Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Survey data indicate candy darters are present in the upper and lower portions of this unit (Service 2018, p. 28). While survey data for the intervening section are lacking, candy darters may occur where suitable habitat is present. Unit 1c contributes to the redundancy of the Greenbrier metapopulation and provides connectivity between the other Greenbrier watershed populations.

Unit 1d: Deer Creek, Pocahontas County, WV

Unit 1d consists of approximately 21.2 skm (13.2 smi) of Deer Creek from the confluence of Deer Creek and Saulsbury Run, downstream to the confluence with the Greenbrier River; and approximately 16.3 skm (10.1 smi) of North Fork from a point approximately 1.6 km (1.0 mi) upstream of the Elleber Run confluence, downstream to the confluence of North Fork and Deer Creek. The lower half of the land adjacent to this unit is mostly forested, while the upper portion contains low-density residences and agricultural fields. Approximately 10.0 skm (6.2 smi) of Unit 1d is within the Monongahela National Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys collected candy darters at two locations in this unit (Service 2018, p. 28). Unit 1d contributes to the redundancy of the Greenbrier metapopulation.

Unit 1e: Sitlington Creek, Pocahontas County, WV

Unit 1e consists of approximately 10.1 skm (6.3 smi) of Sitlington Creek from the confluence of Galford Run and Thorny Branch, downstream to the confluence with the Greenbrier River. Some of the riparian area of Unit 1e is forested; however, the majority of the land adjacent to this unit is agricultural fields and widely scattered residences. Approximately 1.2 skm (0.7 smi) of Unit 1e is within the Monongahela National Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Candy darters have been documented at several locations in this unit (Service 2018, p. 28). Unit 1e contributes to the redundancy of the Greenbrier metapopulation.

Unit 1f: Knapp Creek, Pocahontas County, WV

Unit 1f consists of approximately 43.9 skm (27.3 smi) of Knapp Creek from a point approximately 0.16 skm (0.1 smi) west of the WV Route 84 and Public Road (PR) 55 intersection, downstream to the confluence with the Greenbrier River at Marlinton, WV. The land adjacent to this unit is largely forested; however, low-density residential and agricultural fields occur in much of the upstream portions. The land surrounding the lowest section of Unit 1f is dominated by residential and commercial development. Approximately 7.2 skm (4.5 smi) of Unit 1f is within the Monongahela National Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys documented candy darters at several locations in this unit (Service 2018, p. 28). Unit 1f contributes to the redundancy of the Greenbrier metapopulation.

Unit 2: Middle New

The Middle New Unit comprises three stream subunits in Bland and Giles Counties, VA. The occupied streams are adjacent to a mix of Federal and private land. Candy darter have been surveyed in the Middle New Unit as recently as 2016 (Service 2018, p. 48). The unit currently supports all breeding, feeding, and sheltering needs for the species. See details below.

Unit 2a: Dismal Creek, Bland and Giles Counties, VA

Unit 2a consists of approximately 4.2 skm (2.6 smi) of Dismal Creek from the confluence with Standrock Branch, downstream to the confluence of Dismal Creek and Kimberling Creek. The land adjacent to this unit is almost entirely forested, with some scattered residences and small agricultural fields. Approximately 3.2 skm (2.0 smi) of Unit 2a is within the George Washington and Jefferson National Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys documented a small candy darter population, which contributes to the representation and redundancy of the species (Service 2018, p. 28).

Unit 2b: Stony Creek, Giles County, VA

Unit 2b consists of approximately 31.1 skm (19.3 smi) of Stony Creek from the confluence with White Rock Branch, downstream to the confluence with the New River. The land adjacent to this unit is almost entirely forested, with some scattered residences, a large underground lime mine, a processing plant, and a railroad spur line along the downstream portion. Approximately 16.1 skm (10.0 smi) of Unit 2b is within the George Washington and Jefferson National Forest, with the remainder adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys documented candy darters at multiple locations within this unit. Unit 2b is the most robust population in Virginia and contributes to the representation and redundancy of the species (Service 2018, p. 28).

Unit 2c: Laurel Creek, Bland County, VA

Unit 2c consists of approximately 5.1 skm (3.2 smi) of Laurel Creek from a point approximately 0.8 skm (0.5 smi) upstream of the unnamed pond, downstream to the confluence of Laurel Creek and Wolf Creek and approximately 1.4 skm (0.8 smi) of Wolf Creek from the Laurel Creek confluence downstream to the stream riffle adjacent to the intersection of Wolf Creek Highway and Alder Lane. The unit passes through a forested gap in a ridgeline; however, the riparian zone is dominated by Interstate Highway 77, U.S. Highway 52, and residential and commercial development. Unit 2c is adjacent to almost entirely private land,

except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys found candy darters at several locations within this unit (Service 2018, p. 28). Unit 2c contributes to the representation and redundancy of the species.

Unit 3: Lower Gauley, "Lower" Gauley River, Nicholas County, WV

Unit 3 consists of approximately 2.9 skm (1.8 smi) of the Gauley River from the base of the Summersville Dam, downstream to the confluence of Collison Creek. The land adjacent to this unit is entirely forested, with the exception of parking areas and infrastructure at the base of the Summersville Dam. The entirety of Unit 3 is within the National Park Service's Gauley River National Recreation Area and the U.S. Army Corps of Engineer's (Corps') Summersville Recreation Area. Candy darters are abundant in the tailwaters of the dam. Unit 3 supports the only candy darter population remaining in the Lower Gauley watershed and contributes to the representation and redundancy of the species. Candy darters were documented in surveys of Unit 3 as recently as 2014 (Service 2018, pp. 28 & 48). The unit currently supports all breeding, feeding, and sheltering needs for the species.

Unit 4: Upper New, Cripple Creek, Wythe County, VA

Unit 4 consists of approximately 7.9 skm (4.9 smi) of Cripple Creek from a point approximately 3.2 skm (2.0 smi) upstream of the State Road 94 bridge, downstream to the confluence of Cripple Creek and the New River. The land adjacent to this unit is primarily low-density residences and agricultural fields, although some small segments pass through wooded parcels. The stream in Unit 4 is adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys found candy darters at several locations within this unit as recently as 2016 (Service 2018, pp. 28 & 48). This is the only known candy darter population in the Upper New River watershed, and this unit contributes to the representation and redundancy of the species. The unit currently supports all breeding, feeding, and sheltering needs for the species.

Unit 5: Upper Gauley

The Upper Gauley Unit consists of six stream subunits in Nicholas, Greenbrier, Pocahontas, and Webster Counties, WV. The occupied streams are adjacent to a mix of Federal and private land. Candy darter have been surveyed in the Upper Gauley Unit as recently as 2014 (Service 2018, p. 48). The unit currently supports all breeding, feeding, and sheltering needs for the species. See details below.

Unit 5a: Gauley Headwaters, Webster County, WV

Unit 5a consists of approximately 37.3 skm (23.2 smi) of the Gauley River from the North and South Forks of the Gauley River, downstream to the confluence of the Gauley River and the Williams River at Donaldson, WV; and 2.9 skm (1.8 smi) of Straight Creek from its confluence with the Gauley River to a point approximately 2.9 skm (1.8 smi) upstream of the confluence. The land adjacent to this unit is mostly forested; however, aerial imagery (ESRI 2015; ESRI 2016; ESRI 2017) shows forest clearings with varying degrees of regrowth, indicating ongoing timber harvests in some tributary stream systems. Other human development in the watershed consists primarily of scattered residences and roads, mostly in the valley adjacent to the Gauley River. Approximately 9.0 skm (5.6 smi) of Unit 5a is within the Monongahela National Forest. The remainder of the unit is adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys of Unit 5a captured candy darters at multiple locations (Service 2018, p. 28). The unit contributes to the redundancy of the Upper Gauley metapopulation.

Unit 5b: Upper Gauley River, Nicholas and Webster Counties, WV

Unit 5b consists of approximately 43.8 skm (27.2 smi) of the Gauley River from the confluence of the Gauley and Williams Rivers at Donaldson, WV, downstream to a point approximately 1.6 skm (1.0 smi) upstream of the Big Beaver Creek confluence. The land adjacent to this unit is mostly forested; however, aerial imagery (ESRI 2015; ESRI 2016; ESRI 2017) shows forest clearings with varying degrees of regrowth, indicating ongoing timber harvests in some areas. Other human development consists primarily of low-density residential areas and small communities with some commercial facilities. Small agricultural fields are associated with some of the scattered residences. Approximately 14.6 skm (9.2 smi) of Unit 5b is within the Monongahela National Forest and/or adjacent to land owned by the Corps. The streams in the remainder of the unit are adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Surveys of Unit 5b captured candy darters at several locations (Service 2018, p. 28). The unit provides connectivity between other candy darter streams in the Upper Gauley watershed and contributes to the redundancy of the Upper Gauley metapopulation.

Unit 5c: Panther Creek, Nicholas County, WV

Unit 5c consists of approximately 16.3 skm (10.1 smi) of Panther Creek from a point approximately 1.1 skm (0.7 smi) upstream of the Grassy Creek Road crossing, downstream to the confluence with the Gauley River. The unit is mostly forested; however, aerial imagery (ESRI 2015; ESRI 2016; ESRI 2017) shows forest clearings with varying degrees of regrowth, indicating ongoing timber harvests in much of the upland areas. Other human development consists of the occasional residence and small agricultural field in the creek valley, and the Richwood Municipal Airport located on an adjacent ridge. The streams in Unit 5c are adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. While survey data are sparse for this unit, candy darters occur within Panther Creek, and the stream maintains suitable habitat for the species; thus, this unit contributes to the redundancy of the Upper Gauley metapopulation (Service 2018, p. 28).

Unit 5d: Williams River, Pocahontas and Webster Counties, WV

Unit 5d consists of approximately 52.4 skm (32.6 smi) of the Williams River from the confluence with Beaverdam Run, downstream to the confluence of the Williams River and the Gauley River at Donaldson, WV; and 5.1 skm (3.2 smi) of Tea Creek from a point on Lick Creek approximately 2.7 skm (1.7 smi) upstream of the Lick Creek confluence, downstream to the Tea Creek confluence with the Williams River. The land adjacent to this unit is almost entirely forested with just a few residences and small agricultural fields at the lower portion of the river. The streams in Unit 5d are entirely within the Monongahela National Forest. Survey data indicate candy darters are present at the upper and lower portions of this unit. While data are sparse for the majority of the intervening stretch, we assume, based on the available evidence, that the habitat is suitable for the species (Service 2018, p. 28). Unit 5d contributes to the redundancy of the Upper Gauley metapopulation.

Unit 5e: Cranberry River, Nicholas and Webster Counties, WV

Unit 5e consists of approximately 39.3 skm (24.4 smi) of the Cranberry River from the confluence of the North and South Forks of the Cranberry River, downstream to the confluence of the Cranberry River and the Gauley River. The land adjacent to this unit is almost entirely forested, and the stream is entirely within the Monongahela National Forest. Survey data indicate candy darters are present at the upper and lower portions of this unit. While survey data are sparse for the intervening stretch, we assume, based on the available evidence, that the habitat is suitable for the species (Service 2018, p. 28). Unit 5e contributes to the redundancy of the Upper Gauley metapopulation.

Unit 5f: Cherry River, Greenbrier and Nicholas Counties, WV

Unit 5f consists of approximately 16.7 skm (10.4 smi) of Cherry River from the confluence of the North and South Forks of the Cherry River, downstream to the confluence of the Cherry River and the Gauley River; approximately 28.0 skm (17.4 smi) of the North Fork Cherry River from the Pocahontas Trail crossing, downstream to the confluence of the North and South Forks of the Cherry River; approximately 26.2 skm (16.3 smi) of the South Fork Cherry River from a point approximately 0.5 skm (0.3 smi) south of County Road 29/4 in VA, downstream to the confluence of the North and South Forks of the Cherry River; and approximately 24.9 skm (15.5 smi) of Laurel Creek from a point approximately 0.3 skm (0.2 smi) west of Cold Knob Road, downstream to the confluence of Laurel Creek and the Cherry River. The land adjacent to this unit is mostly forested with scattered residences along the lower portion of the Cherry River. The town of Richwood, WV, with residential and commercial development and an industrial sawmill, is at the confluence of the North and South Forks of the Cherry River. The North and South Forks of the Cherry River are almost entirely forested; however, aerial imagery (ESRI 2015; ESRI 2016; ESRI 2017) shows forest clearings with varying degrees of regrowth, indicating ongoing timber harvests in several locations. There are scattered residences on Laurel Creek and some evidence of recent timber harvests; otherwise, the land adjacent to this section of Unit 1f is mostly forested. Approximately 29.1 skm (18.1 smi) of Unit 5f is within the Monongahela National Forest. The remainder is adjacent to almost entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like. Survey data indicate candy darters are well distributed throughout most of this unit (Service 2018, p. 28). Unit 5f contributes to the redundancy of the Upper Gauley metapopulation.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action that is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final regulation with a revised definition of destruction or adverse modification on August 27, 2019 (84 FR 45020). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat, and actions on State, tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define "reasonable and prudent alternatives" (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Application of the "Adverse Modification" Standard

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the

species. Activities that may destroy or adversely modify critical habitat are those that result in a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of the candy darter. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for the candy darter. These activities include, but are not limited to:

(1) Actions that would promote or facilitate the movement of variegate darters (or other nonnative aquatic species). Such activities could include, but are not limited to, the transfer of surface water across watershed boundaries and the modification or removal of dams that are currently limiting the spread of variegate darters where they have been introduced. These activities could further decrease the abundance of the candy darter through hybridization with the nonnative variegate darter.

(2) Actions that would significantly increase water temperature or sedimentation and stream bottom embeddedness. Such activities could include, but are not limited to, land use changes that result in an increase in sedimentation, erosion, and bankside destruction or the loss of the protection of riparian corridors and leaving insufficient canopy cover along banks.

(3) Actions that would significantly alter water chemistry. Such activities could include, but are not limited to, release of chemicals, biological pollutants, or heated effluents into the surface water or connected groundwater at a point source or by dispersed release (nonpoint source). These activities could alter water conditions to levels that are beyond the tolerances of the candy darter and result in direct or cumulative adverse effects to these individuals and their life cycles.

(4) Actions that would contribute to further habitat fragmentation. Such activities include, but are not limited to, construction of barriers that impede the instream movement of the candy darter (*e.g.,* dams, culverts, or weirs). These activities can isolate populations that are more at risk of decline or extirpation as a result of genetic drift, demographic or environmental stochasticity, and catastrophic events.

(5) Actions that would contribute to nonnative competition for habitat and other instream resources and to predation. Possible actions could include, but are not limited to, release or stocking of nonnative fishes or other related actions. These activities can introduce predators or affect the growth, reproduction, and survival of the candy darter through competition for resources.

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographic areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.'' There are no Department of Defense lands within the final critical habitat designation.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. In order to consider economic impacts, we prepared an Incremental Effects Memo (IEM) and screening analysis, which together with our narrative and interpretation of effects we consider our draft economic analysis (DEA) of the proposed critical habitat designation and related factors. The analysis, dated July 3 2018, was made available for public review from November 21, 2018, through January 22, 2019 (83 FR 59232). The DEA addressed probable economic impacts of critical habitat designation for candy darter. Following the close of the comment period, we reviewed and evaluated all information submitted during the comment period that may pertain to our consideration of the probable incremental economic impacts of this critical habitat designation. Additional information relevant to the probable incremental economic impacts of critical habitat designation for the candy darter is available in the screening analysis for the candy darter (IEc 2018), available at *http://www.regulations.gov.* We made no changes to the screening analysis from the proposed rule to the final rule.

Exclusions

Exclusions Based on Economic Impacts

After the Service fully considered the economic impacts of the critical habitat designation, the Secretary has decided not to exercise his discretion to exclude any areas from this critical habitat designation based on those economic impacts. A copy of the IEM and screening analysis with supporting documents may be obtained by contacting the West Virginia Ecological Services Field Office (see **ADDRESSES**) or by downloading from the internet at *http://www.regulations.gov.*

Exclusions Based on Impacts on National Security and Homeland Security

Under section 4(b)(2) of the Act, we consider whether there are lands owned or managed by the Department of Defense where a national security impact might exist. We have determined that the lands adjacent to the designation of critical habitat for candy darter are not owned or managed by the Department of Defense or Department of Homeland Security, and, therefore, we anticipate no impact on national security. In addition, we did not receive any requests based for exclusions based on national security impacts from any Federal agency. Consequently, the Secretary is not exercising his discretion to exclude any areas from the final designation based on impacts on national security.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, the Service considers any other relevant impacts of the critical habitat designation, in addition to economic impacts and impacts on national security. The Service considers a number of factors including whether there are permitted conservation plans covering the species in the area such as HCPs, safe harbor agreements, or candidate conservation agreements with assurances, or whether there are nonpermitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at the existence of tribal conservation plans and partnerships and consider the government-to-government relationship of the United States with tribal entities. We also consider any social impacts that might occur because of the designation.

In preparing this final rule, we have determined that there are currently no permitted conservation plans or other non-permitted conservation agreements or partnerships for candy darter, and the final designation does not include any tribal lands or tribal trust resources. However, we are aware of management plans within the candy darter's range such as the Monongahela National Forest Land and Resource Management Plan and forest plans for the George Washington and Thomas Jefferson National Forests. We anticipate no impact on tribal lands, partnerships, permitted or nonpermitted plans or agreements from this critical habitat designation. Accordingly, the Secretary is not exercising his discretion to exclude any areas from this final designation based on other relevant impacts.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000 (13 CFR 121.201). To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are required to evaluate the potential incremental impacts of rulemaking only on those entities directly regulated by the rulemaking itself, and therefore, not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the Agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this designation. There is no requirement under RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that the final critical habitat designation will not have a significant economic impact on a substantial number of small entities.

During the development of this final rule we reviewed and evaluated all information submitted during the comment period that may pertain to our consideration of the probable incremental economic impacts of this critical habitat designation. Based on this information, we affirm our certification that this final critical habitat designation will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. The OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute "a significant adverse effect" when compared to not taking the regulatory action under consideration.

The economic analysis finds that none of these criteria are relevant to this analysis. Thus, based on information in the economic analysis, energy-related impacts associated with candy darter conservation activities within critical habitat are not expected. As such, the designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this proposed rule would significantly or uniquely affect small governments because the waters being proposed for critical habitat designation are owned by the States of Virginia and West Virginia. These government entities do not fit the definition of ''small government jurisdiction.'' Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for candy darter in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed and concludes that this designation of critical habitat for candy darter does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this critical habitat designation with, appropriate State resource agencies in Virginia and West Virginia. We received comments from the West Virginia DNR and the West Virginia DEP and have addressed them in the Summary of Comments and Recommendations section of the preamble. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical and biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist these local governments in long-range planning (because these local governments no longer have to wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office

of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the applicable standards set forth in sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the rule identifies the elements of physical or biological features essential to the conservation of the candy darter. The designated areas of critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. We determined that there are no tribal lands within the candy darter's historical or current range. Therefore, we are not designating critical habitat for the candy darter on tribal lands.

References Cited

A complete list of all references cited is available on the internet at *http://www.regulations.gov* and upon request from the West Virginia Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are the staff members of the Service's Species Assessment Team, the Northeast Regional Office, the West Virginia Ecological Services Field Office, and the Southwestern Virginia Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. Amend § 17.11, in paragraph (h), by revising the entry for "Darter, candy" under "Fishes" in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
FISHES				
*	*	*	*	*
Darter, candy	*Etheostoma osburni*	Wherever found	E	83 FR 58747, 11/21/2018; 50 CFR 17.95(e).[CH]
*	*	*	*	*

■ 3. Amend § 17.95, in paragraph (e), by adding an entry for "*Candy Darter (Etheostoma osburni)*" after the entry for "*Amber Darter (Percina antesella)*",

to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) * * *

Candy Darter (Etheostoma Osburni)

(1) Critical habitat units are depicted for Bland, Giles, and Wythe Counties, Virginia, and Greenbrier, Nicholas, Pocahontas, and Webster Counties, West Virginia, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the candy darter consist of the following components:

(i) Ratios or densities of nonnative species that allow for maintaining populations of candy darters.

(ii) A blend of unembedded gravel and cobble that allows for normal breeding, feeding, and sheltering behavior.

(iii) Adequate water quality characterized by seasonally moderated temperatures and physical and chemical parameters (*e.g.,* pH, dissolved oxygen

levels, turbidity) that support normal behavior, growth, and viability of all life stages of the candy darter.

(iv) An abundant, diverse benthic macroinvertebrate community (*e.g.,* mayfly nymphs, midge larvae, caddisfly larvae) that allows for normal feeding behavior.

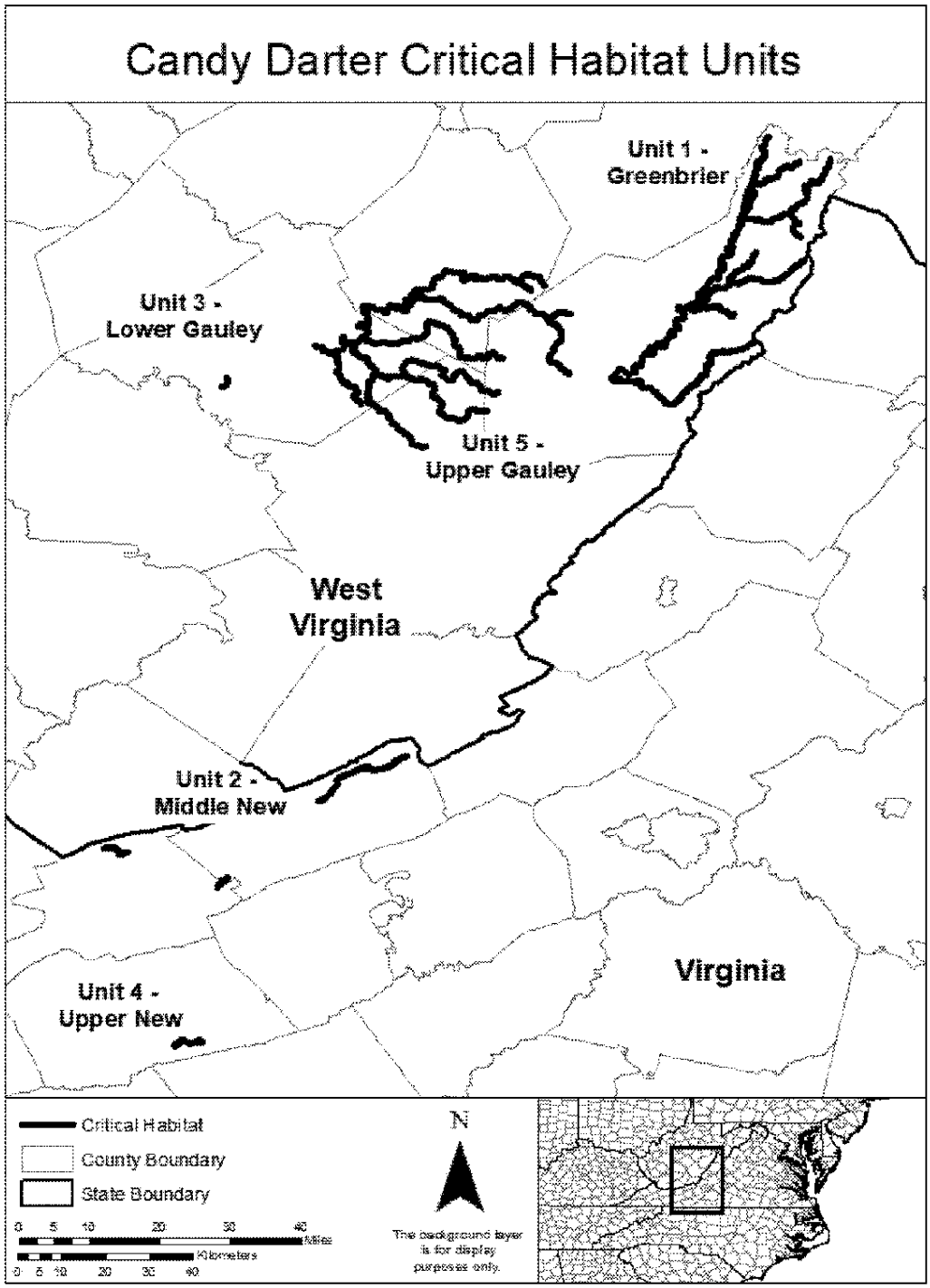
(v) Sufficient water quantity and velocities that support normal behavior, growth, and viability of all life stages of the candy darter.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on May 7, 2021.

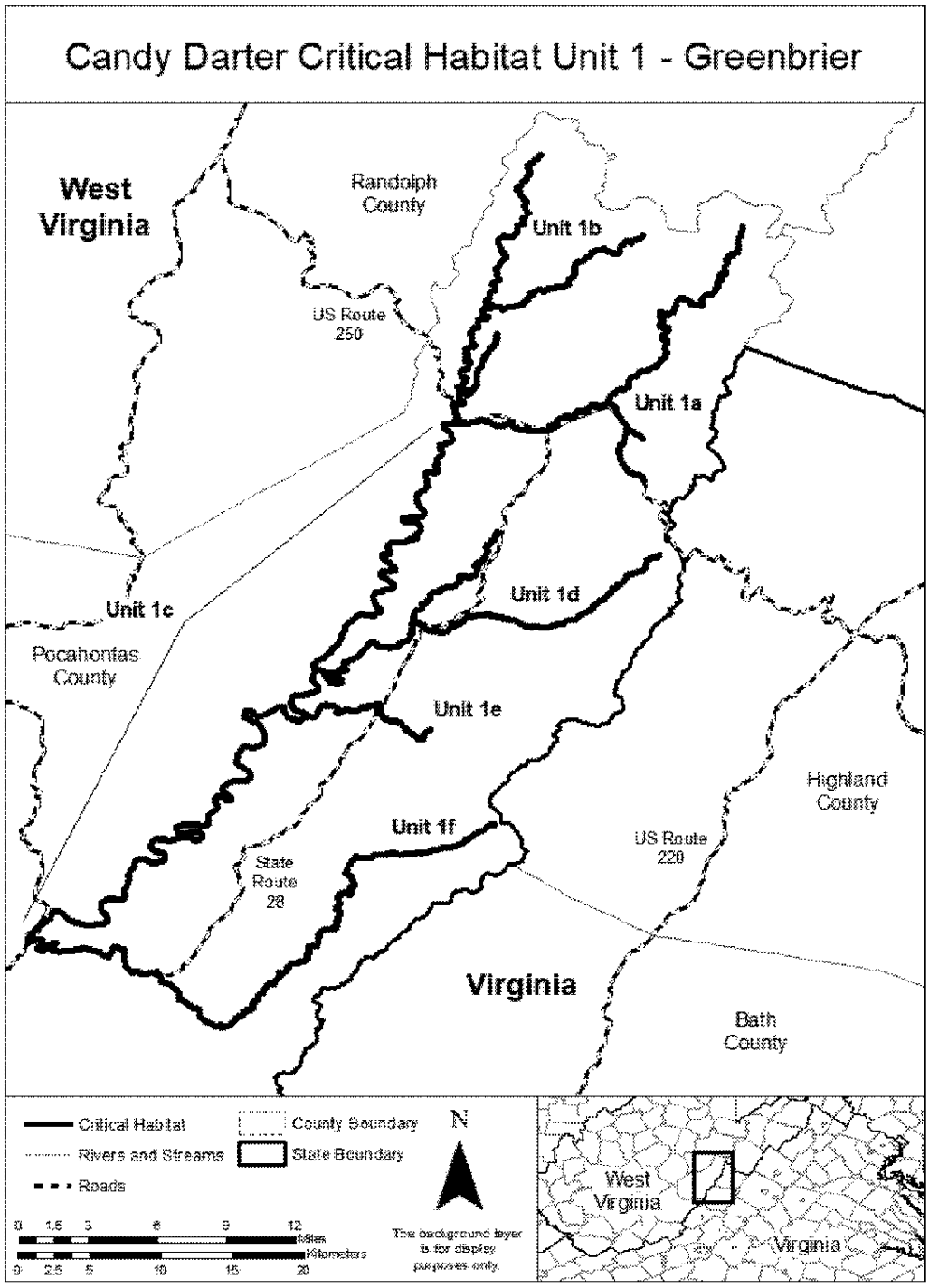
(4) *Critical habitat map units.* The provided maps were made using the geographic projection GCS_North_American_1983 coordinate system. Four spatial layers are included as background layers. We used two political boundary layers indicating the State and county boundaries within the United States available through ArcMap Version 10.5 software by ESRI. The roads layer displays major interstates, U.S. highways, State highways, and county roads in the Census 2000/TIGER/Line dataset provided by the U.S. Census Bureau, and available through ArcMap Version 10.5 software. Lastly, the hydrologic data used to indicate river and stream location are a spatial layer of rivers, streams, and small tributaries from the National Hydrology Database (NHD) Plus Version 2 database. This database divides the United States into a number of zones, and the zones that include the area where candy darter critical habitat is indicated are the Ohio-05 hydrologic zone and the Mid Atlantic-02 hydrologic zone. The maps provided display the critical habitat in relation to State and county boundaries, major roads and highways, and connections to certain rivers and streams within the larger river network. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.fws.gov/northeast/candydarter/,* at *http://www.regulations.gov* at Docket No. FWS–R5–ES–2018–0050, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) *Note:* Index map of candy darter critical habitat units follows:

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(6) Index map of Unit 1–Greenbrier follows:

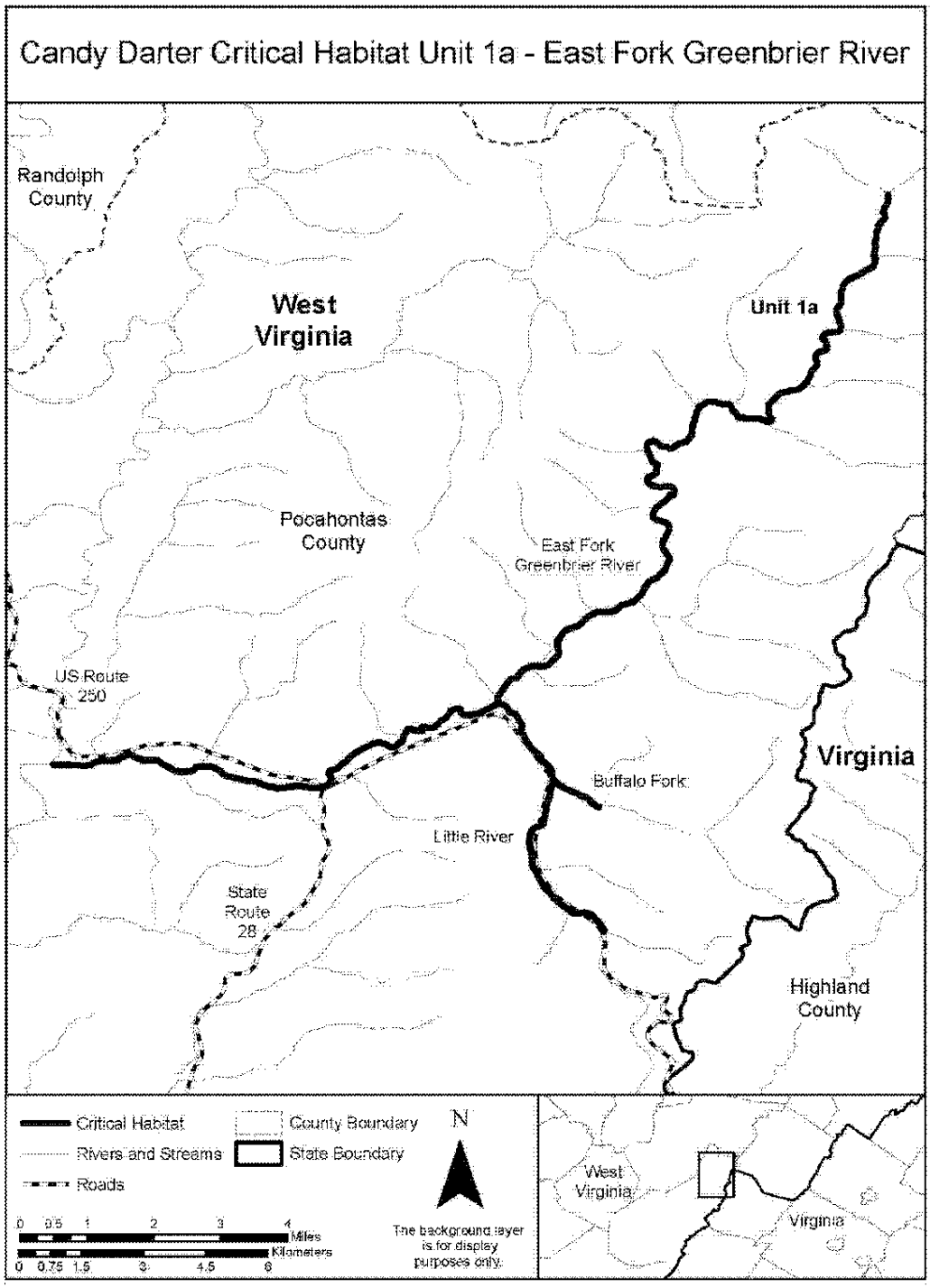


(7) *Unit 1a:* East Fork of Greenbrier River, Pocahontas County, West Virginia.

(i) *General description:* Unit 1a consists of approximately 29.7 stream kilometers (skm) (18.5 stream miles (smi)) of the East Fork of the Greenbrier River from the confluence of an unnamed tributary located 1.8 skm (1.1 smi) upstream of the Bennett Run confluence, downstream to the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, West Virginia; and approximately 6.8 skm (4.2 smi) of the Little River from the U.S. Highway 250 crossing, downstream to the confluence of the Little River and the East Fork of the Greenbrier River; and approximately 1.9 skm (1.2 smi) of Buffalo Fork from the Buffalo Lake dam downstream to the confluence of Buffalo Fork and the Little River. Approximately 21.2 skm (13.2 smi) of Unit 1a is within the Monongahela National Forest with the remainder adjacent to almost entirely private land, except for a small amount that is

publicly owned in the form of bridge crossings, road easements, and the like.

(ii) Map of Unit 1a, East Fork of Greenbrier River, follows:

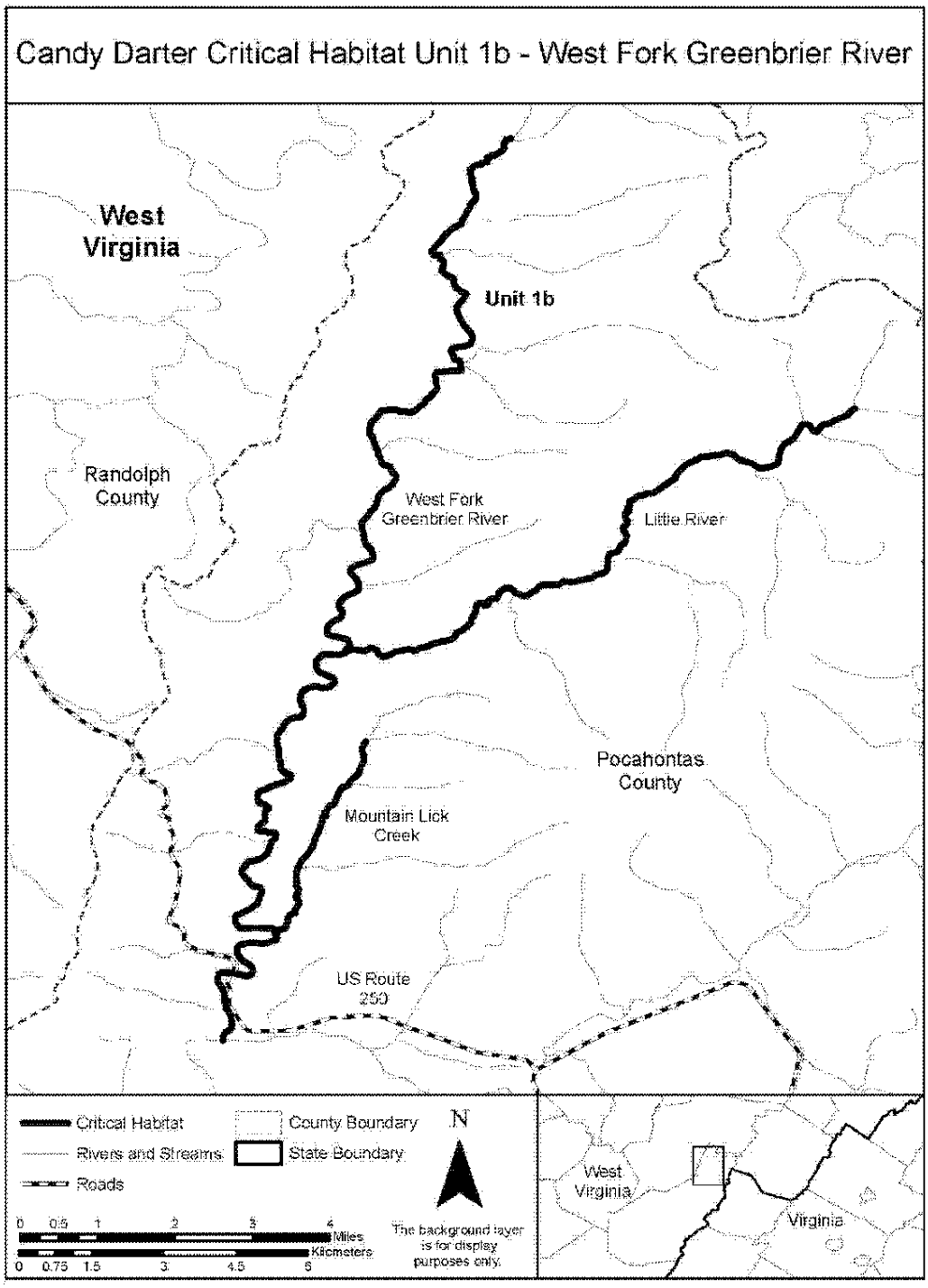


(8) *Unit 1b:* West Fork of Greenbrier River, Pocahontas County, West Virginia.

(i) *General description:* Unit 1b consists of approximately 29.9 skm (18.6 smi) of the West Fork of the Greenbrier River from the confluence with Snorting Lick Run, downstream to the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, West Virginia; approximately 13.3 skm (8.3 smi) of the Little River from the confluence with Hansford Run, downstream to the confluence of the Little River and the West Fork of the Greenbrier River; and approximately 4.8 skm (3.0 smi) of Mountain Lick Creek from the confluence with an unnamed tributary (located 1.5 skm (0.9 smi) downstream of the Upper Mountain Lick Forest Service Road crossing), downstream to the confluence of Mountain Lick Creek and the West Fork of the Greenbrier River. Approximately 47.1 skm (29.3 smi) of Unit 1b is within the Monongahela National Forest with the remainder adjacent to almost

entirely private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

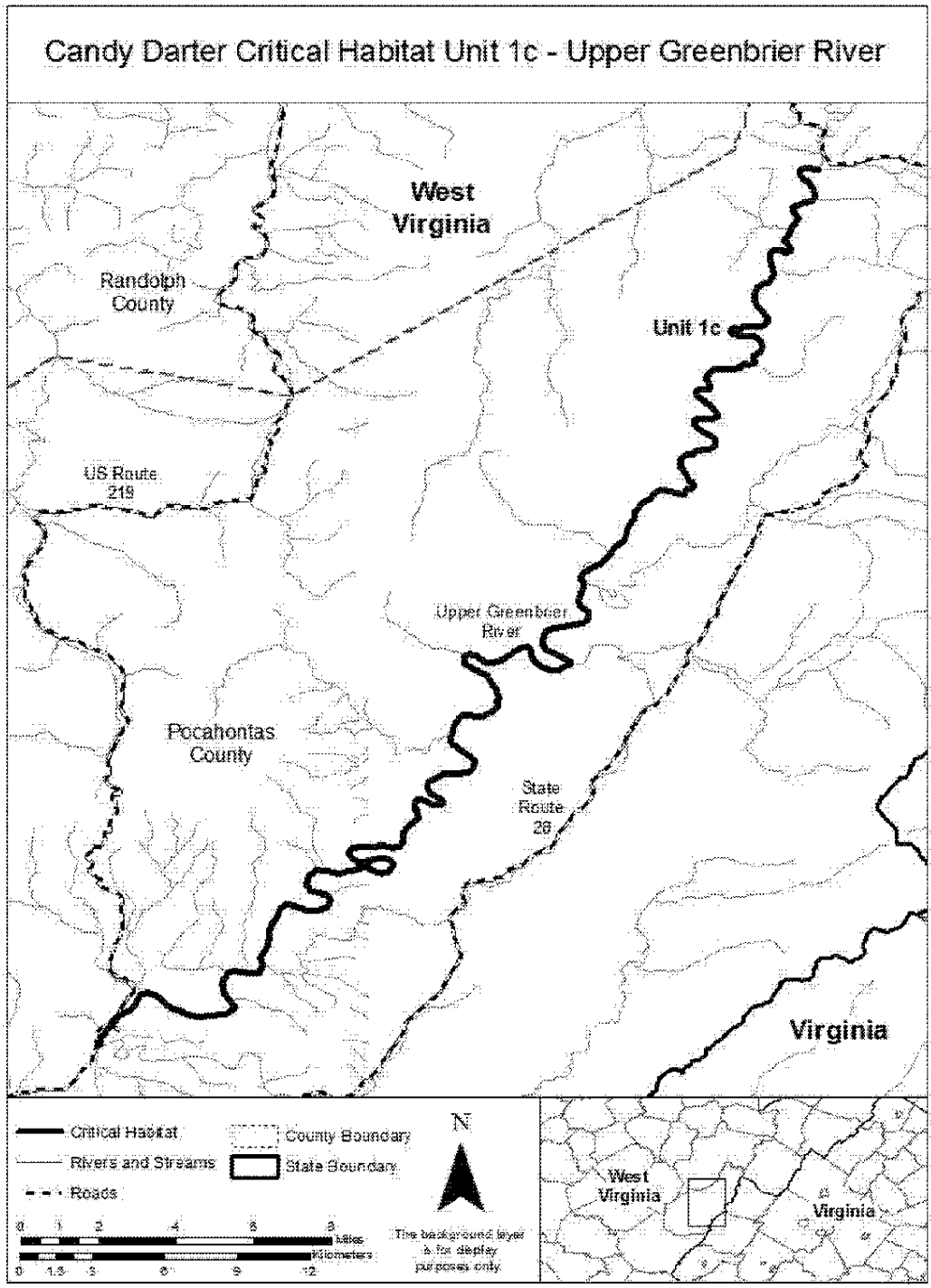
(ii) Map of Unit 1b, West Fork of Greenbrier River, follows:



(9) *Unit 1c:* Upper Greenbrier River, Pocahontas County, West Virginia.

(i) *General description:* Unit 1c consists of approximately 69.3 skm (43.1 smi) of the Greenbrier River from the confluence of the East Fork and West Fork of the Greenbrier River at Durbin, West Virginia, downstream to the confluence of Knapp Creek at Marlinton, West Virginia. Approximately 47.5 skm (29.5 smi) of Unit 1c is within the Monongahela National Forest and the Seneca State Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

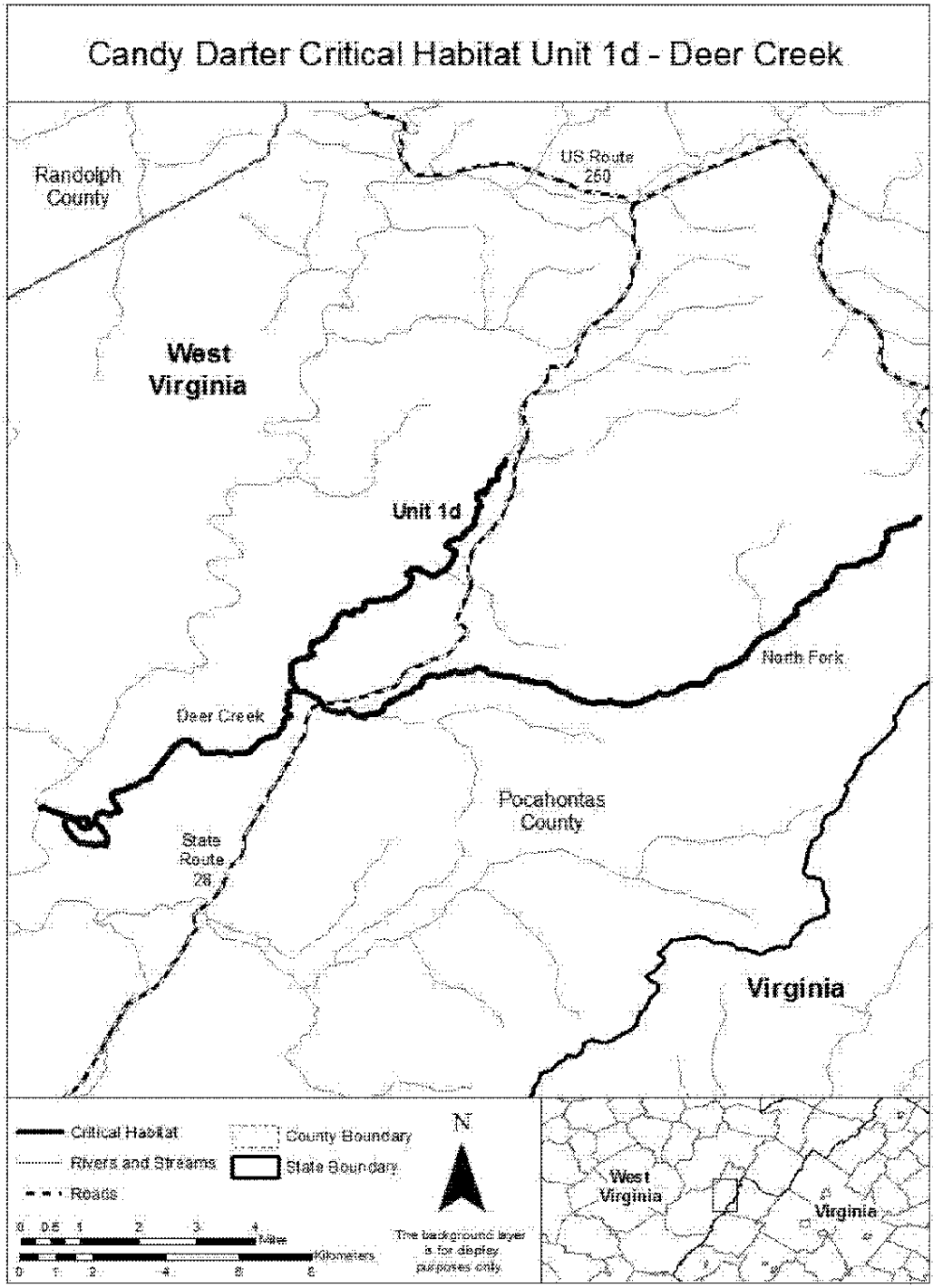
(ii) Map of Unit 1c, Upper Greenbrier River, follows:



(10) *Unit 1d:* Deer Creek, Pocahontas County, West Virginia.

(i) *General description:* Unit 1d consists of approximately 21.2 skm (13.2 smi) of Deer Creek from the confluence of Deer Creek and Saulsbury Run, downstream to the confluence with the Greenbrier River; and approximately 16.3 skm (10.1 smi) of North Fork from a point approximately 1.6 skm (1.0 smi) upstream of the Elleber Run confluence, downstream to the confluence of North Fork and Deer Creek. Approximately 10.0 skm (6.2 smi) of Unit 1d is within the Monongahela National Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

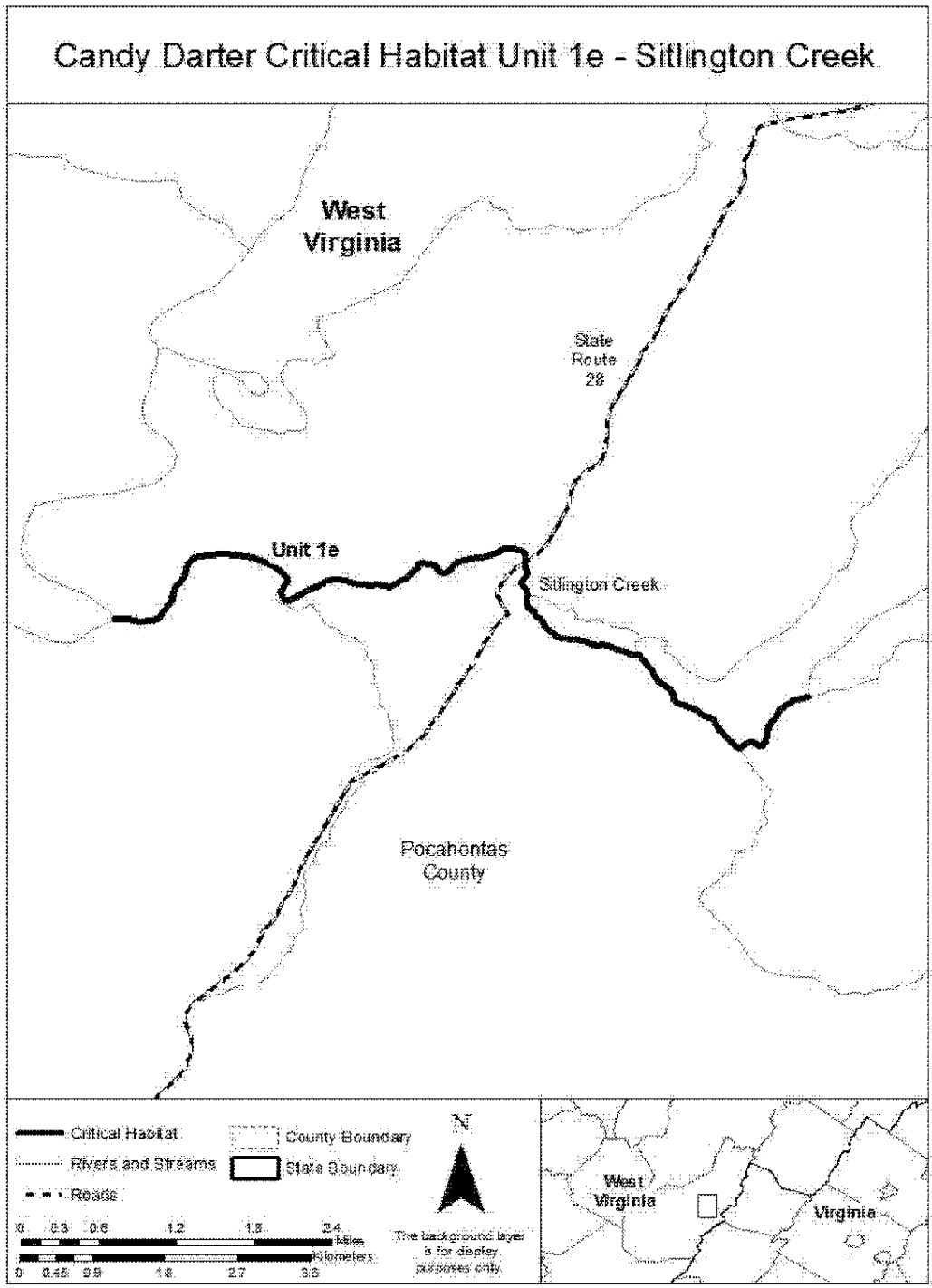
(ii) Map of Unit 1d, Deer Creek, follows:



(11) *Unit 1e:* Sitlington Creek, Pocahontas County, West Virginia.

(i) *General description:* Unit 1e consists of approximately 10.1 skm (6.3 smi) of Sitlington Creek from the confluence of Galford Run and Thorny Branch, downstream to the confluence with the Greenbrier River. Approximately 1.2 skm (0.7 smi) of Unit 1e is within the Monongahela National Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

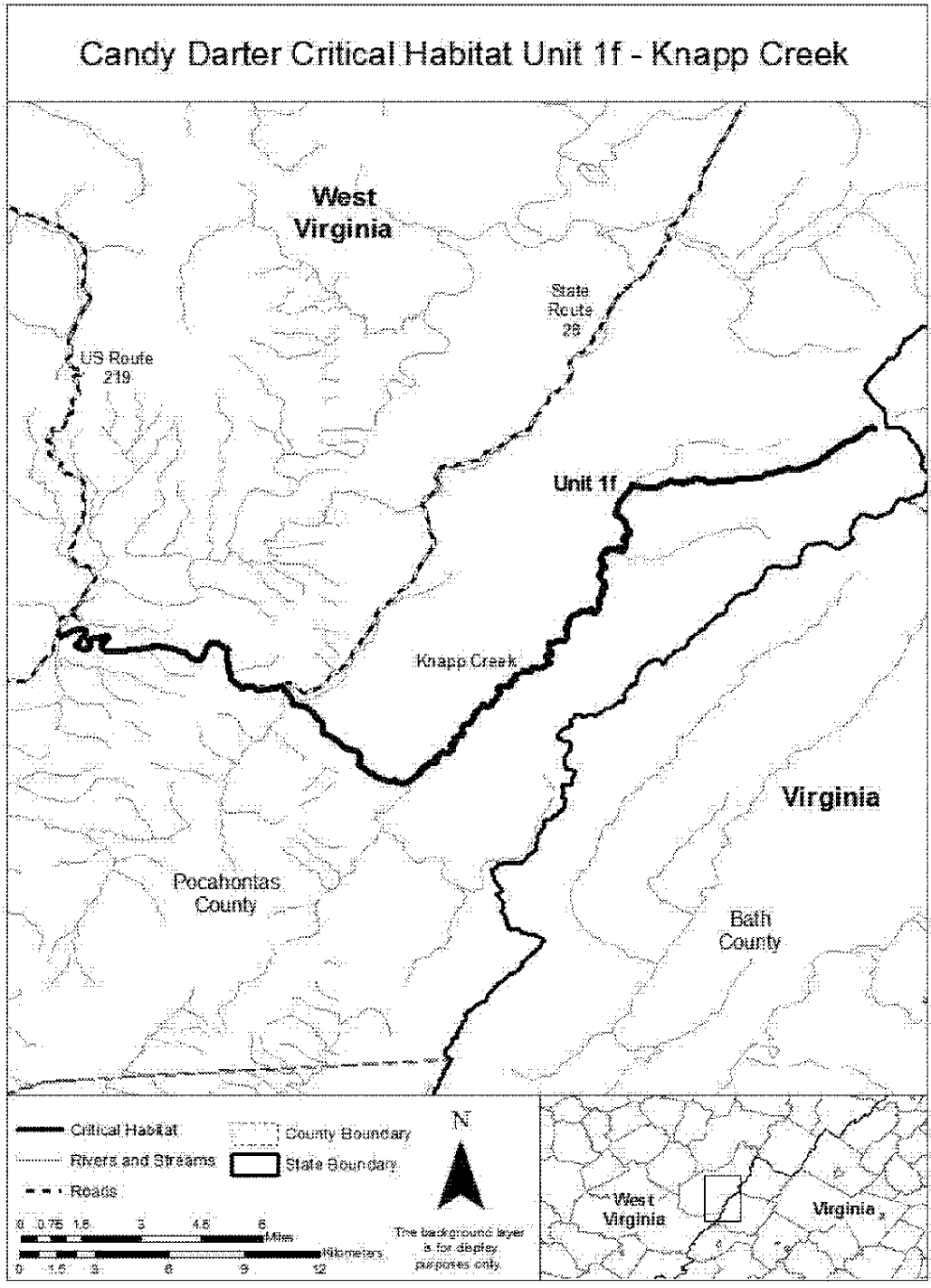
(ii) Map of Unit 1e, Sitlington Creek, follows:



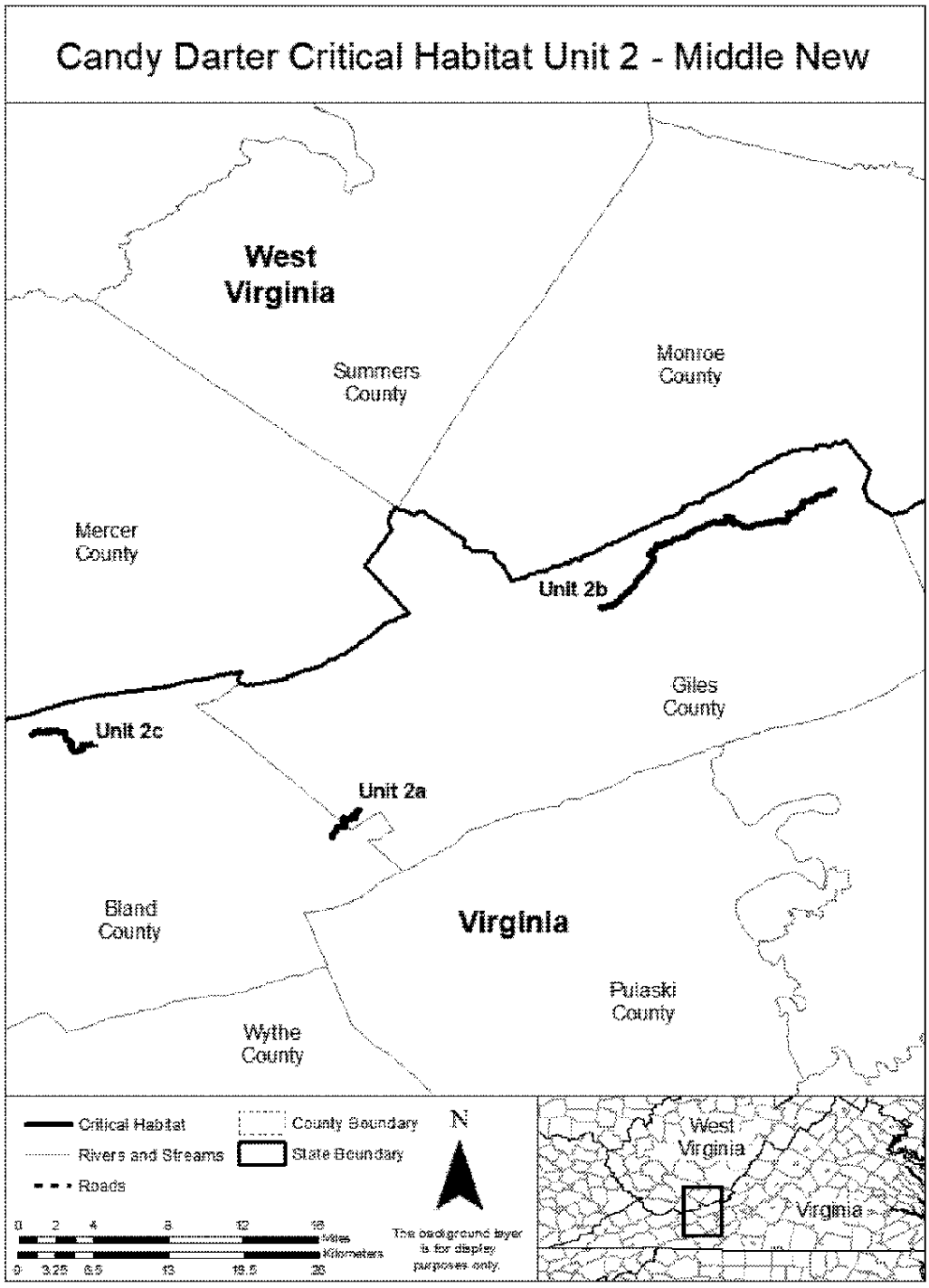
(12) *Unit 1f:* Knapp Creek, Pocahontas County, West Virginia.

(i) *General description:* Unit 1f consists of approximately 43.9 skm (27.3 smi) of Knapp Creek from a point approximately (0.1 smi) west of the WV Route 84 and Public Road 55 intersection, downstream to the confluence with the Greenbrier River at Marlinton, West Virginia. Approximately 7.2 skm (4.5 smi) of Unit 1f is within the Monongahela National Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

(ii) Map of Unit 1f, Knapp Creek, follows:



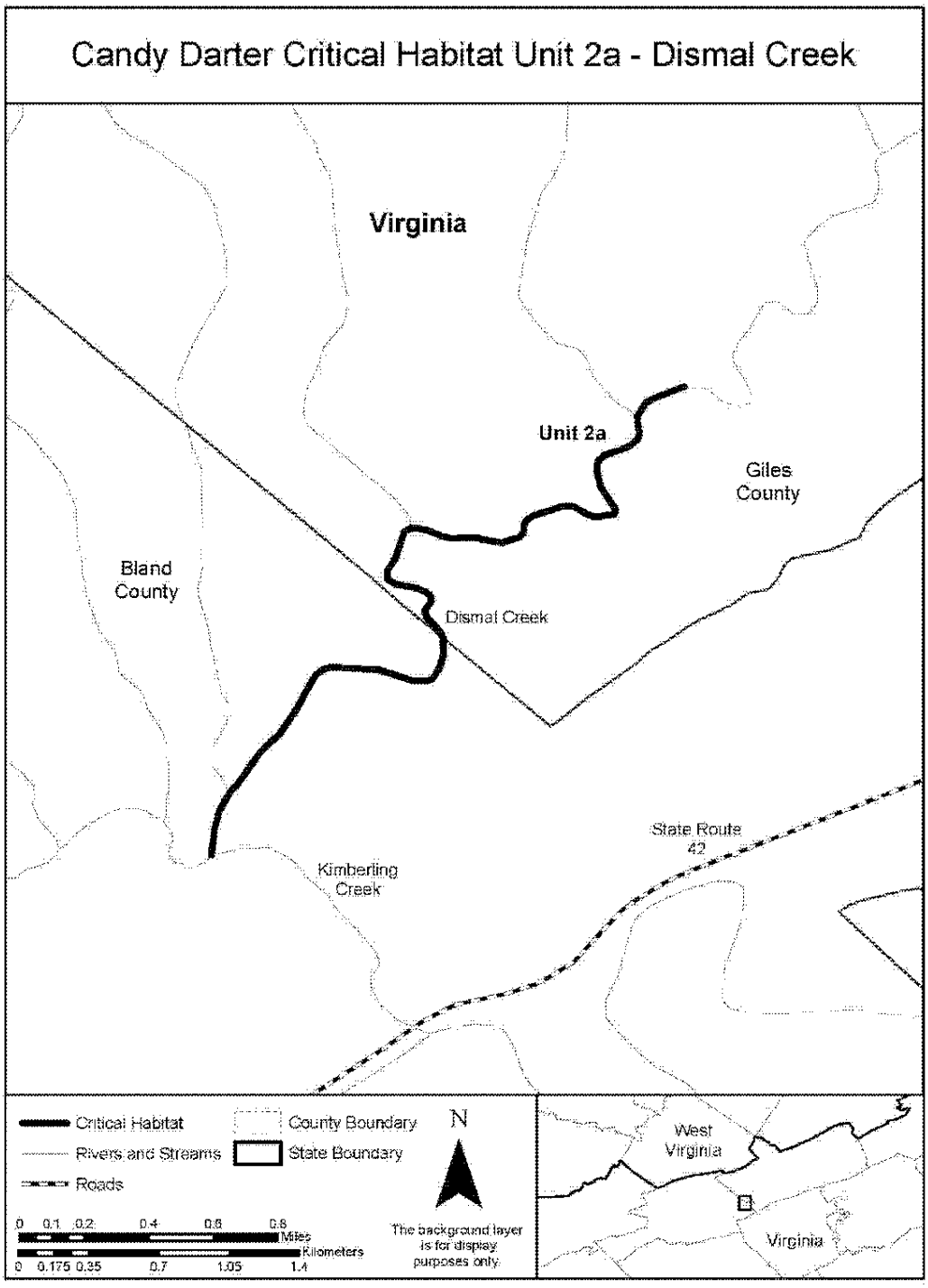
(13) Index map of Unit 2–Middle New follows:



(14) *Unit 2a:* Dismal Creek, Bland and Giles Counties, Virginia.

(i) *General description:* Unit 2a consists of approximately 4.2 skm (2.6 smi) of Dismal Creek from the confluence with Standrock Branch, downstream to the confluence of Dismal Creek and Kimberling Creek. Approximately 3.2 skm (2.0 smi) of Unit 2a is within the George Washington and Jefferson National Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

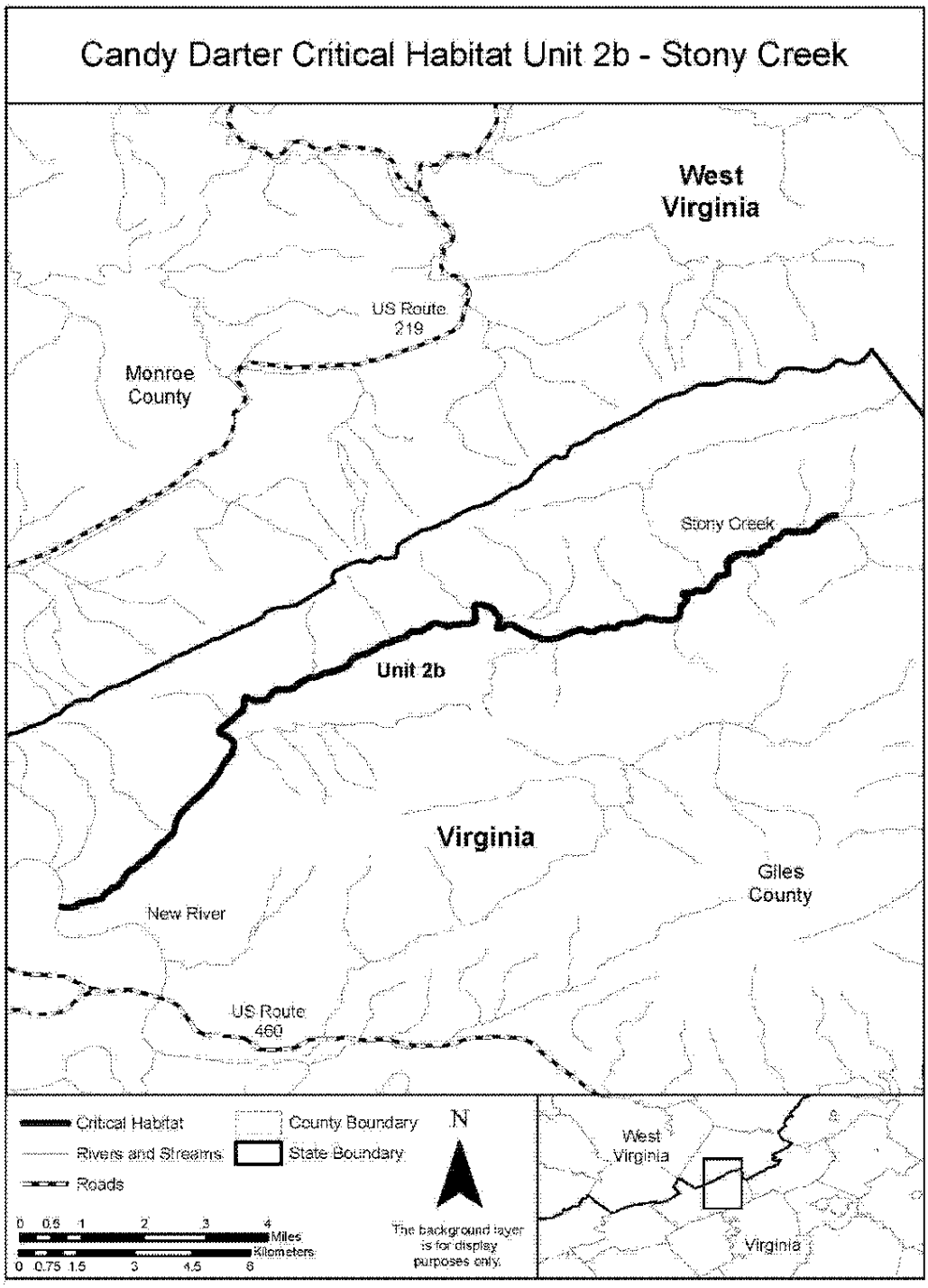
(ii) Map of Unit 2a, Dismal Creek, follows:



(15) *Unit 2b:* Stony Creek, Giles County, Virginia.

(i) *General description:* Unit 2b consists of approximately 31.1 skm (19.3 smi) of Stony Creek from the confluence with White Rock Branch, downstream to the confluence with the New River. Approximately 16.1 skm (10.0 smi) of Unit 2b is within the George Washington and Jefferson National Forest, with the remainder adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

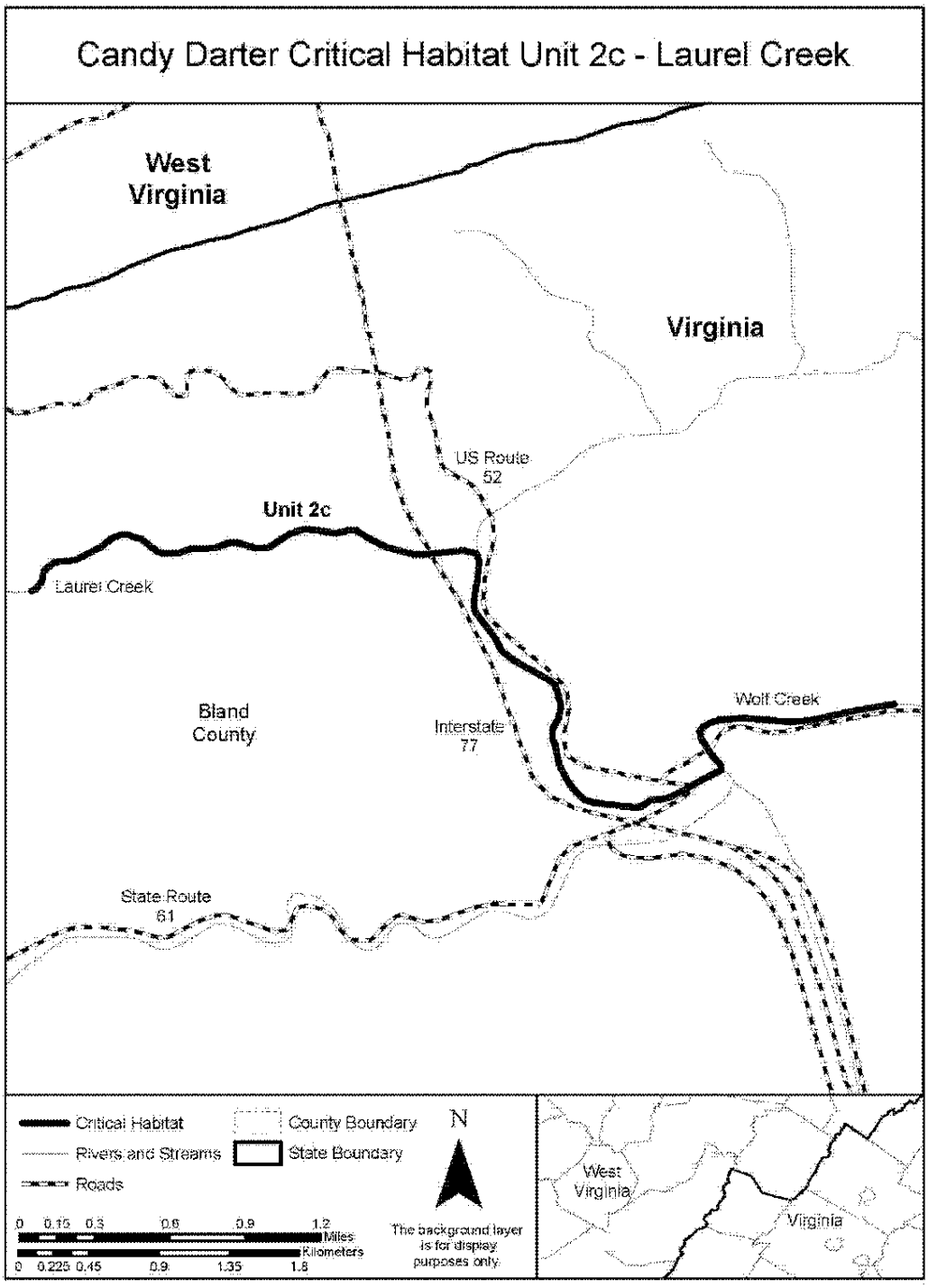
(ii) Map of Unit 2b, Stony Creek, follows:



(16) *Unit 2c:* Laurel Creek, Bland County, Virginia.

(i) *General description:* Unit 2c consists of approximately 5.1 skm (3.2 smi) of Laurel Creek from a point approximately 0.8 skm (0.5 smi) upstream of the unnamed pond, downstream to the confluence of Laurel Creek and Wolf Creek and approximately 1.4 skm (0.8 smi) of Wolf Creek from the Laurel Creek confluence downstream to the stream riffle adjacent to the intersection of Wolf Creek Highway and Alder Lane. Unit 2c is adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

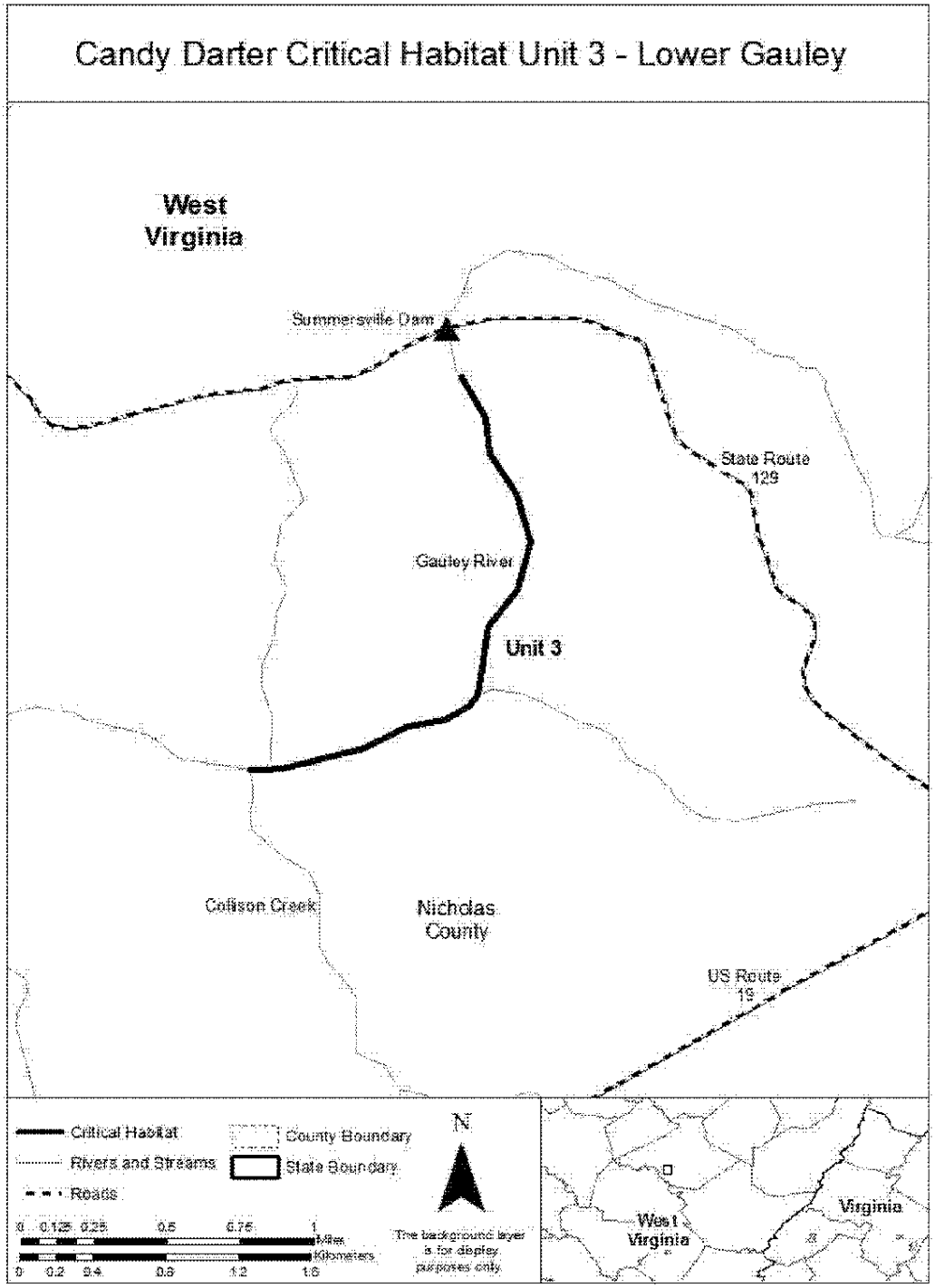
(ii) Map of Unit 2c, Laurel Creek, follows:



(17) *Unit 3:* Lower Gauley, ''Lower'' Gauley River, Nicholas County, West Virginia.

(i) *General description:* Unit 3 consists of approximately 2.9 skm (1.8 smi) of the Gauley River from the base of the Summersville Dam, downstream to the confluence of Collison Creek. The entirety of Unit 3 is within the National Park Service's Gauley River National Recreation Area and the U.S. Army Corps of Engineer's Summersville Recreation Area.

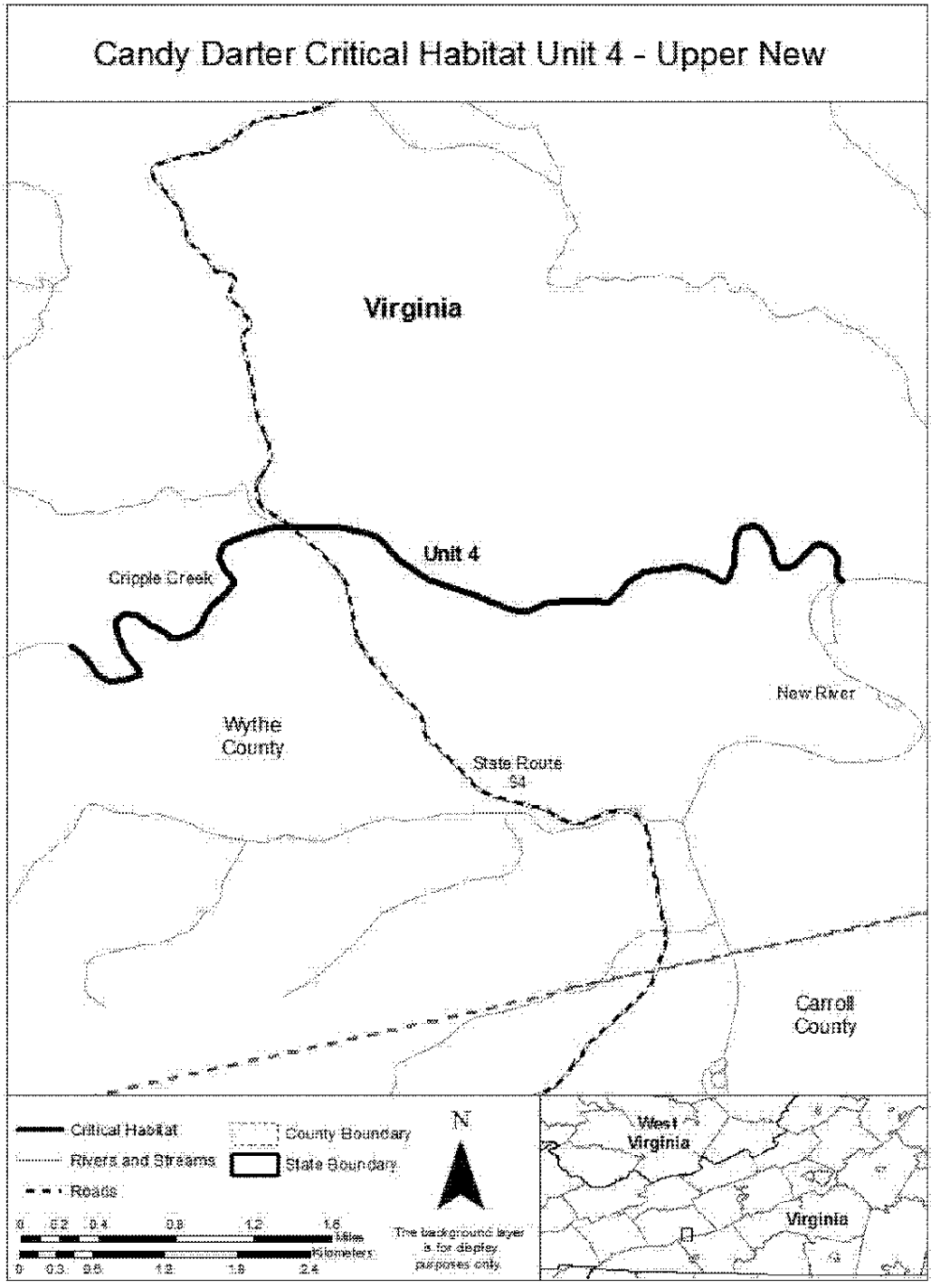
(ii) Map of Unit 3–Lower Gauley follows:



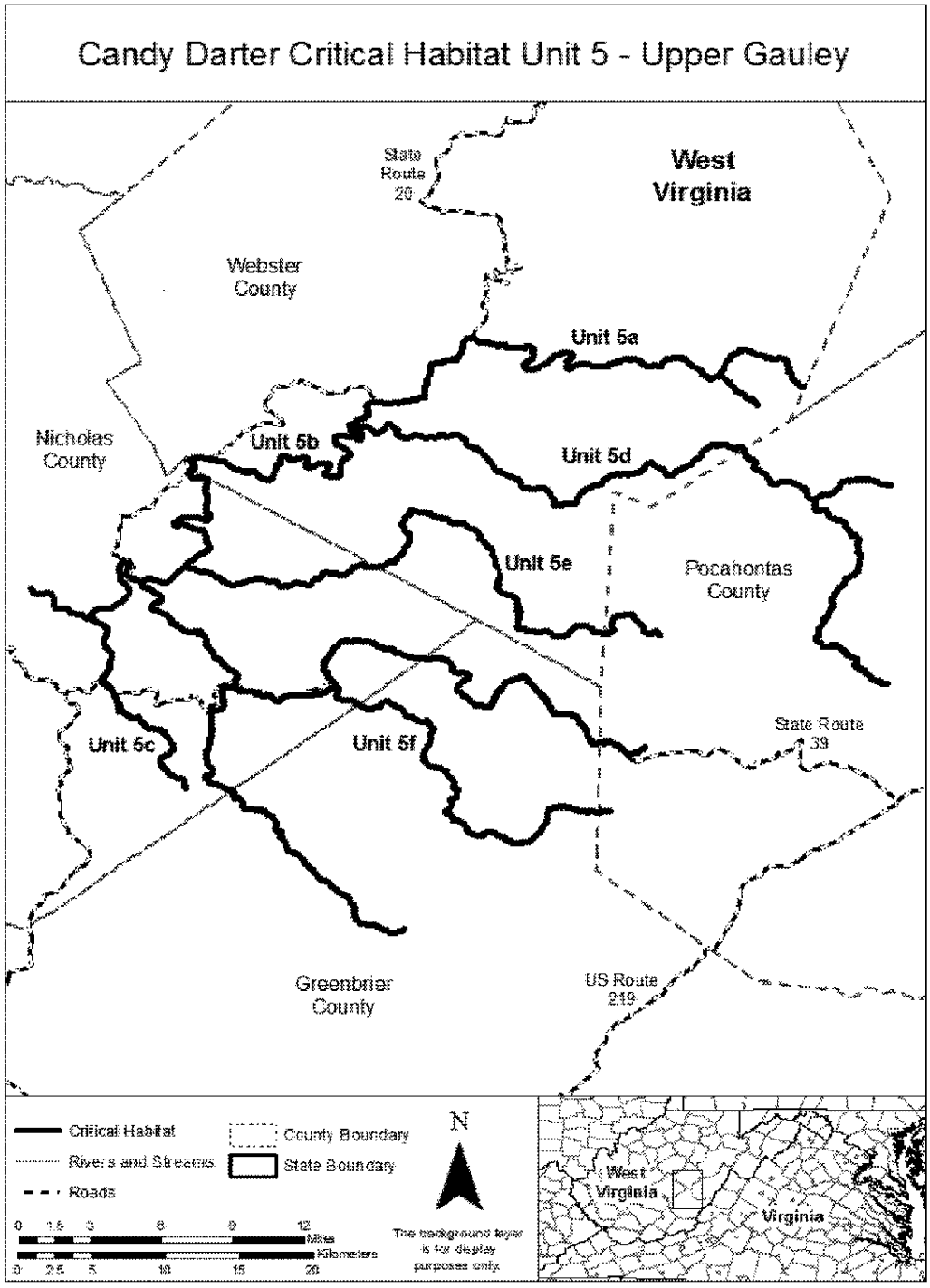
(18) *Unit 4:* Upper New, Cripple Creek, Wythe County, Virginia.

(i) *General description:* Unit 4 consists of approximately 7.9 skm (4.9 smi) of Cripple Creek from a point approximately (2.0 smi) upstream of the State Road 94 bridge, downstream to the confluence of Cripple Creek and the New River. The stream in Unit 4 is adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

(ii) Map of Unit 4–Upper New follows:



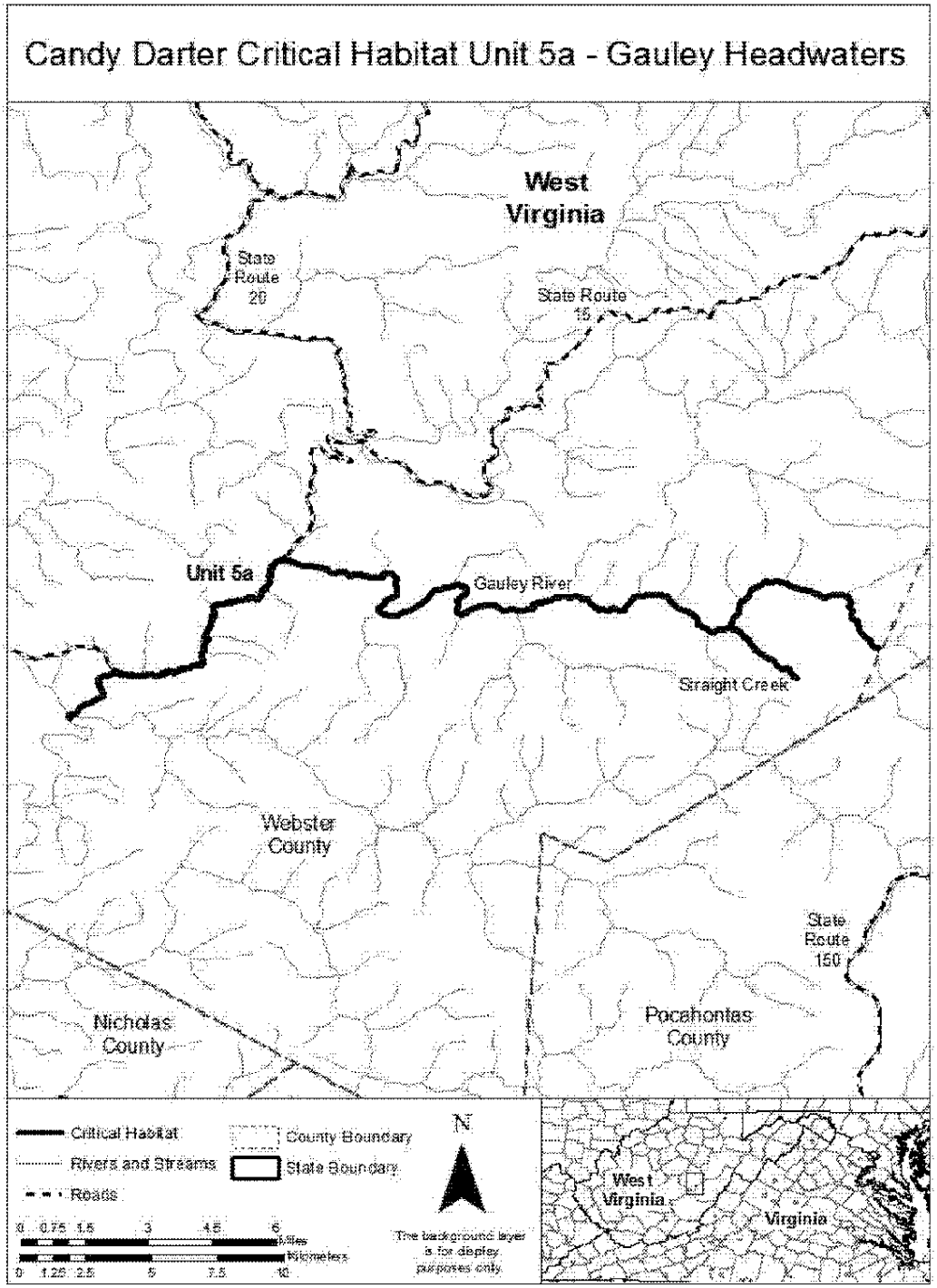
(19) Index map of Unit 5–Upper Gauley follows:



(20) *Unit 5a:* Gauley Headwaters, Webster County, West Virginia.

(i) *General description:* Unit 5a consists of approximately 37.3 skm (23.2 smi) of the Gauley River from the North and South Forks of the Gauley River, downstream to the confluence of the Gauley River and the Williams River at Donaldson, West Virginia; and 2.9 skm (1.8 smi) of Straight Creek from its confluence with the Gauley River to a point approximately 2.9 skm (1.8 smi) upstream of the confluence. Approximately 9.0 skm (5.6 smi) of Unit 5a is within the Monongahela National Forest. The remainder of the unit is adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

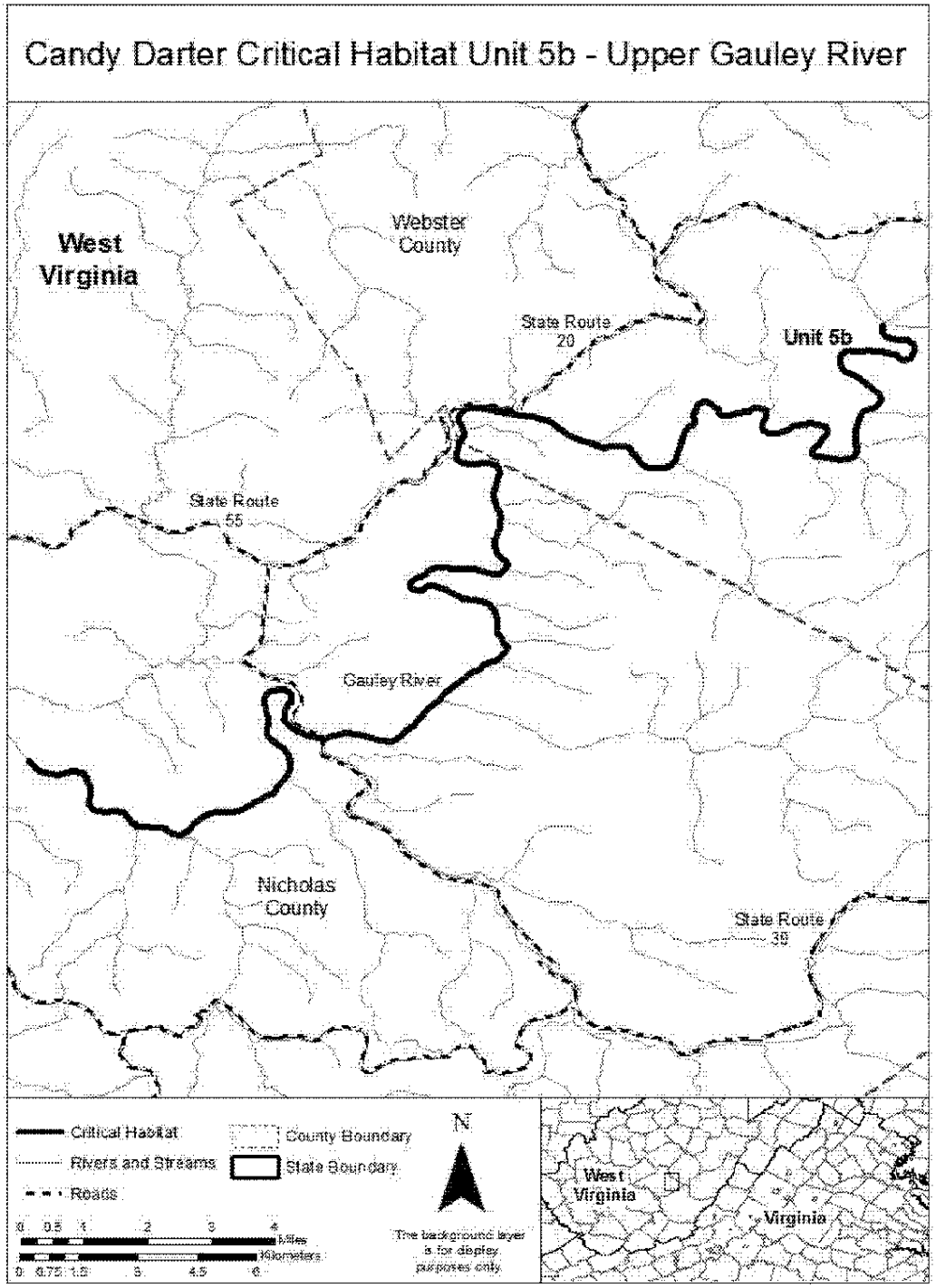
(ii) Map of Unit 5a, Gauley Headwaters, follows:



(21) *Unit 5b:* Upper Gauley River, Nicholas and Webster Counties, West Virginia.

(i) *General description:* Unit 5b consists of approximately 43.8 skm (27.2 smi) of the Gauley River from the confluence of the Gauley and Williams Rivers at Donaldson, West Virginia, downstream to a point approximately 1.6 skm (1.0 smi) upstream of the Big Beaver Creek confluence. Approximately 14.6 skm (9.2 smi) of Unit 5b is within the Monongahela National Forest and/or adjacent to land owned by the U.S. Army Corps of Engineers. The streams in the remainder of the unit are adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

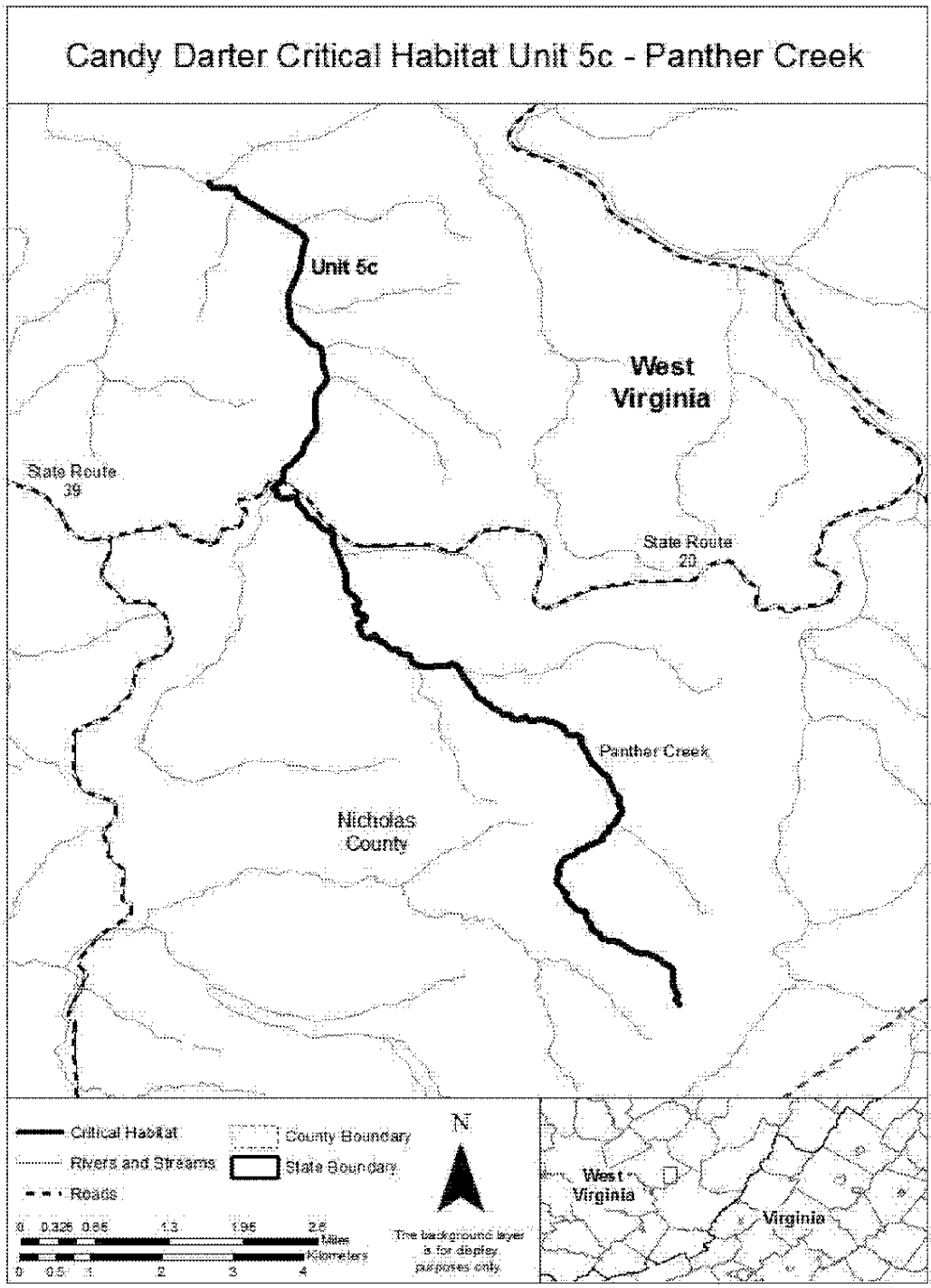
(ii) Map of Unit 5b, Upper Gauley River, follows:



(22) *Unit 5c:* Panther Creek, Nicholas County, West Virginia.

(i) *General description:* Unit 5c consists of approximately 16.3 skm (10.1 smi) of Panther Creek from a point approximately 1.1 skm (0.7 smi) upstream of the Grassy Creek Road crossing, downstream to the confluence with the Gauley River. The streams in Unit 5c are adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

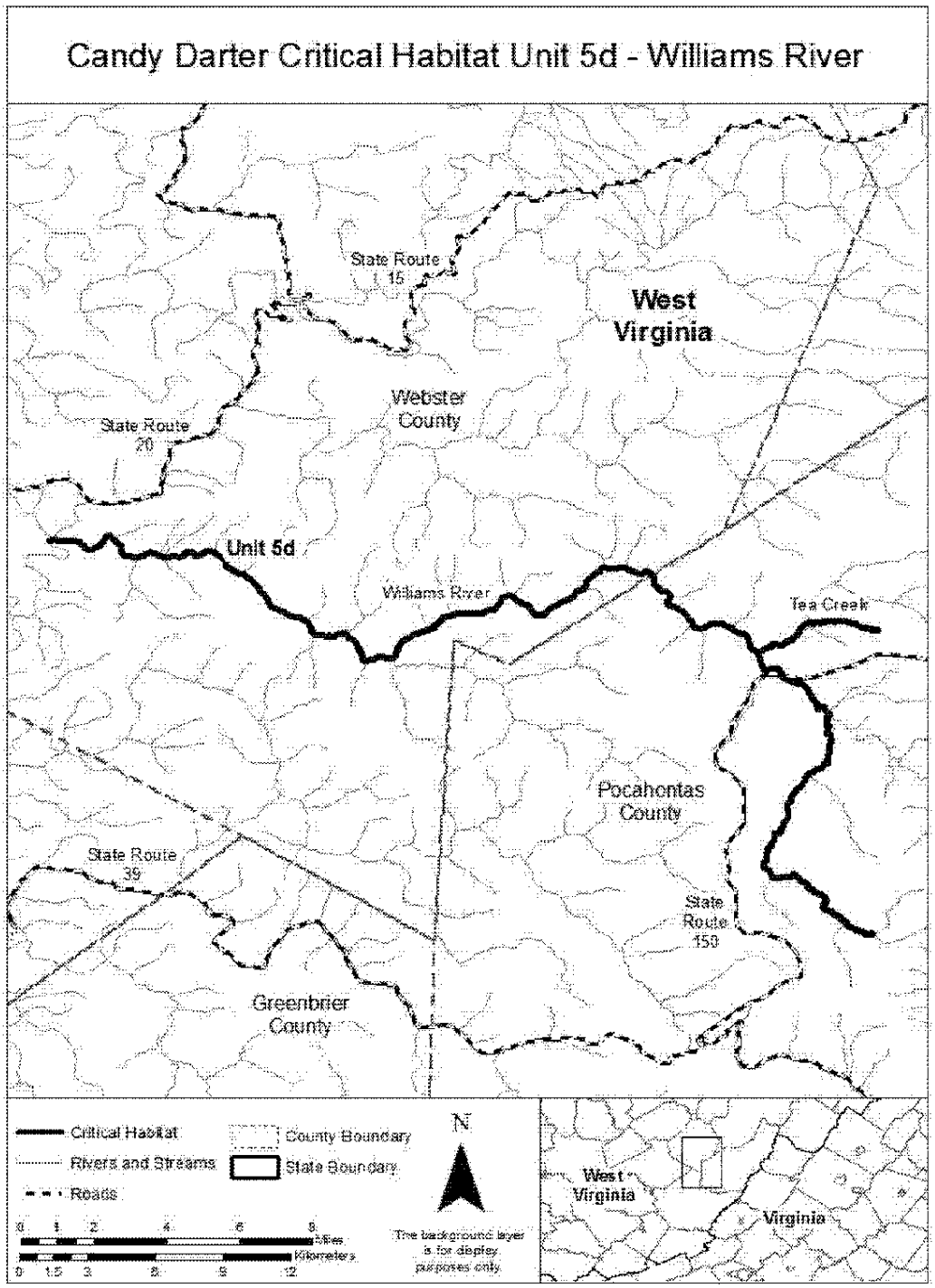
(ii) Map of Unit 5c, Panther Creek, follows:



(23) *Unit 5d:* Williams River, Pocahontas and Webster Counties, West Virginia.

(i) *General description:* Unit 5d consists of approximately 52.4 skm (32.6 smi) of the Williams River from the confluence with Beaverdam Run, downstream to the confluence of the Williams River and the Gauley River at Donaldson, West Virginia; and 5.1 skm (3.2 smi) of Tea Creek from a point on Lick Creek approximately 2.7 skm (1.7 smi) upstream of the Lick Creek confluence, downstream to the Tea Creek confluence with the Williams River. The streams in Unit 5d are entirely within the Monongahela National Forest.

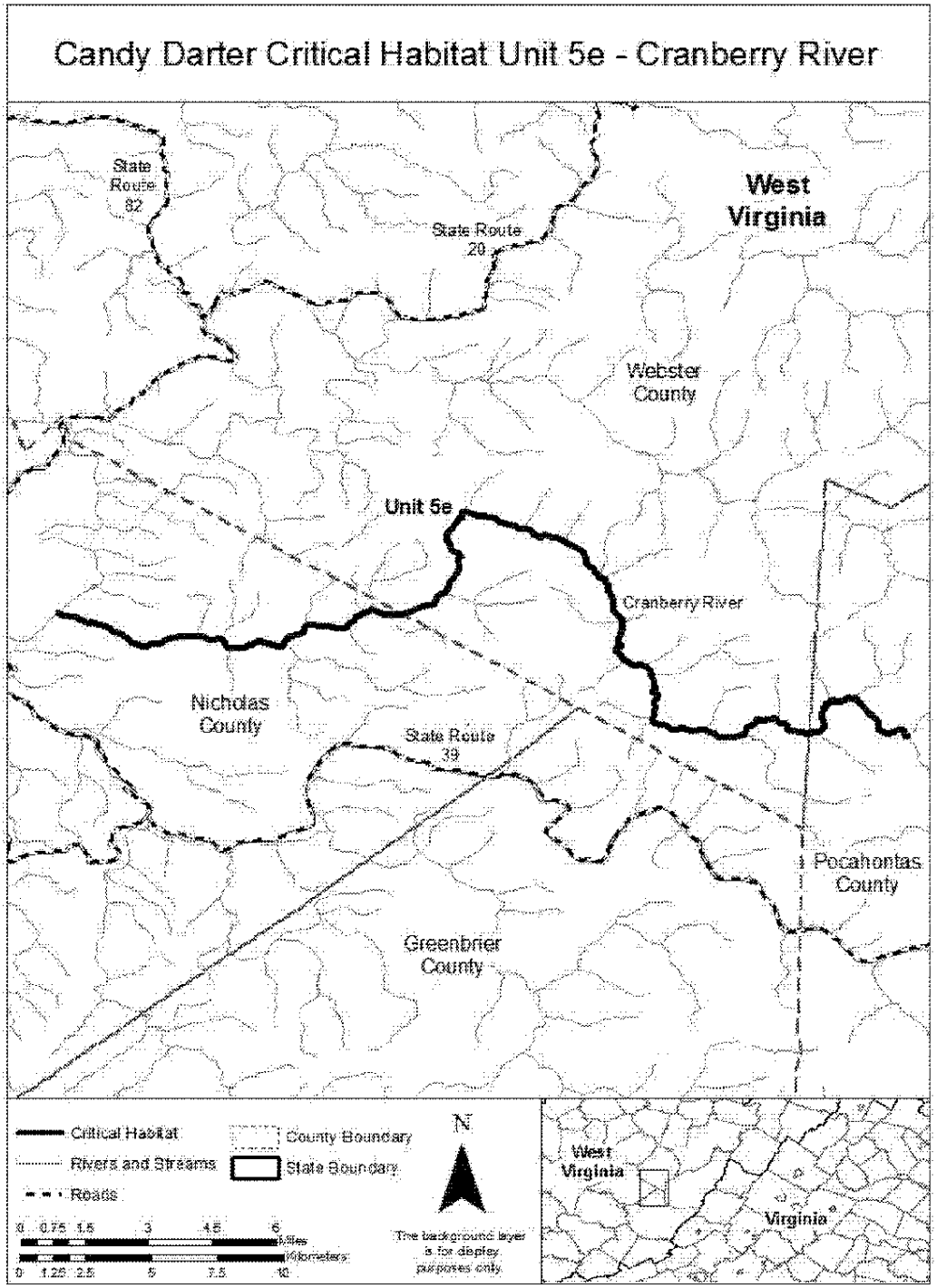
(ii) Map of Unit 5d, Williams River, follows:



(24) *Unit 5e:* Cranberry River, Nicholas and Webster Counties, West Virginia.

(i) *General description:* Unit 5e consists of approximately 39.3 skm (24.4 smi) of the Cranberry River from the confluence of the North and South Forks of the Cranberry River, downstream to the confluence of the Cranberry River and the Gauley River. This stream is entirely within the Monongahela National Forest.

(ii) Map of Unit 5e, Cranberry River, follows:

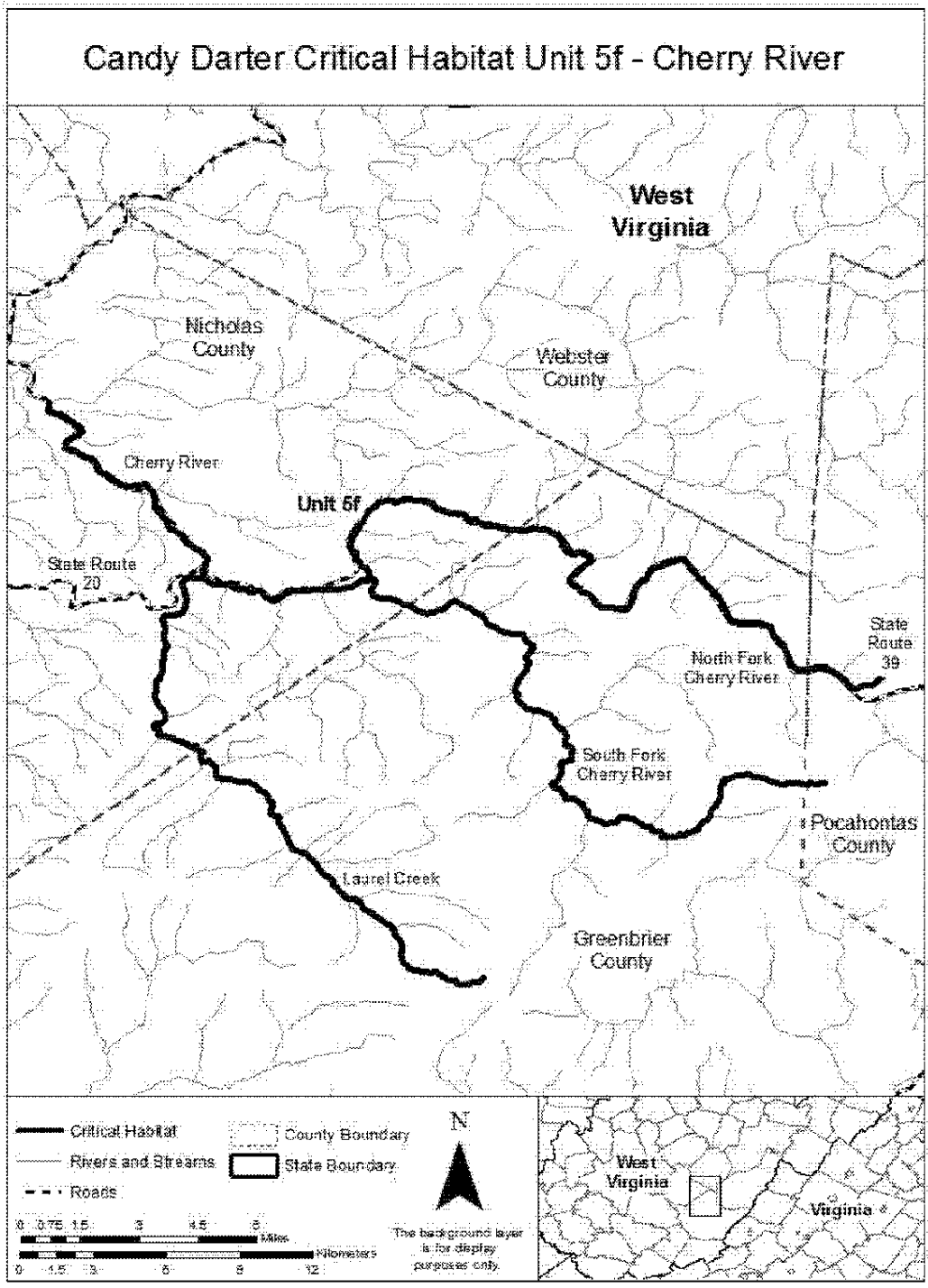


(25) *Unit 5f:* Cherry River, Greenbrier and Nicholas Counties, West Virginia.

(i) *General description:* Unit 5f consists of approximately 16.7 skm (10.4 smi) of Cherry River from the confluence of the North and South Forks of the Cherry River, downstream to the confluence of the Cherry River and the Gauley River; approximately 28.0 skm (17.4 smi) of the North Fork Cherry River from the Pocahontas Trail crossing, downstream to the confluence of the North and South Forks of the Cherry River; approximately 26.2 skm (16.3 smi) of the South Fork Cherry River from a point approximately 0.5 skm (0.3 smi) south of County Road 29/4 in Virginia, downstream to the confluence of the North and South Forks of the Cherry River; and approximately 24.9 skm (15.5 smi) of Laurel Creek from a point approximately 0.3 skm (0.2 smi) west of Cold Knob Road, downstream to the confluence of Laurel Creek and the Cherry River. Approximately 29.1 skm (18.1 smi) of Unit 5f is within the

Monongahela National Forest. The remainder is adjacent to private land, except for a small amount that is publicly owned in the form of bridge crossings, road easements, and the like.

(ii) Map of Unit 5f, Cherry River, follows:



* * * * *

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–06748 Filed 4–6–21; 8:45 am]

BILLING CODE 4333–15–C

West Virginia Coal Association
200 Association Dr. Suite 160, Charleston WV 25311 • (304) 342-4153 • Fax 342-7651 •
www.wvcoal.com

July 19, 2021

Mr. Christopher Smith
West Virginia Department of Environmental Protection
601 57th Street S.E.
Charleston, WV 25304
Submitted via electronic mail: wqscomments@wv.gov;

Dear Mr. Smith:

Pursuant to the public notice published by the West Virginia Department of Environmental Protection (DEP), the West Virginia Coal Association (WVCA) offers the following comments in response to the Rule 47 CSR 2, Requirements Governing Water Quality Standards ("WQS"). Specifically, DEP proposes to adopt the national recommended human health criteria prepared by the federal Environmental Protection Agency (EPA) for thirty-four organic parameters.

The West Virginia Coal Association (WVCA) is a non-profit state coal trade association representing the interests of the West Virginia coal industry on policy and regulation issues before various state and federal agencies that regulate coal extraction, processing, transportation, and consumption. WVCA's general members account for 90 percent of the Mountain State's underground and surface production of both thermal and metallurgical coal. WVCA also represents associate members that supply an array of services to the mining industry in West Virginia. WVCA's primary goal is to enhance

the viability of the West Virginia coal industry by supporting efficient and environmentally responsible coal removal and processing through reasonable, equitable and achievable state and federal policy and regulation. WVCA is the largest state coal trade association in the nation.

WVCA cannot condone the lack of scientific support for EPA's national recommended human health criteria. EPA's calculations are built on layers of conservatism that yield the criteria entirely unrepresentative of a concentration that may actually cause a toxic effect. While the overly conservative nature of the criteria calculations is troubling, the most critical deficiency is related to the determination of bioaccumulation factors, which have little scientific foundation. In short, EPA failed to do the work necessary to develop scientifically defensible human health criteria.

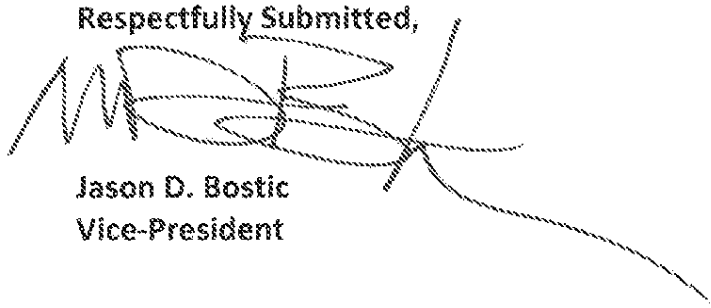
With that being said, WVCA has participated in the DEP work group who has studied the EPA human health criteria over the past year. The work necessary to prepare scientifically defensible human health criteria is tremendous. WVCA does not believe that DEP has the resources (financial or personnel) to complete this work. This creates a situation where West Virginia can continue to utilize the older science in the current criteria or adopt EPA's newer science, despite its staggering deficiencies.

The proposed solution in 47 CSR 2 is imperfect but reasonable. DEP proposes the adoption of EPA's national recommended criteria, accompanied with language allowing the regulated community to correct EPA's criteria on a case-by-case basis through the NPDES permitting process. This passes the burden for correcting EPA's criteria to the permittee, if necessary for development of reasonable effluent limitations. ***WVCA***

supports the adoption of the revised criteria set forth in 47 CSR 2 only if accompanied by the language in paragraph 8.2.c, as it provides the necessary flexibility to repair EPA's broken criteria as needed for regulatory compliance.

WVCA appreciates the opportunity to comment on this proposed rulemaking. If you have any questions, please contact me.

Respectfully Submitted,



Jason D. Bostic
Vice-President

Archived: Tuesday, June 29, 2021 1:52:49 PM
From: Rebecca McPhail
Sent: Tue, 29 Jun 2021 14:58:26 +0000ARC
To: DEP WQS Comments
Cc: dyaussy@spilmanlaw.com; Joseph C. Unger; iris.songerj@dow.com; Kristen Harrison; Jennie Henthorn
Subject: [External] WVMA Comments on 47 C.S.R. 2
Sensitivity: Normal
Attachments:
WQS Rule Comments WVMA 6 28 21.pdf

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Good morning,
Please find the attached comments submitted by the West Virginia Manufacturers Association in response to requests for comments on Legislative Rule 47 C.S.R. 2, "Requirements Governing Water Quality Standards." Please do not hesitate to reach out if you have any questions.
Best regards,
Rebecca

Rebecca R. McPhail, President
West Virginia Manufacturers Association
2001 Quarrier Street
Charleston, WV 25314
304-342-2123 (o)
304-767-5189 (m)
www.wvma.com

WEST VIRGINIA MANUFACTURERS ASSOCIATION

2001 Quarrier Street
Charleston, WV 25311
304-342-2123
www.wvma.com

Christopher Smith
Water Quality Standards, DWWM
WV Department of Environmental Protection
601 57th St. S.E.
Charleston, WV 25304
Via E-mail: *WQScomments@wv.gov*

Subj: COMMENTS CONCERNING PROPOSED CHANGES TO RULE 47 CSR 2 REQUIREMENTS GOVERNING WATER QUALITY STANDARDS

Dear Mr. Smith:

The West Virginia Manufacturers Association ("WVMA") appreciates the opportunity to submit these comments concerning the proposed changes to Legislative Rule 47 CSR 2, Requirements Governing Water Quality Standards ("WQS"). The West Virginia Department of Environmental Protection ("DEP") published a notice soliciting comments on the proposed water quality standard changes on June 4, 2021 and requested that comments be submitted by July 19, 2021.

In March of 2020, DEP proposed revisions to 24 human health criteria to make them consistent with nationally recommended criteria set by the federal Environmental Protection Agency ("EPA"). There were concerns regarding the data and process by which the national criteria were promulgated, so criteria work group was created to research and recommend additional revisions to the numeric criteria. The work group was comprised of DEP personnel and members of the DEP Environmental Protection Advisory Council (the "Council") and focused on ascertaining scientifically-sound bioaccumulation factors, a West Virginia-specific fish consumption rate, and other factors to establish West Virginia-specific criteria. As a member of the Council, WVMA developed an informed understanding of the deficient scientific basis for the now-proposed criteria revisions.

WVMA brought several updated studies and calculating methods to the Council's attention, but there was not enough support to formulate or recommend revised criteria. WVMA does not support setting policy based on the outdated methods and data employed by EPA but recognizes the limited resources of the DEP to do a full evaluation of each of the scheduled criteria within a reasonable period. Accordingly, WVMA acknowledges that, until such a review can take place, adoption of EPA's proposed criteria may be the most reasonable approach, provided there is a clear path for interested parties to further analyze the data and propose amendments to the criteria, on a site-specific basis or otherwise, in the future. WVMA supports the adoption of the 24 criteria proposed by EPA if the rule allows interested parties to correct EPA's criteria on a case-by-case basis through the NPDES permitting process, as proposed in paragraph 8.2.c.

Sincerely,

Respectfully,

Rebecca McPhail, President
WV Manufacturers Association

WEST VIRGINIA RIVERS

July 19, 2021

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

Submitted via email to WQSComments@wv.gov

Attn: Christopher Smith

Re: Proposed changes to Legislative Rule 47 C.S.R. 2, "Requirements Governing Water Quality Standards."

The West Virginia Rivers Coalition (WV Rivers), on behalf of our members and the ten undersigned organizations, submit the following comments on proposed changes to the water quality standards rule, 47 C.S.R. 2.

WVDEP should adopt all remaining EPA recommended updates that strengthen West Virginia's human health criteria, and establish recommended criteria where standards currently do not exist.

We support the adoption of another subset of updates to the human health criteria from EPA's 2015 updates, but only those that strengthen protections for human health. Adoption of these updates are long overdue, yet still do not go far enough. There are approximately 35 EPA-recommended criteria from the 2015 updates that WVDEP has yet to address and are missing from this rule. In the interest of protecting public health, we strongly urge the WVDEP to revise the rule to establish criteria for all chemicals included in EPA's 2015 updates that are not regulated under WV's standards.

Neighboring states have adopted all updates. It is not fair or just for West Virginians to be put at greater risk than residents of surrounding states when it comes to the set of chemicals regulated by water quality standards. For example, regulating certain chemicals on one side of the Ohio River, but not the other, does not ensure protection of human health for West Virginians, who will be at greater risk. There should be no

further delay in setting limits on toxins known to be harmful to human health – especially for those for which EPA has established updated recommended criteria.

WV Rivers opposes weakening of existing standards.

While the changes to the human health criteria follow EPA's methodology and recommendations, several of EPA's proposed criteria would actually weaken the state's existing criteria. As a matter of policy, WV Rivers is opposed to weakening of existing criteria. Public health officials agree that any additional exposure to toxic chemicals increases the risk to public health. Industry is already meeting the current standards so there is no valid argument to weaken any standard. We request that WVDEP restore the following criteria:

- Benzo (k) Fluoranthene (Category A)
- DDT
- Chrysene
- Gamma BHC
- Methyl Bromide

The proposed addition of Paragraph 8.2.c. should be rescinded.

The next sections of our comments outline our basis for adamantly opposing the proposed language in 8.2.c. We strongly urge the WVDEP to remove = 8.2.c from the rule.

Paragraph 8.2.c is an unlawful change to water quality standards.

Paragraph 8.2.c may be interpreted to allow a change in water quality standards without going through the requisite procedures of the federal Clean Water Act ("CWA"). A change to water quality standards is an action that is separate and distinct from the permitting process and subject to public scrutiny, EPA oversight, and the safeguards of the state lawmaking process. Procedures for revising water quality standards already exist under both federal and state law. *See* 40 C.F.R. § 131 (federal procedures); 47 W.Va. CSR §2-8.4; 46 W.Va. CSR § 6. Language in 8.2.c allowing changes to human health criteria on a "case by case" basis, is at best useless and at worst illegal.

First, there should be no question that human health criteria are water quality standards. "Water quality standards are provisions of State or Federal law which

consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based on such uses." 40 C.F.R. § 131.3(i); *see also, id.* at 131.3(b) ("Criteria are elements of State water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use."). Any changes that have the effect of changing human health criteria, including variables such as bioaccumulation factors and relative source contributions, are changes to water quality standards. *See* Office of Water, EPA, EPA 820-B-14-008, Water Quality Standards Handbook, Chapter 1: Provisions n.2 (2014); *Fla. Pub. Int. Research Grp. Citizen Lobby, Inc. v. EPA,* 386 F.3d 1070, 1090 (11th Cir. 2004). As such they are subject to CWA § 303(c) as well as federal regulations governing changes to water quality standards.

Pursuant to 33 U.S.C. § 1313(c) all revisions to water quality standards must be submitted to EPA for approval. Several regulations detail the requirements for submission. Notably, 40 C.F.R. § 131.20 contains standards for state review and mandates that public participation, including "one or more public hearings" with the "proposed water quality standards revision and supporting analyses" made available before such hearing. 40 C.F.R. § 131.20(b). Before submission to EPA, water quality standards must be "duly adopted pursuant to State law", which would include elements of both the state Administrative Procedures Act, as well as all relevant legislative procedures. 40 C.F.R. § 131.6.

Variances to generally applicable water quality standards are recognized and permissible under the CWA. Thus, "case by case" evaluations are already allowed under existing law. These variances, however, must comply with the detailed requirements of 40 C.F.R. § 131.14. Importantly, just like other water quality standards revisions they are subject to the public participation requirements of § 131.20(b), including a public hearing. Moreover, variances to generally applicable water quality standards must meet the following requirements (among others): 1) they be justified by one of the factors articulated in 40 C.F.R. § 131.10(g); 2) they must represent the "highest attainable condition of the water body or waterbody segment"; 3) they cannot result in the lowering of ambient water quality conditions; and 4) they must be time limited. 40 C.F.R § 131.14.

Each of the above outlined procedures is a requirement under federal law. To the extent that the language in 47 C.S.R. § 2-8.2.c would circumvent these procedures, it is

illegal. To the extent that the language in 47 C.S.R. §2-8.2.c requires compliance with those procedures it is redundant and unnecessary because the state already possess authority to revise water quality standards and to create variances to generally applicable water quality standards pursuant to 47 C.S.R. § 2-8.4 and 46 C.S.R. § 6-1 et seq.

Paragraph 8.2.c is vague about being site specific or applicable to whole state.

Paragraph 8.2.c. does not specify whether modifications to water quality criteria following the procedures set forth in this paragraph will apply statewide or only to the receiving stream for the NPDES permit. And if a modification only applies to the receiving stream, the proposed language does not provide any guidance on what portion of the stream to which it would apply.

The paragraph contemplates two methods for weakening criteria: (1) on a case-by-case basis as part of the NPDES permitting process, or (2) by petition to the Secretary. Presumably, a water quality criterion that is changed on a case-by-case basis as part of the NPDES permitting process would only apply to the receiving stream or a portion of the receiving stream. If this is the case, how would WVDEP keep track of these amended criteria? Surely the changes would need to be reflected in manner that is fully open to the public such as an amendment to 47 CSR 2.

The second method of weakening criteria – by petition to the Secretary – is even more vague. Must this petition be presented for a specific receiving water (or portion of a receiving water) associated with an NPDES permit, or may a petition be presented for a statewide change to a criterion? Again, how would WVDEP keep track of these amended criteria?

This paragraph is sloppy and contradictory in another way. According to the proposed language, first a human health criterion will be changed, and then "permit limits based on revisions to the human health criteria made in accordance with this paragraph" will be changed. The paragraph goes on to specify public notice and comment requirements related to the permit limit changes. It specifies that the permit limit revisions are not subject to review by the Legislative Rule-Making Review Committee, even though permit limit revisions are not currently subject to that committee's review.

If the intention of the proposed language is to circumvent the legislative process for changes to water quality criteria, it fails to do this for two reasons. First, as mentioned

above, it exempts changes in permit limits – and not changes to criteria – from review by the Legislative Rule-Making Review Committee. Second, even if the paragraph did exempt changes to criteria from the Legislative Rule-Making Review Committee, the changes would still be required to go through the rest of the legislative process and be approved by the House and Senate.

Paragraph 8.2.c. reduces the opportunity for public scrutiny and participation.

The existing process for revising water quality standards through the triennial review process affords a fairer and more balanced participation from all stakeholders than the process proposed within 8.2.c. Unlike a triennial review process that often spans a full year of public meetings and various forums for public input and open dialogue with agency officials, 8.2.c only offers a 45-day public comment period. This is not a reasonable timeframe for the public to have a meaningful opportunity to understand the science behind the proposed change and respond accordingly. Additionally, 8.2.c cuts out involvement and oversight of the Legislature which would provide another layer of public scrutiny and involvement. The addition of 8.2.c undermines agency efforts and responsibilities to increase public transparency and participation in decisions that have impacts on the lives of West Virginia residents.

Paragraph 8.2.c perpetuates and exacerbates inequities faced by disadvantaged communities.

The process offered in 8.2.c inherently and unevenly benefits large corporations that can afford conducting studies that disadvantaged communities and small businesses typically cannot afford. It is common that facilities discharging toxins governed by human health criteria are located in industrialized regions of the state which are often poorer communities already struggling with problems related to social, economic, and environmental justice. 8.2.c. stands to not only reduce public participation, but intensify issues of environmental injustice in areas already disproportionately burdened with pollution and associated health risks.

Footnote "i" allows weakening of all human health criteria through Paragraph 8.2.c.

The proposed footnote "i" has been applied to all human health criteria, and not just the updated criteria. This includes the 24 criteria that were updated in the 2021 Legislative Session. We are opposed to the footnote "i" because it would open up all of these criteria to changes that would be likely to increase public exposure to toxic chemicals.

8.29.2 We request clarification and technical support documents for proposed changes the temperature standard for trout waters.

We question the rationale for changing the temperature standards in the East River, Greenbrier River, Summersville Lake and its tailwaters above Collison Creek. Additionally, we would like clarification on the specific reaches of these waterbodies impacted by these changes. The introduction asserts that these streams "exhibit higher natural temperatures than typically expected..." but no technical support document is offered as a reference for that claim.

The revisions would allow temperatures of 81 degrees Fahrenheit, but brook trout exhibit physiological stress at 68 degrees Fahrenheit and mortality at approximately 70 degrees Fahrenheit. Additionally, Candy Darters are a federally listed endangered species in the Greenbrier River and prefer the same temperature range as brook trout. Changing the temperature standard for these trout waters may also impact the Candy Darter and should require consultation with the US Fish and Wildlife Service.

Many of the streams listed as trout waters are currently too warm for trout. What is the rationale for singling out these specific water bodies? If the temperatures in these waters are exceeding the standard for trout populations, then the solution is to implement practices to protect the species from extreme temperatures such as installing large woody debris, preserving and restoring riparian buffers, and planting trees. Changing the temperature standard does not alleviate the issue of the temperature stress on sensitive fish species.

Conclusion

To conclude, for the reasons stated above, we strongly urge WVDEP to strike paragraph 8.2.c from the rule (and the corresponding footnote "i"), restore the values for the weakened criteria, adopt all EPA's recommended criteria for which WV standards currently do not exist, and explain the rationale behind changing the temperature standard for trout waters for the specific waterbodies.

Thank you for your careful consideration of these comments.

Signed,

Angie Rosser
West Virginia Rivers Coalition

Mike Becher
Appalachian Mountain Advocates

Amanda Pitzer
Friends of the Cheat

John J. Walkup, III
Greenbrier River Watershed Association

Julie Archer and Effie Kallas
League of Women Voters of West Virginia

Dave Bassage
New River Conservancy

Vivian Stockman
Ohio Valley Environmental Coalition

Karan Ireland
Sierra Club

Gary Zuckett
West Virginia Citizen Action Group

Linda Frame
West Virginia Environmental Council

Larry Thomas
West Virginia Highlands Conservancy



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:26 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Aileen Curfman <acurfman@gmail.com>
Date: Monday, July 19, 2021 at 5:57:00 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. I urge WVDEP to reject the policy proposed in paragraph 8.2.c.

This proposed policy would allow industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts the public at a disadvantage who are without the resources to fund similar studies.

There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

I urge WVDEP to strike paragraph 8.2.c from the rule.

Sincerely,
Aileen Curfman
1067 Comstock Dr
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] 2021-7-19 Comments to DEP on Revised Water Quality Standards 47 CSR 2

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 7:46 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Aileen <acurfman@gmail.com>
Date: Monday, July 19, 2021 at 11:02:20 AM UTC-4
Subject: [EXTERNAL] 2021-7-19 Comments to DEP on Revised Water Quality Standards 47 CSR 2
To: WQScomments@wv.gov <WQScomments@wv.gov>

To the West Virginia Department of Environmental Protection:

I am a resident of Berkeley county. I urge the West Virginia DEP to reject the current revisions to the West Virginia Water Quality Standards.

This new revision of West Virginia's water quality standards contains a revision that the chemical industry requested. That revision allows exceptions to the standards if a manufacturer can provide results from a study that indicates that exceeding a standard will not cause harm. Who is going to fund that study? Probably the manufacturer. It is almost certain that bias, either conscious or unconscious, will find its way into the study's design and affect the result. That's a well-known phenomenon that is rooted in the nature of the human mind. It's happened in many other industries.

This revision would put residents who need clean water in the position of having to mount a legal case and challenge the study's findings with results of their own study. It is unrealistic to believe that West Virginia's people have the kind of deep pockets that are available to the chemical manufacturers. We, the people, are at a distinct disadvantage here. After I pay my bills, I certainly don't have thousands of dollars to donate toward a scientific study of the quality of the water that my community depends on. I say this as I sit in a comfortable home in a good neighborhood in one of the most affluent counties in the state. There are many people in this state who don't even have the resources to find out about what's happening with their drinking water. This provision will hit the elderly, those burdened with multiple jobs, and those with low income the hardest, while profitable corporations get what they want and continue to pour toxins into the drinking water. That is patently unfair.

The last set of proposed standards already had several criteria that were weaker than previously. This loophole for manufacturers is absolutely unacceptable.

I see the West Virginia DEP's mission statement has changed since I looked it up a couple of years ago. When I looked up the old mission statement to make sure I had the wording right, I got a "404 Not Found" message. The encouraging words about protecting the environment and serving the people have vanished. Your website now says, "The WVDEP's mission is to promote a healthy environment." By allowing this loophole, the WVDEP is failing to fulfil even this pitifully watered-down mission.

The WVDEP must NOT adopt the current revision of West Virginia's Water Quality Standards.

Aileen Curfman

Archived: Wednesday, July 14, 2021 12:34:26 PM
From: AnnaMary Walsh
Sent: Tue, 13 Jul 2021 17:15:02
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

This letter is to voice my great concern about the most recent proposal dealing with the water standards of West Virginia

ANY discharge into our water supply anywhere is detrimental to our health. We've seen the results of what can happen when things are either not monitored frequently/thoroughly or results being ignored for the benefit of "progress of industry."

West Virginia has always been low man on the totem pole in conscientious effort to maintain the health of our streams and rivers. Our waterways are a part of the bigger picture of the Chesapeake Bay watershed, which provides food and water thousands of people. Our wildlife, water life (both creature and plants), and human consumption totally depend upon the strict adherence to guidelines to keep the waterways healthy. And, yes, it DEFINITELY has an impact on residents of our state. Those who don't recognize this have no business for the responsibility of the care of our waterways.

We have yet to see fruition of a "healthy industrial environment." This phrase should never be included in any proposals.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule.

Sincerely,
AnnaMary Walsh
254 Chandler Dr
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Betsy Lawson <bjaegerart@gmail.com> Sat, Jul 17, 2021 at 4:58 PM
Reply-To: Betsy Lawson <bjaegerart@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

West Virginians have been at the mercy of Big Coal since coal mining began here and what has it done for us? Far from being a wealthy state benefitting from our natural resources, we remain always at the bottom of every quality of life list.

I live west of Morgantown in what used to be a thriving hill farming community. We are now surrounded by abandoned strip mines because bond money is so much less than the cost of reclamation. Acid mine drainage has turned our streams orange and white. Farm animals and wildlife are being poisoned. This has torn our community apart as almost everyone who lived here before the strip mines has left. It is long past time that the people who live here are given priority over the industries who pollute our streams.

Please remove the loopholes and tighten water quality restrictions so that we can live in a healthy and prosperous state with clean water, trout streams and and a better quality go life. Thank-you.

Sincerely,
Betsy Lawson
1213 Gallus Road
Morgantown, WV 26501

Archived: Monday, July 19, 2021 8:13:32 AM
From: Catherine Wheeler
Sent: Tue, 13 Jul 2021 20:18:16
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for the opportunity to comment on the proposed amendment to section 47 C.S.R. 2, "Requirements Governing Water Standards."
The "Notice of Public Comment Period" issued on June 4, 2021 is incomplete and misleading. Specifically, the Notice fails to "Summarize in a clear and concise manner contents of changes in the rule and a statement of circumstances requiring the rule."

First, this paragraph does not provide any requirement for the rule. This paragraph should state why the proposed rule is updating the human health criteria for 35 compounds listed in Appendix E to 47 C.S.R. 2-8.23 and –8.25. It should cite 47 C.S.R. 2-8.6, requiring the Secretary of the Department of Environmental Protection (DEP) to appoint a work group to recommend updates to the criteria of these 35 compounds (West Virginia Human Health Criteria Work Group).

Second, this paragraph states the Work Group appointed by the Secretary recommended the updates to the criteria for the 35 compounds included in the proposed rule, but does not state that the proposed addition of paragraph 8.2.c was NOT recommended by the Work Group. Paragraph 8.2.c. amends permitting procedures involving not only the updates to the 35 compounds, but all entries in Appendix E to 47 C.S.R. 2-8.23 a -8.25. Work Group members representing (1) the WV Manufacturers' Association and (2) the Environmental Protection Advisory Council members representing industries regulated by the DEP agreed to update the criteria for the 35 compounds at issue only with the addition of paragraph 8.2.c. Work Group members of the Environmental Protection Advisory Council representing organizations advocating environmental protection opposed recommending the addition of paragraph 8.2.c. ("Human Health Criteria Recommendations for West Virginia," May 14, 2021, p. 12). The statement of why the proposed rule includes the addition of paragraph 8.2.c should state why the new paragraph 8.2.c. is added. Specifically, it should address the question of whether the addition of paragraph 8.2.c. is outside the scope of the Work Group.

In sum, the June 4, 2021 Notice must be revised to comply with the requirement to state the justification for the proposed amendments, to clarify that the Work Group did not recommend addition of new paragraph 8.2.c., and to explain why new paragraph 8.2.c in included in the proposed rule.

Sincerely,
Catherine Wheeler
1893 Trout Run Rd
Wardensville, WV 26851

Archived: Monday, July 19, 2021 1:58:41 PM
From: Elaine Komarow
Sent: Mon, 19 Jul 2021 12:32:41
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

There are few things more important to our future than healthy woods and waters. Far too many of West Virginia's residents are suffering from the consequences of industries' disregard for our environment. Given the harms already done, I can't imagine any reasonable person, and certainly not the WVDEP, choosing to make it easier to pollute our water.

Please think of our children and grandchildren and the least among us. Protect our future.

Sincerely,
Elaine Komarow
201 Warden Lake D E Dr
Wardensville, WV 26851

Archived: Monday, July 19, 2021 10:51:28 AM
From: Hannah Spencer
Sent: Wed, 14 Jul 2021 14:25:54
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

Last January, Paden City residents learned their water supply contained tetrachloroethylene or PCE, a chemical commonly found in dry cleaners and metal degreasing solutions. In the same breath as telling residents their water supply was contaminated, the WVDHHR also stated there was no immediate risk and the water was safe to drink.

PCE is known to cause short term effects like skin irritation, respiratory issues, and trouble swallowing. It is a central nervous system depressant. Long term exposure of PCE leads to kidney issues and many variations of neurological disorders.

A small group of women formed a community-led health survey and started calling around to their neighbors, asking if they would be comfortable sharing what illnesses are found in their households. Paden City is a town of about 2,300 residents.

Of the 225 households who responded, 75 showed kidney issues, 59 showed neurological disorders, 17 had either brain cancer or brain tumors, 12 had MS, 5 had leukemia, and there are 5 cases of ALS.

Of the 46 households surveyed on the street where the water utility is located, residents reported 14 people with kidney issues, 5 with brain cancer, 4 with MS, 3 with leukemia, and 1 case of ALS. 41 people on this street reported skin issues and 43 reported breathing issues. 16 people reported muscle spasms or tremors.

Increasing the allowable limits that industries can discharge is going to exacerbate the problems our small town public service districts face. Instead of holding industries accountable for keeping toxic chemicals out of our waterways, we are placing the responsibility of cleanup on the backs of the water utility workers.

Even worse, the responsibility for providing clean water falls to the citizens, who acquire donated bottled water and distribute it to their neighbors, make calls to the EPA to try to find solutions for this contamination, and shout from the rooftops hoping someone will take their concerns about a public health crisis in their communities seriously.

This shouldn't be their responsibility. It is the responsibility of the governing bodies of this state to protect the health of West Virginians. It is your responsibility to make sure West Virginians have clean drinking water. Increasing the allowable limits of chemicals in our waterways is a step in the wrong direction.

Sincerely,
Hannah Spencer
267 Rolling Pasture Road
Rainelle, WV 25962

'Marcia Daoust' via DEP WQS Comments Thu, Jul 22, 7:36 AM (4 days ago)

to Christopher

Dear Mr. Smith,

I appreciate the chance to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. I applaud WVDEP's adoption of EPA's 2015 criteria. However, I strongly oppose the policy proposed in paragraph 8.2.c to create a case-by-case revision process for individual permits and situations. To by-pass the already established process for review by the Legislative Rule-Making Review Committee eliminates the necessary procedures to protect us West Virginians from dangerous pollutants being dumped into our streams and lakes.

As the severe drought and water shortages in the western United States has brought into focus, water is a very precious commodity that must be protected. We can not allow industries to ruin it for their financial gain. Every West Virginian needs a clean, safe source of water for drinking and bathing.

Please strike down 8.2c rule which bypasses the standard Legislature's committee process. Our elected officials must protect us citizens from ill-advised changes to acceptable limits for toxins in our water. Eliminate 8.2c from 47CSR2!

Thank you!

Sincerely,
Marcia Daoust
15 Elwood Ave
Huntington, WV 25705

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Requirements Governing Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 7:32 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Than Hitt <thanhitt1@gmail.com>
Date: Monday, July 19, 2021 at 5:40:36 PM UTC-4
Subject: [EXTERNAL] Requirements Governing Water Quality Standards
To: wqscomments@wv.gov <wqscomments@wv.gov>

Christopher Smith
WV DEP
601 57th Street SE
Charleston, WV 25304

Dear Mr. Smith,

I appreciate the opportunity to comment on the proposed revisions to the Requirements Governing Water Quality Standards in West Virginia. I am a fisheries biologist with several decades of professional experience in West Virginia and the mid-Atlantic highlands region. I offer these comments as a private citizen.

Water temperature is widely recognized as a limiting factor for trout habitat, and therefore the proposed revisions could have important effects for trout management and associated economic development in West Virginia. My main concern is that the proposed water temperature standard could establish an arbitrary precedent for functionally delisting designated "trout waters" from state management. I base my concern on 2 main observations:

1. The revised temperature limits are too warm for trout. The proposed revisions would permit temperatures up to 27 degrees C (81 degrees F) in specified streams, and we have high confidence that this is lethal for native trout. Moreover, we have high confidence that temperatures above 20 degrees C (68 degrees F) cause physiological stress and behavioral changes in trout. Many statistical methods are available for estimating thermal exposure and response thresholds for trout, but these methods do not appear in the proposed rule change.

2. The water bodies listed for the special temperature standards (East River, Greenbrier River, Summersville Lake and tailwaters) appear to be an arbitrary subset of the B2 streams. For example, although the Greenbrier River mainstem is widely known as a destination fishery for smallmouth bass rather than trout, other B2 streams also currently lack wild trout due to poor habitat conditions (e.g., Opequon Creek, Tuscarora Creek) but are not included in the proposed thermal standard revision. What criteria were used to identify the 3 waterbodies listed for the proposed temperature standard revisions?

Thank you for considering my comments and questions. Please feel free to contact me for additional information.

Sincerely,

Nathaniel P. Hitt, PhD
1173 Steamboat Run Road
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:08 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Paul Baker <paulfran3@gmail.com>
Date: Monday, July 19, 2021 at 12:37:33 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Save The Tygart Watershed Association has been working to protect the waters of the Tygart River watershed for over twenty years. Our volunteers have spent many hours and personal funds maintaining and improving water quality in the watershed. We think that proposed revisions to West Virginia's Water Quality Standards will decrease water quality in the Tygart River and in all of the state's waters.

The proposed changes as shown in paragraph 8.2.c will allow industry to have too great an influence in determining West Virginia's water quality standards. Higher levels of toxins will be allowed into our waters further endangering a population that already has serious health issues especially with cancer.

Therefore, we at Save The Tygart Watershed Association reccomend that the changes stated in paragraph 8.2.c not be adopted.

Thank you,

Paul Baker
Trustee
Save The Tygart Watershed Association Inc.

Sincerely,
Paul Baker
PO Box 164
Grafton, WV 26354

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:32 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Roseanna Sacco <neom2864@gmail.com>
Date: Monday, July 19, 2021 at 10:07:09 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

I strongly believe that human health must be the #1 criteria guiding any proposed revisions to WV's Water Quality Standards.

The current policy being proposed puts human health down towards the bottom of the list by favoring reduction of the cost of proper waste disposal for industries who routinely dispose of toxins in source waters for public drinking water supplies.

The currently proposed revision sidesteps the existing process for the revision of water quality standards by creating a shortcut which allows for less scrutiny by the Legislature and the public.

Furthermore, it threatens to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often located in low income communities which cannot afford legal counsel or defense.

Many of the pollutants contained in industrial waste are known carcinogens, endocrine disruptors and lead to organ dysfunction.

In a state that already has the 3rd highest cancer death rate in the nation, allowing industry to dump more toxic chemicals into our water would be an unconscionable crime against humanity and against the ecosystem upon which our species depends for survival.

In closing, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for your consideration, I appreciate the opportunity to provide input and hopefully shed a ray of light on your decisions.

With warm regards,
Roseanna Sacco
Sweet Springs, WV

Sincerely,
Roseanna Sacco
1222 Cove Creek Rd
Gap Mills, WV 24941

Archived: Monday, July 19, 2021 8:07:33 AM
From: Teresa Parcell
Sent: Tue, 13 Jul 2021 19:51:11
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

I oppose the policy proposed in paragraph 8.2.c of WVDEP's proposed revision to our water quality standards. Industry as always gets to pollute more. We need clean water to drink? It is the essence of all life.
The public too will be mostly shut out in decisions as will the legislature. This is a polluter's dream. They dictate what they can and can't do. So much for Democracy! It is withering on the vine. Strike 8.2.c!

Sincerely,
Teresa Parcell
6024 Little Sandy Rd
Elkview, WV 25071

Archived: Monday, July 19, 2021 10:30:33 AM
From: Sue Covello
Sent: Wed, 14 Jul 2021 14:02:22
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sue Covello
7124 Queen
Middleway, WV 25430



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:18 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Sue Julian <juliansusanm@gmail.com>
Date: Monday, July 19, 2021 at 2:28:52 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sue Julian
PO Box 677
Pinch, WV 25156

Archived: Monday, July 19, 2021 12:56:54 PM
From: Susan Cleaver
Sent: Thu, 15 Jul 2021 17:58:57
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature.

3. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Susan Cleaver
1625 Nazareth Farm Rd
Center Point, Salem, WV 26426



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Susan Cornish <susanb@atlanticbb.net> Sun, Jul 18, 2021 at 10:58 AM
Reply-To: Susan Cornish <susanb@atlanticbb.net>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Susan Cornish
PO Box 412
Union, WV 24983

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:43 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Susan Rosshirt <srossshirt@hotmail.com>
Date: Monday, July 19, 2021 at 11:17:47 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Susan Rosshirt
531 Church Street
Lewisburg, WV 24901

Archived: Monday, July 19, 2021 11:38:07 AM
From: Susan Sailer
Sent: Wed, 14 Jul 2021 23:11:41
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Susan Sailer
415 Fountain Vw
Morgantown, WV 26505

Archived: Monday, July 19, 2021 2:22:06 PM
From: Susan Taylor-Dropp
Sent: Mon, 19 Jul 2021 12:36:26
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Susan Taylor-Dropp
50 Mill Farm Trail
Berkeley Springs, WV 25411

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Suzanne Clewell <sueclewell@gmail.com> Sat, Jul 17, 2021 at 12:10 PM
Reply-To: Suzanne Clewell <sueclewell@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Suzanne Clewell
5636 Blue Lick Rd
Greenville, WV 24945



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:09 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Taylor Mccain <tayyjo33@gmail.com>
Date: Monday, July 19, 2021 at 1:15:51 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Taylor Mccain
2421 Kanawha street
Moundsville, WV 26041

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

2 messages

Ted Boettner <tedboettner@gmail.com> Tue, Jul 20, 2021 at 9:33 AM
Reply-To: Ted Boettner <tedboettner@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ted Boettner
21 Arlington ct
Charleston, WV 25301

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:34 AM
To: Chris B Smith <chris.b.smith@wv.gov>

[Quoted text hidden]

Archived: Monday, July 19, 2021 8:44:13 AM
From: Timothy Simmons MD
Sent: Wed, 14 Jul 2021 03:03:21
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Timothy Simmons MD
1317 Quarrier St
Charleston, WV 25301



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:06 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Tina Scala <tmbragg48@gmail.com>
Date: Monday, July 19, 2021 at 12:07:51 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tina Scala
105 Castle Drive
Charleston, WV 25313

Archived: Monday, July 19, 2021 11:23:48 AM
From: Tom Degen
Sent: Wed, 14 Jul 2021 17:36:44
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tom Degen
PO Box 83
Chloe, WV 25235



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:18 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Tom France <twf959@earthlink.net>
Date: Monday, July 19, 2021 at 2:51:25 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tom France
1799 Fort Spring Pike
Ronceverte, WV 24970

Archived: Monday, July 19, 2021 12:54:29 PM
From: Tom Lynch
Sent: Thu, 15 Jul 2021 16:22:21
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tom Lynch
114A S Florida St
Buckhannon, WV 26201

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:08 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Tracy Seffers <tseffers@mail.com>
Date: Monday, July 19, 2021 at 12:28:12 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tracy Seffers
1087 Avon Bend Rd
Charles Town, WV 25414



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:28 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Troy Christiansen <troy.r.christiansen@gmail.com>
Date: Monday, July 19, 2021 at 7:01:34 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Troy Christiansen
2752 University Ave Apt 19
Morgantown, WV 26505

Archived: Monday, July 19, 2021 11:34:27 AM
From: Valerie Woody
Sent: Wed, 14 Jul 2021 20:25:23
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Valerie Woody
917 Churchill Cir
Charleston, WV 25314



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:25 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Whit Alexander <wearehellojune@gmail.com>
Date: Monday, July 19, 2021 at 5:50:41 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Whit Alexander
8730 N Preston Hwy
Albright, WV 26519

Archived: Monday, July 19, 2021 1:09:18 PM
From: William Bentley
Sent: Fri, 16 Jul 2021 12:22:31
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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Sincerely,
William Bentley
816 12th Ave
Huntington, WV 25701



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:10 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Aju James <basiljames91@gmail.com>
Date: Monday, July 19, 2021 at 1:19:48 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Aju James
505 Glover Street
Charleston, WV 25302

Archived: Monday, July 19, 2021 11:30:15 AM
From: Alice Vance
Sent: Wed, 14 Jul 2021 20:12:40
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Alice Vance
2098 Sweedlin Valley Rd
Brandywine, WV 26802



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:20 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Alison Conroy <imisstheocean@hotmail.com>
Date: Monday, July 19, 2021 at 3:59:42 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Alison Conroy
232 Sumac Circle
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:31 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Amy Nelson <amynelson5272@gmail.com>
Date: Monday, July 19, 2021 at 8:06:32 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Amy Nelson
6 North Hills Drive
Parkersburg, WV 26104

Archived: Monday, July 19, 2021 3:32:02 PM
From: Amy Scott
Sent: Mon, 19 Jul 2021 17:05:03
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

I am taking the opportunity to comment on WVDEP's proposed revision to West Virginia's Water Quality Standards. After years of not adopting EPA's updated criteria, it is good that WVDEP is incorporating some of the human health criteria to adequately protect human health. But I am appalled that WVDEP intentionally creates a loophole to undo the benefit of including the EPA criteria as proposed in paragraph 8.2.c.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Amy Scott
16585 Frost Road
Dunmore, WV 24934

Archived: Monday, July 19, 2021 2:58:45 PM
From: Angela Mayle
Sent: Mon, 19 Jul 2021 16:31:15
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Angela Mayle
477 Country Rd
Fairview, WV 26570

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:30 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Ann Knott <annie_sprkiz@hotmail.com>
Date: Sunday, July 18, 2021 at 5:51:11 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ann Knott
395 Bun Hicks Rd
Hinton, WV 25951

Archived: Monday, July 19, 2021 3:06:13 PM
From: Art Glick
Sent: Mon, 19 Jul 2021 16:32:37
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Art Glick
638 Glicks Rd
Renick, WV 24966

Archived: Monday, July 19, 2021 11:22:11 AM
From: Ashley Levandoski
Sent: Wed, 14 Jul 2021 17:34:22
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ashley Levandoski
1712 Woodbine Ave
Charleston, WV 25302

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:40 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: BARBARA BROWN <bjbrnwv@gmail.com>
Date: Monday, July 19, 2021 at 10:53:37 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
BARBARA BROWN
95 Hartford St
Morgantown, WV 26501

Archived: Monday, July 19, 2021 11:51:18 AM
From: Barbara Humes
Sent: Thu, 15 Jul 2021 00:16:57
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Barbara Humes
PO Box 1186
Harpers Ferry, WV 25425

Archived: Monday, July 19, 2021 2:54:26 PM
From: Barbara Lloyd
Sent: Mon, 19 Jul 2021 16:30:28
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Barbara Lloyd
3 Fields Park Road
Morgantown, WV 26508

Archived: Monday, July 19, 2021 2:37:53 PM
From: Barbara Steinke
Sent: Mon, 19 Jul 2021 16:25:35
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Barbara Steinke
PO Box 321
CHARLESTON, WV 25322

Archived: Monday, July 19, 2021 11:17:30 AM
From: BECKY ROMINE
Sent: Wed, 14 Jul 2021 16:08:13
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
BECKY ROMINE
345 CLOVERFIELD LANE
Lewisburg, WV 24901

Archived: Monday, July 19, 2021 2:52:06 PM
From: Ben Badger
Sent: Mon, 19 Jul 2021 16:29:40
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ben Badger
216 Eastland Ave
Morgantown, WV 26505



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:26 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Ben Coll <krooshdogg@gmail.com>
Date: Monday, July 19, 2021 at 5:51:27 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ben Coll
509 46th Street SE
Charleston, WV 25304

office of technology

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

2 messages

Chris B Smith <chris.b.smith@wv.gov> Mon, Jul 19, 2021 at 4:09 PM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Ben Kesslee <bjkess@gmail.com>
Date: Tuesday, July 13, 2021 at 12:25:15 PM UTC-4
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: DEP WQS Comments <WQScomments@wv.gov>

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Chris,

In addition to the below verbiage that I wholeheartedly I agree with, WVDEP needs to step up and protect our water ways and livelihoods in WV. We can't even fish out of most creeks without some type of advisory..and now more? Get it together folks and start doing the citizens (including yourself) right.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Ben Kessler

Sincerely,
Ben Kesslee

186 Donna Ave
Morgantown, WV 26505

Chris B Smith <chris.b.smith@wv.gov> Mon, Jul 19, 2021 at 4:53 PM
To: Chris B Smith <chris.b.smith@wv.gov>

[Quoted text hidden]

Smith, Chris B <chris.b.smith@wv.gov>

Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Bert Lustig <buybook@earthlink.net> Thu, Jul 22, 2021 at 9:16 AM
Reply-To: Bert Lustig <buybook@earthlink.net>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Bert Lustig
3476 Mauzy Rd
Berkeley Springs, WV 25411



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Beth DuBoff <bduboff@hotmail.com> Sat, Jul 17, 2021 at 12:39 PM
Reply-To: Beth DuBoff <bduboff@hotmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments and please do the right thing for our state and its residents.

Sincerely,
Beth DuBoff
215 Patrick Place
Berkeley Springs, WV 25411



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Bob Moore <rlmoore226@gmail.com> Sat, Jul 17, 2021 at 3:01 PM
Reply-To: Bob Moore <rlmoore226@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Bob Moore
42 Hillcrest Drive
WV - Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:04 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Brad Kinder <bigriverrecords@gmail.com>
Date: Monday, July 19, 2021 at 11:53:34 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Brad Kinder
3813 Washington Ave SE
Charleston, WV 25304

Archived: Monday, July 19, 2021 2:31:19 PM
From: Brett Smith
Sent: Mon, 19 Jul 2021 16:23:54
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Brett Smith
1828 Odell Ave
Charleston, WV 25302

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:59 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Brittany McComas <brittany.mccomas09@bathspa.ac.uk>
Date: Monday, July 19, 2021 at 11:27:10 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Brittany McComas
1908 Hudson Street
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:08 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Brooke Parker <bparker9095@gmail.com>
Date: Monday, July 19, 2021 at 12:45:22 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Brooke Parker
800 Kanawha Blvd w apt 4
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:04 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Carla Beaudet <speakfreely@fastmail.fm>
Date: Monday, July 19, 2021 at 11:55:05 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Carla Beaudet
2468 Sheets Rd
Green Bank, WV 24944

Archived: Thursday, July 15, 2021 8:23:29 AM
From: Carole Williams
Sent: Tue, 13 Jul 2021 18:30:33
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Carole Williams
2223 Heritage Pt
Morgantown, WV 26505



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:09 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Caroline Baltezore <dlphn111@gmail.com>
Date: Monday, July 19, 2021 at 1:16:38 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Caroline Baltezore
665 Battle run rd.
Triadelphia, WV 26059

Archived: Monday, July 19, 2021 1:54:28 PM
From: Carrie Kline
Sent: Mon, 19 Jul 2021 12:31:15
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Carrie Kline
320 Center St
Elkins, WV 26241

Archived: Monday, July 19, 2021 2:04:30 PM
From: charlene herring
Sent: Mon, 19 Jul 2021 12:33:26
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
charlene herring
1366 Cemetery Hill Dr
Elkview, WV 25071

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:43 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Charlene Kelly <charleykelly7@gmail.com>
Date: Monday, July 19, 2021 at 11:04:13 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Charlene Kelly
79 Vecchio Ln
Morgantown, WV 26508

Archived: Monday, July 19, 2021 2:17:41 PM
From: Charles Marsh
Sent: Mon, 19 Jul 2021 12:33:47
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Charles Marsh
138 Old Mill Manor Trl
Berkeley Springs, WV 25411

Archived: Monday, July 19, 2021 3:15:55 PM
From: Charles Walbridge
Sent: Mon, 19 Jul 2021 16:36:05
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Charles Walbridge
1886 Little Sandy Road
Bruceton Mills, WV 26525

Archived: Monday, July 19, 2021 11:20:39 AM
From: Cheyenne Carter
Sent: Wed, 14 Jul 2021 17:30:52
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Cheyenne Carter
P.O Box 96
Thomas, WV 26292



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:07 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Chris Higgins <chris.higgins@wtsq.org>
Date: Monday, July 19, 2021 at 12:20:16 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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Sincerely,
Chris Higgins
1554 Dixie Street
Charleston, WV 25311

Archived: Monday, July 19, 2021 10:45:10 AM
From: Chris Linton
Sent: Wed, 14 Jul 2021 14:16:02
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Chris Linton
553 Harner Run
Morgantown, WV 26508

Archived: Monday, July 19, 2021 3:18:14 PM
From: Christa Lemons
Sent: Mon, 19 Jul 2021 16:36:29
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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Sincerely,
Christa Lemons
642 Bethel Rd
Paw Paw, WV 25434

Archived: Monday, July 19, 2021 2:35:30 PM
From: Christiaan Abildso
Sent: Mon, 19 Jul 2021 16:25:10
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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Sincerely,
Christiaan Abildso
233 Wagner Rd
Morgantown, WV 26501

Archived: Monday, July 19, 2021 8:19:57 AM
From: Christina Melocik
Sent: Tue, 13 Jul 2021 21:33:03
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christina Melocik
435 Craighill Dr.
Charles Town, WV 25414

Christine Marshall' via DEP WQS Comments Jul 22, 2021, 7:36 AM (4 days ago)

to Christopher

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christine Marshall
409 Oakwood Dr.
Shepherstown, WV 25443

Archived: Monday, July 19, 2021 8:38:37 AM
From: Christine Mitsch
Sent: Wed, 14 Jul 2021 01:47:50
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christine Mitsch
10329 National Rd
Valley Grove, WV 26060

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:38 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Christine O'Brien <csutton1@live.com>
Date: Monday, July 19, 2021 at 10:42:50 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christine O'Brien
223 Everwood Drive
Elkins, WV 26241



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:10 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Christopher Long <christopherlong@gmail.com>
Date: Monday, July 19, 2021 at 1:21:34 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christopher Long
1003 Timberview Dr
Charleston, WV 25314



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Cinda Kinsey <cindakinsey@hotmail.com> Sun, Jul 18, 2021 at 12:17 PM
Reply-To: Cinda Kinsey <cindakinsey@hotmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Cinda Kinsey
499 Edward Dr
Daniels, WV 25832



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:22 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Connie Mccolley <conniemccolley@hotmail.com>
Date: Monday, July 19, 2021 at 4:31:36 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Connie Mccolley
540 Greenwood Ln
Chloe, WV 25235

Archived: Monday, July 19, 2021 10:50:03 AM
From: Corbi Greenwalt
Sent: Wed, 14 Jul 2021 14:25:36
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I strongly oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. As a environmental science student and West Virginian I thank you for considering these comments.

Sincerely,
Corbi Greenwalt
12 Glen brook Rd
Ranson, WV 25438



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:24 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Cory Chase <cory.lyle.chase@gmail.com>
Date: Monday, July 19, 2021 at 5:21:20 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Cory Chase
1602 Appalachian Highway
Dryfork, WV 26263

office of technology

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:22 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Courtney Dowell <courtneylgdowell@gmail.com>
Date: Monday, July 19, 2021 at 4:33:42 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Courtney Dowell
3 Putney St.
CHARLESTON, WV 25306



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:03 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Crystal Yok <crystaldawnyoak@gmail.com>
Date: Monday, July 19, 2021 at 11:39:46 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Crystal Yok
1636 kanawha boulevard
Charleston, WV 25311



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:15 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Cynthia Taylor <cwtaylor50@gmail.com>
Date: Monday, July 19, 2021 at 1:51:14 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Cynthia Taylor
2605 Cypress St
Parkersburg, WV 26101

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Dana Light <lightspiralpath@gmx.com> Sat, Jul 17, 2021 at 12:50 PM
Reply-To: Dana Light <lightspiralpath@gmx.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Dana Light
2991 Sandy Creek Road
Thornton, WV 26440

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:05 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Danielle Maness <manessdr@gmail.com>
Date: Monday, July 19, 2021 at 12:00:10 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Danielle Maness
PO Box 722
Charleston, WV 25323

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:39 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Danielle Martin <dkhm322@gmail.com>
Date: Monday, July 19, 2021 at 10:47:09 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Danielle Martin
613 Elysian ave
Morgantown, WV 26501

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:41 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Dave Harshbarger <harshbargerd@gmail.com>
Date: Monday, July 19, 2021 at 10:57:28 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

As the headwater state for central Appalachia, we need to set a high standard for life's most precious resource. Please help protect it.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Dave Harshbarger
1009 Vandalia Road
Morgantown, WV 26501

Smith, Chris B <chris.b.smith@wv.gov>

Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

'David Bolen' via DEP WQS Comments <wqscomments@wv.gov> Tue, Jul 20, 2021 at 5:23 PM
Reply-To: David Bolen <dbolen@mac.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

And in the proposed revision I must say that the WVEPA is fully aware of circumventing the purpose for which it was established, to protect our citizens against pollution that affects their health and well being.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
David Bolen
151 Blackbird Village Circle
Lewisburg, WV 24901

Archived: Monday, July 19, 2021 11:32:25 AM
From: David Bott
Sent: Wed, 14 Jul 2021 20:13:20
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
David Bott
124 Ohio Ave
Westover, WV 26501

Archived: Monday, July 19, 2021 11:16:21 AM
From: David Brisell
Sent: Wed, 14 Jul 2021 15:54:21
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
David Brisell
3491 Clifton Mills Road
Bruceton Mills, WV 26525

Archived: Monday, July 19, 2021 3:02:58 PM
From: DAVID ROMINE
Sent: Mon, 19 Jul 2021 16:32:01
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
DAVID ROMINE
345 CLOVERFIELD LANE
LEWISBURG, WV 24901



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:12 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Dawn Parsons <dawningawareness@gmail.com>
Date: Monday, July 19, 2021 at 1:37:41 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Dawn Parsons
5018 Kingswood Dr
South Charleston, WV 25309



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:26 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Debbie Naeter <debbienaeter50@gmail.com>
Date: Monday, July 19, 2021 at 5:53:03 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Debbie Naeter
375 Hillside Pass
Frankford, WV 24938

Archived: Monday, July 19, 2021 11:36:54 AM
From: Deborah Parsons
Sent: Wed, 14 Jul 2021 21:22:34
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Deborah Parsons
3914 Washington Ave SE
Charleston, WV 25304

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:41 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Debra Jarrell <debbiejarrell@gmail.com>
Date: Monday, July 19, 2021 at 10:58:20 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Debra Jarrell
PO Box 49
Rock Creek, WV 25174

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Dennis Hatcher <dgeraldh@frontiernet.net> Sat, Jul 17, 2021 at 8:28 PM
Reply-To: Dennis Hatcher <dgeraldh@frontiernet.net>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Dennis Hatcher
PO Box 547
Ranson, WV 25438

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Derek Spangler <derek.spangler@gmail.com>
Date: Monday, July 19, 2021 at 9:07:56 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Derek Spangler
209 David Street
Hurricane, WV 25526



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:32 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Diana Greenhalgh <diana12759@gmail.com>
Date: Monday, July 19, 2021 at 11:15:02 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Diana Greenhalgh
2051 Red Lick Rd
New Milton, WV 26411

Archived: Thursday, July 15, 2021 8:16:06 AM
From: Diana Mullis
Sent: Tue, 13 Jul 2021 18:14:02
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Clean water is critical to our health and to the future of WV!!! Please do everything you can to protect water!!

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Diana Mullis
890 Cannon Hill Rd
Hedgesville, WV 25427

Archived: Monday, July 19, 2021 2:29:46 PM
From: Don Sauter
Sent: Mon, 19 Jul 2021 16:23:32
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments. Water quality is one of our top personal priorities. As WV taxpayer I expect the WVDEP to protect my interests not just those of corporations.

Thanks

Sincerely,
Don Sauter
1932 Girl Scout Camp Rd
Bruceton Mills, WV 26525

Archived: Monday, July 19, 2021 3:37:34 PM
From: donald lynch
Sent: Mon, 19 Jul 2021 17:19:43
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
donald lynch
3309 central ave
parkersburg, WV 26104

Archived: Monday, July 19, 2021 2:32:33 PM
From: Donna Weems
Sent: Mon, 19 Jul 2021 16:24:19
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Donna Weems
320 Dream Catcher Circle
Morgantown, WV 26508

Archived: Monday, July 19, 2021 7:50:48 AM
From: Doris Mcgillick
Sent: Tue, 13 Jul 2021 19:32:27
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments. I use to love WV but WVDEP is destroying the state.

Sincerely,
Doris Mcgillick
P.O. box 285
Shenandoah junction, WV 25442

Archived: Monday, July 19, 2021 3:30:15 PM
From: DOUG KRAUSE
Sent: Mon, 19 Jul 2021 17:04:44
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
DOUG KRAUSE
3501 Maccorkle Ave SE
Charleston, WV 25304



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:19 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Edward J Lynch <edlynchwv@gmail.com>
Date: Monday, July 19, 2021 at 3:25:17 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Edward J Lynch
128 Willow Springs Dr
Wellsburg, WV 26070

Archived: Monday, July 19, 2021 2:39:44 PM
From: Eleanor Finn
Sent: Mon, 19 Jul 2021 16:25:56
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Eleanor Finn
37 Butcher Court
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:10 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Eli Cloonan <cloonaned@guilford.edu>
Date: Monday, July 19, 2021 at 1:21:56 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Eli Cloonan
1003 Circle Rd.
Charleston, WV 25314

Archived: Monday, July 19, 2021 11:25:08 AM
From: Elizabeth Cardiel
Sent: Wed, 14 Jul 2021 18:02:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Elizabeth Cardiel
105 Costen Circle
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 8:10:37 AM
From: Elizabeth Hastings
Sent: Tue, 13 Jul 2021 20:02:27
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Elizabeth Hastings
670 Uvilla Rd
Harpers Ferry, WV 25425

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:42 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Elizabeth Shockley <j4shock@frontiernet.net>
Date: Monday, July 19, 2021 at 10:59:42 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. The best water quality is so important for all of us. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Elizabeth Shockley
1285 Bloomery Rd
Charles Town, WV 25414

'Elizabeth Wheeler' via DEP WQS Comments Thu, Jul 22, 7:36 AM (4 days ago)

to Christopher

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Elizabeth Wheeler
1948 Wiltshire Road
KEARNEYSVILLE, WV 25430

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:19 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Emily Beane <idmobn@gmail.com>
Date: Monday, July 19, 2021 at 3:26:55 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Emily Beane
721 Brawley Walkway Apt 201
Charleston, WV 25301



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:05 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Emily Dragon <emmilely@gmail.com>
Date: Monday, July 19, 2021 at 11:57:36 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Emily Dragon
187 Steeple Chase Dr.
Shenandoah Junction, WV 25442

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:44 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Emily Hilliard <emilyhilliard@gmail.com>
Date: Monday, July 19, 2021 at 11:25:42 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Emily Hilliard
515 Maxwell Street
Charleston, WV 25311

Archived: Monday, July 19, 2021 1:24:48 PM
From: Eric Engle
Sent: Mon, 19 Jul 2021 12:25:55
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Eric Engle
1800 Liberty Street
Parkersburg, WV 26101

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:37 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Eric Henrickson <moxiemeister@gmail.com>
Date: Monday, July 19, 2021 at 10:37:10 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Eric Henrickson
668 Snake Hill Rd
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Everett Mulkeen <emulkeen@gmail.com>
Date: Tuesday, July 20, 2021 at 8:26:06 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

As a native West Virginian and a registered professional engineer who has spent his career working in environmental consulting, I strongly oppose the proposed policy to weaken human health criteria in our water quality standards.

I appreciate this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Everett Mulkeen
1722 Grafton Road
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:03 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Francis Sullivan <sullythelegend@gmail.com>
Date: Monday, July 19, 2021 at 11:36:17 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Francis Sullivan
5506 Shawnee Dr
Huntington, WV 25705

Archived: Thursday, July 15, 2021 8:17:52 AM
From: Franklin Anderson
Sent: Tue, 13 Jul 2021 18:16:03
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Franklin Anderson
105 Brookhaven Dr
Nitro, WV 25143



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:23 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Gail KOHLHORST <kohlhorst@comcast.net>
Date: Monday, July 19, 2021 at 4:41:05 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Gail KOHLHORST
3153 Engle Molers Rd
Harpers Ferry, WV 25425



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:15 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: George Little <george.wilbur.little@gmail.com>
Date: Monday, July 19, 2021 at 1:59:50 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
George Little
307 Hillside Pass
Frankford, WV 24938

Archived: Monday, July 19, 2021 3:20:30 PM
From: Georgia Cullum
Sent: Mon, 19 Jul 2021 16:37:33
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Georgia Cullum
2 Timber Ln
Harpers Ferry, WV 25425

Archived: Monday, July 19, 2021 2:28:35 PM
From: Gina Griffith
Sent: Mon, 19 Jul 2021 16:23:09
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Gina Griffith
2718 Lakeview Dr
Saint Albans, WV 25177

Archived: Monday, July 19, 2021 2:49:24 PM
From: Giulia Mannarino
Sent: Mon, 19 Jul 2021 16:28:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Giulia Mannarino
2292 Middle Fork Lee Creek Rd
Belleville, WV 26133

Archived: Monday, July 19, 2021 10:46:24 AM
From: Grazia Apolinares
Sent: Wed, 14 Jul 2021 14:19:30
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Grazia Apolinares
538 Hite St
Morgantown, WV 26501

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:44 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Heather Johnson <heather@wtsq.org>
Date: Monday, July 19, 2021 at 11:25:59 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Heather Johnson
1104 Summit drive
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:12 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Heather Sprouse <hnsprouse@gmail.com>
Date: Monday, July 19, 2021 at 1:32:46 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Heather Sprouse
347 Paul Rd
Hurricane, WV 25526

Archived: Monday, July 19, 2021 10:37:59 AM
From: Herb Myers
Sent: Wed, 14 Jul 2021 14:11:40
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Herb Myers
475 Blizzards Gate Road
Harman, WV 26270



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:25 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Hillary Banachowski <hillarybanachowski@gmail.com>
Date: Monday, July 19, 2021 at 5:44:16 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Hillary Banachowski
1799 Persimmon Lane
Shepherdstown, WV 25443

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:34 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: I.B. Browning <ib2@sailpassport.net>
Date: Monday, July 19, 2021 at 9:29:42 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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Sincerely,
I.B. Browning
706 Snake Hill Rd
Morgantown, WV 26508

Archived: Monday, July 19, 2021 1:51:36 PM
From: JB Witten
Sent: Mon, 19 Jul 2021 12:28:46
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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Sincerely,
JB Witten
578 Faulkner Rd.
Elkins, WV 26241

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:37 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Jackie Burns <jackie.burns@frontier.com>
Date: Monday, July 19, 2021 at 10:42:27 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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Sincerely,
Jackie Burns
202 Black Bear Trl
Davis, WV 26260

Archived: Monday, July 19, 2021 2:41:02 PM
From: James Dixon
Sent: Mon, 19 Jul 2021 16:26:29
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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Sincerely,
James Dixon
206 W Washington Ave
Terra Alta, WV 26764



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:21 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: James Vance <jamcamvan2@gmail.com>
Date: Monday, July 19, 2021 at 4:04:54 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
James Vance
808 Florence Dr
Charleston, WV 25302

Archived: Monday, July 19, 2021 8:55:57 AM
From: James Walker
Sent: Wed, 14 Jul 2021 13:34:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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Sincerely,
James Walker
1000 Hood Circle
Martinsburhg, WV 25403

Smith, Chris B <chris.b.smith@wv.gov>

Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Jan Hafer <janhafer52@gmail.com> Tue, Jul 20, 2021 at 4:47 PM
Reply-To: Jan Hafer <janhafer52@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jan Hafer
PO Box 2163 286 Falling Spring Rd
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 2:25:35 PM
From: Jane Butler
Sent: Mon, 19 Jul 2021 12:37:08
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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Sincerely,
Jane Butler
314 Wild Rose Dr
Hedgesville, WV 25427

Archived: Monday, July 19, 2021 3:14:18 PM
From: Jason Oosterwijk
Sent: Mon, 19 Jul 2021 16:35:42
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jason Oosterwijk
295 Cool Glen Cir
Harpers Ferry, WV 25425

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:34 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Jenni Brashear <jenni.guillermo@gmail.com>
Date: Monday, July 19, 2021 at 9:32:59 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jenni Brashear
309 2nd St
Terra Alra, WV 26764

Archived: Thursday, July 15, 2021 8:11:43 AM
From: Jennifer Baker
Sent: Tue, 13 Jul 2021 17:33:39
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jennifer Baker
471 Anderson Estates Road
Lewisburg, WV 24901

Archived: Monday, July 19, 2021 8:15:29 AM
From: jerry carson
Sent: Tue, 13 Jul 2021 20:26:25
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
jerry carson
5215 beechcrest dr
cross lanes, WV 25313

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:40 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Jim Lilly <jimlillygec@gmail.com>
Date: Monday, July 19, 2021 at 10:57:09 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Please do not weaken the water quality standards for our water in West Virginia. I have 2 daughters. Their ages are 25 & 29. Right now they are trying to make the difficult decision of whether to stay in WV and fight for this state, or to move to another state where the government and regulatory agencies care about the residents and the quality of the air and water they consume.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jim Lilly
2120 Rail Street
Morgantown, WV 26501

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:02 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Jo Ann Robinson <jarobinson43@gmail.com>
Date: Monday, July 19, 2021 at 11:32:11 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jo Ann Robinson
P.O. Box 186
Granville, WV 26534

Archived: Monday, July 19, 2021 8:22:52 AM
From: Joanne Bario
Sent: Wed, 14 Jul 2021 00:19:25
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joanne Bario
64 Sage Pl
Shepherdstown, WV 25443

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:43 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Jodi McMillian <jodimcmillian@gmail.com>
Date: Monday, July 19, 2021 at 11:16:36 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Jodi McMillian
7 Park Avenue
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:14 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Joe Kerner <jk@citynet.net>
Date: Monday, July 19, 2021 at 1:47:34 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joe Kerner
319 Windy Hill
Elkview, WV 25071

Archived: Thursday, July 15, 2021 8:13:08 AM
From: Joe Webb
Sent: Tue, 13 Jul 2021 17:33:51
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joe Webb
609 W 8th St
Williamstown, WV 26187



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:27 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Joel Sabo <JoelCSabo@gmail.com>
Date: Monday, July 19, 2021 at 5:58:17 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joel Sabo
2612 Wells Lock Rd.
Elizabeth, WV 26143

Smith, Chris B <chris.b.smith@wv.gov>

Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Joey Aloi <joeyaloi@gmail.com> Sat, Jul 24, 2021 at 2:45 PM
Reply-To: Joey Aloi <joeyaloi@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joey Aloi
806 Florence Drive
Charleston, WV 25302

Archived: Monday, July 19, 2021 1:56:50 PM
From: John Brady
Sent: Mon, 19 Jul 2021 12:32:24
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Brady
77 Singletree Dr
Shepherdstown, WV 25443

Archived: Wednesday, July 14, 2021 12:32:19 PM
From: John Ciesla
Sent: Tue, 13 Jul 2021 17:14:32
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Ciesla
8106 Maple Avenue
Stonewood, WV 26301

Archived: Monday, July 19, 2021 11:26:35 AM
From: John Doyle
Sent: Wed, 14 Jul 2021 19:19:17
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Doyle
254 Sandpiper Ln
Shepherdstown, WV 25443

Archived: Wednesday, July 14, 2021 12:03:55 PM
From: JOHN DROPP
Sent: Tue, 13 Jul 2021 17:06:48
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
JOHN DROPP
50 Mill Farm Trl
Berkeley Springs, WV 25411

Archived: Monday, July 19, 2021 10:54:51 AM
From: John Geelhaar
Sent: Wed, 14 Jul 2021 14:48:15
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

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Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Geelhaar
2430 Little Buck Run
New Milton, WV 26411

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:39 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: John Harshbarger <JohnM.Harshbarger@gmail.com>
Date: Monday, July 19, 2021 at 10:48:38 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Harshbarger
1019 Upland Drive
South Charleston, WV 25309



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:07 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Johnna Bailey <johnna.bailey@gmail.com>
Date: Monday, July 19, 2021 at 12:22:58 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Johnna Bailey
365 Paul Rd
Hurricane, WV 25526

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

Inbox

'Josh Polan' via DEP WQS Comments Thu, Jul 22, 7:36 AM (4 days ago)

to Christopher

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Josh Polan
364 Stonegate Farms Lane
Caldwell, WV 24925

Archived: Monday, July 19, 2021 12:52:33 PM
From: Joyce Setchell
Sent: Thu, 15 Jul 2021 13:41:50
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Joyce Setchell
221 Ivy St
Morgantown, WV 26501

Archived: Monday, July 19, 2021 10:48:54 AM
From: Judith Clister
Sent: Wed, 14 Jul 2021 14:24:46
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Judith Clister
640 Bolyard Rd
Bruceton Mills, WV 26525

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Julie Archer <julie@wvcag.org> Sat, Jul 17, 2021 at 8:48 AM
Reply-To: Julie Archer <julie@wvcag.org>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Julie Archer
PO Box 207
Sumerco, WV 25567



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:18 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kara Cox <coxkara@hotmail.com>
Date: Monday, July 19, 2021 at 2:22:43 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kara Cox
P O Box 14
Scarbro, WV 25917

Archived: Monday, July 19, 2021 2:33:53 PM
From: Karen Henry
Sent: Mon, 19 Jul 2021 16:24:45
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Concerning the WVDEP proposed revision to West Virginia's Water Quality Standards: please make them stronger with no loopholes. We need to protect human health.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Karen Henry
PO Box 1641
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 1:53:01 PM
From: Kat Cooper
Sent: Mon, 19 Jul 2021 12:30:37
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kat Cooper
2928 Mtn Lake Rd
Hedgesville, WV 25427

Archived: Monday, July 19, 2021 2:27:12 PM
From: Kate Leary
Sent: Mon, 19 Jul 2021 12:37:25
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kate Leary
1239 Pineview Dr Apt 5
Morgantown, WV 26505

Archived: Monday, July 19, 2021 1:14:23 PM
From: Katherine Adase
Sent: Fri, 16 Jul 2021 15:20:55
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Katherine Adase
1760 Big Wheeling Creek Rd
Wheeling, WV 26003

Archived: Monday, July 19, 2021 1:39:07 PM
From: KATHRYN MADISON
Sent: Mon, 19 Jul 2021 12:27:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
KATHRYN MADISON
825 Madison Ave.
Morgantown, WV 26501



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:21 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kayla Parker <kaylapark@gmail.com>
Date: Monday, July 19, 2021 at 4:16:21 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kayla Parker
1629 Quarrier St.
Charleston, WV 25311

Archived: Monday, July 19, 2021 3:04:35 PM
From: Kemmeth Walker
Sent: Mon, 19 Jul 2021 16:32:19
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule.

No LOOPHOLES when it comes to clean water.

Thank you for considering these comments.

Sincerely,
Kemmeth Walker
3513 Carpenter Ave
Hurricane, WV 25526



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:21 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kendra Clark <kendrarsc@hotmail.com>
Date: Monday, July 19, 2021 at 4:04:15 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

Keep the health of West Virginians in mind.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kendra Clark
211 Devonshire Drive
Charles Town, WV 25414



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:30 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kent Karriker <bykarriker@suddenlink.net>
Date: Monday, July 19, 2021 at 7:57:13 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kent Karriker
344 Harpertown Rd
Elkins, WV 26241



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:10 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kevin Pauley <kpauley108@gmail.com>
Date: Monday, July 19, 2021 at 1:19:40 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kevin Pauley
1508 Mountain Road
South Charleston, WV 25303

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:44 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kit McGinnis <kitmcginnis@gmail.com>
Date: Monday, July 19, 2021 at 11:26:45 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kit McGinnis
99 Quarterhorse Place
Charles Town, WV 25414

Archived: Monday, July 19, 2021 2:42:41 PM
From: Larry Thomas
Sent: Mon, 19 Jul 2021 16:26:57
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Larry Thomas
P. O. Box 194
Circleville, WV 26804

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:02 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Lawton Rogers <lawtonrogers@hotmail.com>
Date: Monday, July 19, 2021 at 11:31:00 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lawton Rogers
99 Quarterhorse Place
Charles Town, WV 25414

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Leah Rampy <leah.rampy9@gmail.com> Sat, Jul 17, 2021 at 10:21 AM
Reply-To: Leah Rampy <leah.rampy9@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Leah Rampy
46 Shepherd Village Cir
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 7:47:21 AM
From: LELLA MILLER
Sent: Tue, 13 Jul 2021 18:44:15
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
LELLA MILLER
902 Valley Rd
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Leslie Devine-Milbourne <wind.dance@frontier.com>
Date: Tuesday, July 20, 2021 at 7:10:01 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Leslie Devine-Milbourne
200 Wind Dance Trl
Berkeley Springs, WV 25411



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:16 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Linda Frame <lframewv@gmail.com>
Date: Monday, July 19, 2021 at 2:00:43 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Linda Frame
1405 Alexandria Pl
Charleston, WV 25314

Archived: Monday, July 19, 2021 2:23:29 PM
From: Linda Zwobota
Sent: Mon, 19 Jul 2021 12:36:49
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Linda Zwobota
585 Valley View Rd
Harpers Ferry, WV 25425

Archived: Monday, July 19, 2021 3:22:31 PM
From: Lisa Diehl
Sent: Mon, 19 Jul 2021 16:37:50
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate the problem by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lisa Diehl
461 Alum Fork Rd
Auburn, WV 26325



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:21 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Lisa Maraffa <lightbutter_@hotmail.com>
Date: Monday, July 19, 2021 at 4:14:26 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lisa Maraffa
543 Wildwood Lake
Morgantown, WV 26508

Archived: Thursday, July 15, 2021 8:14:35 AM
From: Lisa Payne
Sent: Tue, 13 Jul 2021 17:42:22
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for providing me with this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. Although I support WVDEP's adoption of more of EPA's updated criteria needed for West Virginia to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons:

1. The proposed policy creates a loophole that would allow industries to weaken the human health criteria in our water quality standards. The revision would benefit big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage because those stakeholders, do not have the resources to fund similar studies, but will suffer the environmental and health consequences of weakened criteria.

2. There current process in place to revise water quality standards allows for greater involvement for both local stakeholders and the legislature. The proposed revision sidesteps that process in creating a shortcut that excludes these essential stakeholders.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas. Because the location of these industries are often located near poorer communities already struggling with problems related to social, economic, and environmental justice, they will be exposed to greater harm.

4. As written, the proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in both all waters and public drinking water sources across the state.

5. WV already has the 3rd highest cancer death rate in the nation. This statistic clearly demonstrates the state's limitations in protecting its citizens from the consequences of giving industry and large corporations unequal influence and rights. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians at the benefit to industry and is one of the reasons our population is not increasing. People with the means to relocate to states where there are more public health policies in place do so because they know they can provide their families with healthier drinking water.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lisa Payne
372 Apple Jack Lane
Harpers Ferry, WV 25425

Archived: Monday, July 19, 2021 11:35:44 AM
From: Lois Ludwig
Sent: Wed, 14 Jul 2021 20:29:01
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

The quality of our water is very important to me. we owe it to our children and grandchildren to preserve water quality to the highest standard possible.

Sincerely,
Lois Ludwig
5373 Koontz Dr
Cross Lanes, WV 25313



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:30 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Lori Magana <lorimagana@gmail.com>
Date: Monday, July 19, 2021 at 7:27:45 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lori Magana
304 Gail drive
Charleston, WV 25314



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

2 messages

Lou Richardson <lourichardson7@gmail.com> Tue, Jul 20, 2021 at 9:22 AM
Reply-To: Lou Richardson <lourichardson7@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons. As a returning West Virginian, I don't want another reason to take my family away from my home state.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lou Richardson
2301 Windham Road
South Charleston, WV 25303

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:34 AM
To: Chris B Smith <chris.b.smith@wv.gov>

[Quoted text hidden]

Archived: Monday, July 19, 2021 12:43:32 PM
From: Lydia Patton
Sent: Thu, 15 Jul 2021 10:13:02
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lydia Patton
2492 James River Tpke
Ona, WV 25545



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:20 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Margaret Baker <msb5348@outlook.com>
Date: Monday, July 19, 2021 at 3:36:36 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Margaret Baker
PO Box 334
Purgitsville, WV 26852



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:31 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: marilyn k hunt <mkhunt@libertyandjusticewv.org>
Date: Monday, July 19, 2021 at 8:27:49 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
marilyn k hunt
1696 macedonia ridge road
new martinsville, WV 26155



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:27 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: marilyn mcgeorge <mandw@suddenlink.net>
Date: Monday, July 19, 2021 at 5:59:49 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
marilyn mcgeorge
1529 Virginia St E
Charleston, WV 25311



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:17 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Marion Hazel <alixhazel@gmail.com>
Date: Monday, July 19, 2021 at 2:08:21 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Marion Hazel
385 Edgewood School Road
Shenandoah Junction, WV 25442



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:30 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Marjory Weber <m.cate.w@gmail.com>
Date: Monday, July 19, 2021 at 7:40:40 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Marjory Weber
18 Brentwood Drive
Parkersburg, WV 26104

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:02 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Mark Muse <1xmmuse@gmail.com>
Date: Monday, July 19, 2021 at 11:27:53 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Mark Muse
377 Knott Rd
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:22 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Martha Mullett <martha.mullett@gmail.com>
Date: Monday, July 19, 2021 at 4:24:06 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Martha Mullett
2315 Lakeside Estates
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

2 messages

Matthew Bachtell <matthewbachtell@gmail.com> Tue, Jul 20, 2021 at 9:27 AM
Reply-To: Matthew Bachtell <matthewbachtell@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

==========

Please keep the yuck out of the water supply. We only have so much and the are already too many "extras" that humans and the environment don't need.

Sincerely,
Matthew Bachtell
40 Mossy Oak Ct
Shepherdstown, WV 25443

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:34 AM
To: Chris B Smith <chris.b.smith@wv.gov>

[Quoted text hidden]



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:06 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Matthew Heap <matt.heap@gmail.com>
Date: Monday, July 19, 2021 at 12:01:18 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Matthew Heap
13 Amber Ridge
Morgantown, WV 26508

Archived: Monday, July 19, 2021 10:47:42 AM
From: Matthew Waldie
Sent: Wed, 14 Jul 2021 14:22:38
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Matthew Waldie
1501 Coventry Lane
Charleston, WV 25314



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:25 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Mavery Davis <MaveryDavisCPA@gmail.com>
Date: Monday, July 19, 2021 at 5:43:11 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Mavery Davis
613 Tennessee Ave
Charleston, WV 25302

'Melody Thurman Urbanic' via DEP WQS Comments Jul 22, 2021, 7:36 AM (4 days ago)

to Christopher

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Melody Thurman Urbanic
85 Valentine Road
Chloe, WV 25235

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:03 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Mia Ross <bluswirl3@gmail.com>
Date: Monday, July 19, 2021 at 11:36:07 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Mia Ross
3813 Washington Ave SE
Charleston, WV 25304



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:25 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michael Carbone <mbcarbone214@gmail.com>
Date: Monday, July 19, 2021 at 5:50:15 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Carbone
25 quarry ridge rd
charleston, WV 25304

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:36 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michael Cole <mwcole304@gmail.com>
Date: Monday, July 19, 2021 at 10:36:07 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Cole
110 e Hillview dr
Morgantown, WV 26508

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:40 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michael Jones <mbj0011@mix.wvu.edu>
Date: Monday, July 19, 2021 at 10:54:26 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

I urge the WVDEP to adopt the EPA updated health criteria for water quality standards. However, I oppose paragraph 8.2.c. and urge you to reject this paragraph.

The proposal:

1. Creates a loophole for large industry to fund its own "studies" and places the public at a disadvantage.
2. Has vague standards, and could allow weaken human health criteria for ALL waters in WV.
3. Threatens increased pollution in industrial areas, that are often near disadvantaged communities, creating an environmental justice issue.
4. Is unnecessary. The current process to revise water quality standards assures public scrutiny, while the new proposal creates a shortcut avoiding public participation.

Thank you for considering my comments. Again, I urge you to reject paragraph 8.2.c.

Best regards,

Michael Jones

Sincerely,
Michael Jones
223 Chestnut Street, Apt 302
Morgantown, WV 26505

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:40 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michael Klausing <mike_klausing@hotmail.com>
Date: Monday, July 19, 2021 at 10:54:00 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I STRONGLY encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Klausing
624 Cross Lanes Dr Apt 11
Nitro, WV 25143

Archived: Monday, July 19, 2021 7:48:43 AM
From: Michael Lynn
Sent: Tue, 13 Jul 2021 19:00:33
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Lynn
83 Wilson Ln
Berkeley Springs, WV 25411

Archived: Monday, July 19, 2021 10:58:07 AM
From: Michael Turner
Sent: Wed, 14 Jul 2021 15:01:51
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Turner
207 E Walker Street
Fayetteville, WV 25840



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:23 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michael Whitten <3whitten.drawdy@gmail.com>
Date: Monday, July 19, 2021 at 4:43:40 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michael Whitten
227 Whitten Spring Rd
Peytona, WV 25154

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:38 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Michelle Hall <michelle@jahgd.com>
Date: Monday, July 19, 2021 at 10:44:58 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Michelle Hall
866 Whispering Way
South Charleston, WV 25303

Archived: Monday, July 19, 2021 12:47:33 PM
From: Monty Fowler
Sent: Thu, 15 Jul 2021 12:12:43
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health. But - I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Monty Fowler
625 South Terrace
Huntington, WV 25705

Archived: Monday, July 19, 2021 1:00:06 PM
From: Morgan King
Sent: Thu, 15 Jul 2021 21:50:06
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Morgan King
2113 Kanawha Ave SE
Charleston, WV 25304



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:12 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Nancy Dickinson <laurelcreek13@gmail.com>
Date: Monday, July 19, 2021 at 1:37:57 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Nancy Dickinson
3861 Laurel Creek Rd
Greenville, WV 24945

Archived: Monday, July 19, 2021 8:21:26 AM
From: Nancy Ward
Sent: Tue, 13 Jul 2021 23:00:12
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Nancy Ward
703 Laurel Rd
Charleston, WV 25314



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:27 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Nathan Thomas <ntntmswv@gmail.com>
Date: Monday, July 19, 2021 at 5:58:51 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Nathan Thomas
1102 11th avenue
Huntington, WV 25701

Archived: Monday, July 19, 2021 9:08:51 AM
From: Ned Marshall
Sent: Wed, 14 Jul 2021 13:53:35
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ned Marshall
589 Edgewood School Road
Shenandoah Junction, WV 25442

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:05 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Nina Assimakopoulos <nassimaflute@gmail.com>
Date: Monday, July 19, 2021 at 11:56:17 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Nina Assimakopoulos
218 Newberry lane
Morgantown, WV 26505



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Olivia Qualls <Oliviaqualls87@gmail.com>
Date: Tuesday, July 20, 2021 at 5:04:02 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Olivia Qualls
710 11th Ave
Huntington, WV 25701

Archived: Monday, July 19, 2021 7:48:00 AM
From: Pam Leonard
Sent: Tue, 13 Jul 2021 19:00:09
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Pam Leonard
4546 Bergoo rd.
Webster Springs, WV 26288

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:00 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Patrick Nelson <patricknelson13@gmail.com>
Date: Monday, July 19, 2021 at 11:27:27 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Please keep our water clean. Four health and economic future.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Patrick Nelson
1535 Quarrier St.
Charleston, WV 25311



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:04 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Paul Breitenbach <pjbreitenbach@gmail.com>
Date: Monday, July 19, 2021 at 11:48:20 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Paul Breitenbach
PO Box 656
Kearneysville, WV 25430

Archived: Monday, July 19, 2021 11:04:29 AM
From: Paul Hancock
Sent: Wed, 14 Jul 2021 15:04:34
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Paul Hancock
1609 Quarrier Street, Apt. D
Charleston, WV 25311



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:18 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Paula Kerner <paulakerner2011@gmail.com>
Date: Monday, July 19, 2021 at 2:29:35 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Paula Kerner
319 Windy Hill
Elkview, WV 25071



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:27 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Peggy Akwxander <palexander25039@gmail.com>
Date: Monday, July 19, 2021 at 6:07:29 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Peggy Akwxander
PO Box 711
Cedar Grove, WV 25039

Archived: Monday, July 19, 2021 2:20:42 PM
From: Penny Manion
Sent: Mon, 19 Jul 2021 12:36:07
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Penny Manion
426 Willowdale Dr
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 1:26:17 PM
From: Phil White
Sent: Mon, 19 Jul 2021 12:27:24
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Phil White
863 Westminister Way
Charleston, WV 25314

Archived: Monday, July 19, 2021 3:39:53 PM
From: Rachael Hood
Sent: Mon, 19 Jul 2021 17:20:00
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons. To protect the health, safety, and welfare of the residents of this great state, please reconsider and close this proposed paragraph.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rachael Hood
68 High Street, B
Morgantown, WV 26505

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:30 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Rachel Tompkins <racheltompkins@frontier.com>
Date: Sunday, July 18, 2021 at 6:28:33 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rachel Tompkins
651 Douthards Creek Rd
Marlinton, WV 24954

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:24 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Randolph Kesling <rkesling@ma.rr.com>
Date: Monday, July 19, 2021 at 5:32:09 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Randolph Kesling
116 Farm Meadow Dr
Bridgeport, WV 26330

Archived: Monday, July 19, 2021 3:25:45 PM
From: Rhonda Marrone
Sent: Mon, 19 Jul 2021 17:03:14
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rhonda Marrone
939 Somerset Dr.
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Robert Jarrell <robertjarrell5002@comcast.net>
Date: Tuesday, July 20, 2021 at 6:56:51 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Robert Jarrell
482 West Clayton Road
Alderson, WV 24910

Archived: Monday, July 19, 2021 2:19:11 PM
From: Robin Wright
Sent: Mon, 19 Jul 2021 12:34:04
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Robin Wright
2595 Stringtown Rd
Sinks Grove, WV 24976



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:05 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Rose Lugar <RoseLugarDesigns@gmail.com>
Date: Monday, July 19, 2021 at 11:57:57 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rose Lugar
365 Paul Rd
Hurricane, WV 25526

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:44 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Rose Winland <rwinland@acluwv.org>
Date: Monday, July 19, 2021 at 11:26:20 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rose Winland
5015 Kentucky street
So. Charleston, WV 25311

Archived: Monday, July 19, 2021 3:12:31 PM
From: Ruth Hatcher
Sent: Mon, 19 Jul 2021 16:32:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ruth Hatcher
PO Box 547
Ranson, WV 25438

Archived: Monday, July 19, 2021 10:59:34 AM
From: Ryan Lehman
Sent: Wed, 14 Jul 2021 15:02:27
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ryan Lehman
35 Spillway Ct
Martinsburg, WV 25405



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:16 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Sailah Hill <s.hillinthehills@gmail.com>
Date: Monday, July 19, 2021 at 2:01:31 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sailah Hill
279 Hawk Hollow Ln
Orma, WV 25268

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:42 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Sara Henrickson <henrickson.sara@gmail.com>
Date: Monday, July 19, 2021 at 11:00:24 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

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For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sara Henrickson
668 Snake Hill
Morgantown, WV 26508

Archived: Wednesday, July 14, 2021 12:06:38 PM
From: Sarah Cross
Sent: Tue, 13 Jul 2021 17:08:53
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sarah Cross
108 1/2 Franklin Ave
Martinsburg, WV 25404



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:04 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Sarah Hammack <srhammack@earthlink.net>
Date: Monday, July 19, 2021 at 11:54:05 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sarah Hammack
571 Douglas Rd #208
Thomas, WV 26292

Archived: Monday, July 19, 2021 11:39:42 AM
From: Sarah Hicks
Sent: Wed, 14 Jul 2021 23:42:29
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sarah Hicks
2520 Kanawha Ter
Saint Albans, WV 25177

Archived: Monday, July 19, 2021 11:18:50 AM
From: Sarah Phillips
Sent: Wed, 14 Jul 2021 16:11:53
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sarah Phillips
p.o. box 37
Inwood, WV 25428

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:36 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Selah Raines <trfoax@gmail.com>
Date: Monday, July 19, 2021 at 10:36:42 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. My maternal grandmother had nine different cancers, and I just had a mammogram indicating I may be facing it as well. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Selah Raines
421 Big Knawl Frk
Walkersville, WV 26447

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:38 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Shirley Marcum <jrsueller1@gmail.com>
Date: Monday, July 19, 2021 at 10:45:29 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Shirley Marcum
101 southoove lane
South Charleston, WV 25309



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:20 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Siri McDonald <sirimcdonaldwv@gmail.com>
Date: Monday, July 19, 2021 at 3:40:10 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to send my and my family's comments to WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, we oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. My husband and I have two children 4, and 6 years old who have a history of health issues.
I am highly concerned that this revision put my family and our community at a disadvantage since we are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Siri McDonald
687 Whitmer Rd
Shenandoah Junction, WV 25442



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:09 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Stacy Kay <stacykaywv@gmail.com>
Date: Monday, July 19, 2021 at 1:15:28 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Stacy Kay
1039 Valley Road
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:28 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Stephanie Hyre <shyre82@gmail.com>
Date: Monday, July 19, 2021 at 6:41:24 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Stephanie Hyre
307 Highland Ave
South Charleston, WV 25303

Archived: Monday, July 19, 2021 7:49:40 AM
From: Stephen Bodnar
Sent: Tue, 13 Jul 2021 19:30:09
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Stephen Bodnar
414 Columbia Ave
Williamstown, WV 26187

Archived: Monday, July 19, 2021 10:53:47 AM
From: Steve Curry
Sent: Wed, 14 Jul 2021 14:37:45
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Steve Curry
1105 Lynn Oak Dr
Charleston, WV 25313

Archived: Monday, July 19, 2021 8:41:01 AM
From: Steve Malafy
Sent: Wed, 14 Jul 2021 02:10:45
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Steve Malafy
280 Centerville Harp Rd
French Creek, WV 26218

Archived: Monday, July 19, 2021 8:54:00 AM
From: STEVEN RUNFOLA
Sent: Wed, 14 Jul 2021 09:35:08
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Hello:

My name is Steve Runfola and I am a WV resident . Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
STEVEN RUNFOLA
45 Park Ridge Drive
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:17 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Nieltje Gedney <ngedney@homedialyzorsunited.org>
Date: Monday, July 19, 2021 at 2:04:40 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

I have ESRD. Poor quality public water has aggravated that condition over the years. Ironically, when I lived in a 3rd world country, Ecuador, I had better quality drinking water than I do here in WV. Furthermore, because of the runoff and toxic waste, our water supply is so badly contaminated, contributing to the high rates of cancer and chronic illness such as kidney disease. These health issues cost WV billions per year in health care cost, far more than the income the state derives from poorly regulated industries that use our beautiful state as a toxic dumping ground.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Nieltje Gedney
PO Box 281
Kearneysville, WV 25430



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:22 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Pamela Moe <pam_moe@hotmail.com>
Date: Monday, July 19, 2021 at 4:16:44 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons:

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. Most importantly to me, I live along the Shavers Fork River in Tucker County along a rather rural and remote section. Our primary water source for drinking, cooking and household use is a local spring.

This spring often goes dry during drought periods. It is then that the Shavers Fork is our primary source for drinking, cooking and other household uses.

Our household is not alone in that need to utilize the wonderful rivers in our state in that manner.

It is vital that our rivers stay as clean ~ drinkable, swimmable and fishable ~ as possible. Our waters are West Virginia's most precious resource. Please do your utmost to protect them.

For all of the reasons stated above, I ask that the WVDEP to strike paragraph 8.2.c from the rule.

Additionally, I ask that you add me to your email and other contact lists for WVDEP actions involving our states water quality.

Thank you for considering these comments.

Sincerely,
Pamela Moe

Sincerely,
Pamela Moe
43 Channels Mill Road
Kerens, WV 26276

Archived: Monday, July 19, 2021 11:41:24 AM
From: Pamela Ruediger
Sent: Thu, 15 Jul 2021 00:13:34
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for doing the right thing by permitting the public to comment on WVDEP's proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of MORE of EPA's updated criteria that WV needs to adequately protect human health, I VEHEMENTLY OPPOSE the policy proposed in paragraph 8.2.c for the following reasons:

1. The proposed policy makes it possible for industry to poison citizens of WV, because it weakens the human health criteria of our water quality standards!!! This revision BETRAYS West Virginia citizens and caters to big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies!!!

2. The revision is totally unnecessary because there is already a process in place to revise water quality standards!!! The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and, MOST IMPORTANTLY, the public!! THIS IS EGREGIOUS BETRAYAL!!!

3. The loophole is going to unnecessarily complicate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice!!!!

4. The proposed revision is purposefully vague and sets a HORRIBLE precedent!!! The loophole is purposefully, callously, greedily written to allow weakened human health criteria in all waters of the state!!!

5. WV already has the 3rd highest cancer death rate in the nation, largely due to the industries that have been supported and courted by the very government agencies created to PROTECT LIVES!!! Allowing industry to dump more toxic chemicals into our water is unconscionable because it increases health risks for West Virginians so industrialists can make more money!!

For the reasons stated above, It is my deep conviction that the only conscionable action that WVDEP can take MUST be to strike paragraph 8.2.c from the rule!!! Thank you for considering these comments.

Sincerely,
Pamela Ruediger
64 Weeping Willow Run
Parsons, WV 26287

Archived: Monday, July 19, 2021 3:28:26 PM
From: Paul Breuer
Sent: Mon, 19 Jul 2021 17:03:43
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. Being a white water guide and business owner in tourism I know the public awareness of Clean water for recreation. If more toxins are allowed in the water, tourist will know, then the tourism industry which many rural communities depend on will die!

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Paul Breuer
1125 Dorsey Rd
Nettie, WV 26681

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Pedro Salas <salas.mz@gmail.com> Sat, Jul 17, 2021 at 6:53 AM
Reply-To: Pedro Salas <salas.mz@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Water is a resource fundamental for life and one that we often take for granted, until it is too late. For this reason it is extremely important that we do our best to protect it, specially in West Virginia, a state that already suffers from poor water quality in some of its communities. Adopting updated criteria to protect WV water resources is a step in the right direction, however we must make sure that new policies leave no loopholes to further contaminate, so I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Pedro Salas
227 Rabbit Patch Dr
Arbovale, WV 24915

Archived: Wednesday, July 14, 2021 12:01:43 PM
From: Rachel McGuire
Sent: Tue, 13 Jul 2021 16:25:56
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

So many of my family and community members have suffered and are suffering from cancer right now, and I don't think it's coincidence. Our water may not be as toxic as Minden's, but you can see cancer clustered in homes all around our water service district. We need stronger standards, not easier methods for weakening them!

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rachel McGuire
PO Box 131
Danese, WV 25831

Archived: Wednesday, July 14, 2021 12:30:14 PM
From: Rebecca Hamilton
Sent: Tue, 13 Jul 2021 17:10:37
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. There is enough happening in WV that is threatening the people who live here. I fought hard to buy my home, with every intention of not leaving. Between this revision and the Rockwool plant a mile away, I am already in danger of being forced to leave to preserve my health. We need to be holding manufacturers and industries accountable, not giving them more ways around existing standards that will only speed our demise.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Rebecca Hamilton
5558 Charles Town Rd
Kearneysville, WV 25430



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:09 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Robert A. Mertz <no1ramertz@gmail.com>
Date: Monday, July 19, 2021 at 1:18:47 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

As a retired science teacher and water loving grandfather of four, I am very much opposed to any action to relax the rules regarding pollutants in our water bodies. Our grandkids play in the streams and lakes, and drink the water that comes from those sources. Say no to any rule changes that relax restrictions. Industries are only concerned with short term profits. You need to maintain our water quality for long term sustainable life on spaceship Earth.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Robert A. Mertz
1205 Mulberry Ridge
Spencer, WV 25276

Archived: Monday, July 19, 2021 1:06:18 PM
From: Robert Halfin
Sent: Fri, 16 Jul 2021 03:08:22
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

PERSONAL NOTE:

OUTRAGEOUS!!!!!

IT IS CRYSTAL CLEAR - UNLIKE OUR WATER -

THAT IN WEST VIRGINIA -

"ENVIRONMENTAL PROTECTION" IS OUT!!!!!

AND BILLIONAIRE CORRUPTION IS IN!!!!!

WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Robert Halfin
483 Location Rd
Parsons, WV 26287



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:15 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Sally Wilson <zubiejanubie@suddenlink.net>
Date: Monday, July 19, 2021 at 1:59:27 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health. I am a life long West Virginian who has lived on the Ohio, Cheat, and Potomac Rivers. I am a rare cancer survivor and someone who has suffered with multiple health issues that are exacerbated if not caused by the environmental pollution in WV. This not only has affected my productivity and quality of life but has been a major expense. I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Sally Wilson
54 Cheat Canyon Park Dr
Morgantown, WV 26508

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:24 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Scott Mcmillian <scottmcmillianrw@gmail.com>
Date: Monday, July 19, 2021 at 5:37:46 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Water is West Virginia's most valuable natural resource, we must protect it. I walk along the Kanawha every day at sunset and hope that one day it will be clean enough to support an urban beach. That won't happen if we don't protect our waterways from point source and non point source pollution.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Scott Mcmillian
7 Park Avenue
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:23 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Susan Bouldin <bouldinsusan@gmail.com>
Date: Monday, July 19, 2021 at 4:50:19 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

We write to endorse the well-researched comments by West Virginia Rivers Coalition. In addition, as private citizens and West Virginians, we strongly object to what appears to be an ongoing and concerted effort on behalf of WVDEP to weaken water quality standards in West Virginia.

Our experiences of the fragility of West Virginia's water resources have been formed as previous long-time residents of the Kanawha Valley and, more recently, as landowners in Summers County whose water resources for our home and recreation are impacted by the proposed Mountain Valley Pipeline.

WVDEP is the agency entrusted with protecting the public in relation to issues impacting the environment. As citizens, we desperately need your agency to make a much stronger commitment to protecting us from industrial pollutants. The lives of West Virginia's children and grandchildren are facing a perilous time -- properly protected, the natural resources of our beautiful state could sustain their futures. An important first step is for WVDEP to refrain from developing policy decisions such as these which undermine the critical role your agency has in ensuring the well-being of all West Virginians to safe drinking water.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While we support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, we oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, we strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Thomas and Susan Bouldin

PO Box 431
Talcott, West Virginia 24981

Sincerely,
Susan Bouldin
PO Box 431
Talcott, WV 24981

Archived: Monday, July 19, 2021 12:58:56 PM
From: Susan Sauter
Sent: Thu, 15 Jul 2021 20:59:57
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

As a Preston County resident, I thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. Why would we want to do this when our health is already rated one of the lowest in the nation? This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments. Please, if not for me and the other underfinanced majority, kindly do it for your grandchildren.

Sincerely,
Susan Sauter
1932 Girl Scout Camp Rd
Bruceton Mills, WV 26525



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:09 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Suzanne Vance <shimmervalley@gmail.com>
Date: Monday, July 19, 2021 at 12:50:33 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Further, I am dismayed at the inability of the WVDEP to handle the water problems that already exist in the state due to run off from old mines, methane leaks and heavy metal contamination in drinking water systems, not to mention the toxic ill conceived Mountain Valley Pipeline, which is releasing a lot of heavy metals into the water supply chain.
I see we already have a statewide problem with selenium toxicity from bad mining practices. The City of Clarksburg recently had a lead contamination issue in the water. Lawsuits have become a frequent event in Clarksburg concerning bad drinking water. Basically, any of these chemicals getting in the water, in addition to your loophole in this proposed water quality change are only benefiting a few people who probably don't even live in the state. Everyone else, the majority of citizens suffer as a result. Their children will be born with birth defects and be weaker in general. Cancer rates will rise. People don't want to raise their children where the drinking water is contaminated.
At some point, DEP, you must wake up and see that we are in the midst of an environmental collapse. The water you take for granted may be dried up in a few years and you will be left with a toxic uninhabitable environment so please, don't add to the problem by making the situation worse. Any increase in chemicals to benefit a few right now, is against logic. Protect the environment.

Sincerely,
Suzanne Vance

158 Court Ave
Weston, WV 26452



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:28 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Terra McColley <heavenlysunshinetraveler@gmail.com>
Date: Monday, July 19, 2021 at 6:24:10 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

Why would you want that after all Charleston went through with water contamination just a few years ago? Our families deserve safe water to shower and drink.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which can effect all of us from drinking water to washing our hands during this pandemic.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments. We are paying attention and vote so please consider our families and your own and keep our beautiful state clean.

Sincerely,
Terra McColley
PO Box 4353
Morgantown, WV 26504

Archived: Monday, July 19, 2021 3:36:05 PM
From: Tim McGowan
Sent: Mon, 19 Jul 2021 17:05:34
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

If you want to bring new, well paying jobs to West Virginia we need good, clean water. Period.

I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Tim McGowan
464 Maple Ave
Davis, WV 26260

Archived: Monday, July 19, 2021 2:44:28 PM
From: Vivian Stockman
Sent: Mon, 19 Jul 2021 16:27:20
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

I write in regards to the WV DEP's proposed revision to our state's WQS. Thanks to you and DEP for taking public comment on this matter.

To better protect human health, I am supportive of DEP adopting more of EPA's updated criteria.

But, I cannot support the policy DEP proposes in paragraph 8.2.c as it creates a loophole that would allow those with deep pockets to weaken criteria related to human health in the WQS.

As you know, a process is already in place for revising WQS. The revision in 8.2.c would sidestep that process and make it less transparent, and this could mean even worse levels of toxins in waters near communities that are already polluted, places that demographically already have higher rates of cancer and are predominantly populated by low income folks and people of color. 8.2.c could make the environmental injustice in our region even worse.

The 8.2.c loophole is vague and could set a bad precedent, allowing weakened human heath criteria for waters statewide.

Our WQS should be all about protecting human health, especially in the most vulnerable communities. The proposed revision in paragraph 8.2.c does not accomplish this; instead it favors polluting industries.

Therefore, I ask that the WV DEP please strike
paragraph 8.2.c from the rule.

Thank you for taking these comments into consideration.

Sincerely,
Vivian Stockman
249 Millstone Run
Spencer, WV 25276

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:39 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: William Turner <ichthyocentric@hotmail.com>
Date: Monday, July 19, 2021 at 10:50:39 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. I am an avid angler; I spend about 150 days on the water a year and want to see the waters of WV protected and enhanced. DEP is going in the WRONG DIRECTION with this rule. Thank you for your consideration.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
William Turner
531 Church St
Lewisburg, WV 24901



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:22 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Addison Reese <areese@k12.wv.us>
Date: Monday, July 19, 2021 at 4:37:59 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

This will only harm the people of West Virginia and help fill the pockets of self-interested corporations.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Addison Reese
122 Larkspur Lane
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:06 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Alan Kuhlman <alankuhlman1950@gmail.com>
Date: Monday, July 19, 2021 at 12:13:22 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Water is now becoming the most valuable and endangered resources on our planet...without clean potable water life as we known it will e entirely disappear. I oppose any legislation that increases the amount of toxins dumped into our waterways.Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Alan Kuhlman
4 Granville Drive
Elkview, WV 25071

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:42 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Allan Tweddle <tweddall@umich.edu>
Date: Monday, July 19, 2021 at 11:02:05 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Finally, your role is to protect the citizens, not the profits of any corporation.

Your target should be to achieve ZERO emissions.

Sincerely,
Allan Tweddle
3603 Virginia Ave SE
Charleston, WV 25304



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:28 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Anastasya Tabb <sevanisko@hotmail.com>
Date: Monday, July 19, 2021 at 6:24:26 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to Rule 47 C.S.R. 2, "Requirements Governing Water Quality Standards." I support the WVDEP's efforts to expand the criteria that WV needs to adequately protect human health as presented in the EPA's 2015 updated chemical pollutants.
The ambient water quality criteria for the protection of human health are designed to minimize the risk of adverse effects occurring to humans from chronic (lifetime) exposure to substances through the ingestion of drinking water and consumption of fish obtained from surface water. According to the WV DHHR we ranked 1st highest in the nation for the prevalence of poor physical health, poor mental health, and activity limitations due to poor physical or mental health. Better protections for what is permitted to be discharged into our water is necessary - without exceptions.
The regulations are necessary because we know industries are going to release their harmful manufacturing byproducts somewhere. The waterways are not the answer.

I oppose the policy proposed in paragraph 8.2.c.

1. 8.2.c creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

What evidence supports that the EPA's human health criteria determination was limited and not sufficient?

2. There is already a process in place to revise water quality standards, which has already taken years longer than it should have. The revision sidesteps that process by creating a backdoor approach to non-compliance with externally peer reviewed and thoroughly vetted public policy.

3. The loophole is likely to exacerbate existing environmental hardships by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. 47 C.S.R.2 should be based on best practices which were written based on science to protect people by the established relationships between pollutant concentrations and environmental and human health effects. Industry should not be allowed to bypass the best known practices and release more toxic chemicals into our water because it it cost effective.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Anastasya Tabb

Sincerely,
Anastasya Tabb
248 Willowdale Dr
Shepherdstown, WV 25443



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:27 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Anne Young <anneesabatos@hotmail.com>
Date: Monday, July 19, 2021 at 6:22:25 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

My husband and I are small business owners that depend on clean water and trusting the government to provide trustworthy, safe, effective and accurate policy for West Virginians. As an organic farmer, we have to make sure the water we use for our produce is clean and free of industrial contaminants. I run a school where families use public water sources and nature programs that teach students about our natural resources. Please protect the future of our livelihood and communities and oppose the policy proposed in 8.2c paragraph.
Thank you for your hard work.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Anne Young
110 Quarterhorse Pl
Charles Town, WV 25414

office of technology

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:25 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Arietta DuPre <sabrefire@outlook.com>
Date: Monday, July 19, 2021 at 5:48:36 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

There are several:
1A - when did Juan's turn into "testers" for toxic water?
1B - why are those of us that have to face the aftermath of lies, loopholes, and general pipeline "CRAP" not the ones able to decide about our health, especially when it has already been proven that the best interests of WE THE PEOPLE has not been followed to date by pipelines or decision makers?
1C - Do you read your Bible? Are you not aware that God has promised to destroy those destroying the earth .... That means pipelines and the people allowing them to damage the earth.
1D - are you not aware that 1 death from toxic water is MURDER?

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Arietta DuPre
992 Wayside Talcott Rd
Talcott, WV 24981



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:14 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Barbara Frierson <b03b13f@gmail.com>
Date: Monday, July 19, 2021 at 1:42:27 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

I am a West Virginia resident, an active hiker in the state's parks and forests, and care very much about preserving biodiversity and clean water in our state. Extractive industries and chemical companies have done enormous harm to the land and people here for hundreds of years. Now it's time to preserve and protect our remaining resources and quality of life as we face the enormous challenges of climate change. DO NO MORE HARM, please.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Barbara Frierson
888 Observatory Dr
Saint Albans, WV 25177

Archived: Wednesday, July 14, 2021 11:58:35 AM
From: Ben Kesslee
Sent: Tue, 13 Jul 2021 16:25:17
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Chris,

In addition to the below verbiage that I wholeheartedly I agree with, WVDEP needs to step up and protect our water ways and livelihoods in WV. We can't even fish out of most creeks without some type of advisory..and now more? Get it together folks and start doing the citizens (including yourself) right.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Ben Kessler

Sincerely,
Ben Kesslee
186 Donna Ave
Morgantown, WV 26505

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:43 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Betty McClintock <emcclintock1@frontier.com>
Date: Monday, July 19, 2021 at 11:15:18 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Having safe, clean water, especially for drinking, is essential for life and good health. It should be a high priority to protect water sources, not just in West Virginia, but everywhere. It makes good sense.

Sincerely,
Betty McClintock
114 Riverview Dr
Tornado, WV 25202

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:31 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Betty Wiley <betty.w304@gmail.com>
Date: Sunday, July 18, 2021 at 9:24:51 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. Actions that either potentially or actually damage WV environment have the effect of keeping people from moving to WV. You can't have it both ways. You either understand this, or you are ignorant. Sorry, there's no other word for it.
While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Betty Wiley
373 Dunkard Avenue
Morgantown, WV 26501

Archived: Monday, July 19, 2021 3:01:30 PM
From: Carolyn Komar
Sent: Mon, 19 Jul 2021 16:31:40
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c .The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public. The proposal is therefore unnecessary and favors the potential for industry to circumvent a process where public has input on changes which would directly impact their health.
Thank you for your time and consideration of my comments.

Sincerely,
Carolyn Komar
552 Mackle Pt
Lewisburg, WV 24901

Archived: Monday, July 19, 2021 11:52:55 AM
From: Charlotte Fremaux
Sent: Thu, 15 Jul 2021 01:18:13
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

I am writing to strenuously object to the WVDEP's policy proposal in paragraph 8.2 which will further endanger our environment and human health by allowing industry to increase the level of toxic chemicals in our water. This is unconscionable. The decision is clearly only in the interest of industry and has nothing to do with good science or the necessary conservation of our most vital resource. There is ample evidence to prove these decisions are dangerous for us, and that our citizens are sicker than those in most states. How are these decisions allowed by an agency committed to protecting our environment? How do you justify the cost in human health and environmental integrity by allowing industry to get away with doing nothing to control their waste? How toxic is too toxic when considering the added stress of climate change and its effects on our water supplies and aquatic biodiversity and health? This policy proposal does not protect our environment and public health. It is caving in to industry pressure. It is also working in direct opposition to efforts by the federal government to address issues of environmental justice. It is equally unconscionable to quash public involvement in decisions made about our quality of life and health. I find the whittling away of standards and the stifling of public commentary to be a dereliction of duty.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Charlotte Fremaux
175 Fern Dr
Harpers Ferry, WV 25425

Archived: Wednesday, July 14, 2021 12:42:04 PM
From: Chrissy Zeltner
Sent: Tue, 13 Jul 2021 17:21:58
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Hi, I live in Bruceton Mills in Preston County surrounded by beautiful and what used to be pristine rivers and creeks. I'm asking you to please consider upholding our standards that protect human health. We really have to start strengthening the criteria in which these decisions are made. Please please please strike paragraph 8.2.c from the rule!

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Chrissy Zeltner
132 Country Ln
Bruceton Mills, WV 26525

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:39 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Christine Asmann <chris.asmann.1@gmail.com>
Date: Monday, July 19, 2021 at 10:53:18 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Dear Mr. Smith,
I was planning to write my own thoughts about this latest attempt to put corporate interests ahead of us citizens, but the information already in this form is pretty concise and I don't have much to add.

Except this: we have a reasonable expectation that the WVDNR should work to protect the environment and public health, and enforce strict protections for clean and unpolluted natural resources. I don't understand why we even need watchdogs!

Please do your job and work to enforce ever stricter clean water, air and environmental standards.

What follows aligns with my thinking as well, but I don't think we should even have to explain why the current proposal is bad. You folks should already know all of this.

Regards,
Chris Asmann

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Christine Asmann
1799 Fort Spring Pike
Fort Spring, WV 24970

Archived: Monday, July 19, 2021 1:07:51 PM
From: Clara Halfin
Sent: Fri, 16 Jul 2021 03:11:33
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

PERSONAL NOTE:

ARE YOU SERIOUS?????

IF SO - YOUR DEPARTMENT IS NOTHING BUT A FRONT FOR CORPORATE CORRUPTION!!!!!

I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Clara Halfin
483 Location Rd
Parsons, WV 26287

Archived: Monday, July 19, 2021 12:39:34 PM
From: Dawn Weidner
Sent: Thu, 15 Jul 2021 01:55:36
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

I live in Parkersburg. Dupont has been poisoning our air and water for generations. Please, do not give Dupont, and companies like it, an opportunity to continue with this practice. Valuing corporations and capital over people and public health needs to stop now.

Sincerely,
Dawn Weidner
20 Edgewood Park
Parkersburg, WV 26104

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:36 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Deborah Quaranto <deezcommerce@gmail.com>
Date: Monday, July 19, 2021 at 9:36:11 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

I came to West Virginia over 40 years ago because I fell in love with the natural beauty of the Mountain State. I spend a lot of time in and around creeks and rivers all over the state with my grandchildren, swimming, kayaking, hiking and camping, and I always teach them the importance of clean water and of respecting the environment. I am begging you not to make me have to explain to them that the state is willing to sacrifice water quality for the sake of profit. I am begging you on behalf of my grandchildren to protect one of the most important resources we have in West Virginia. I am asking you to provide them with a future free from the worry that the water they drink and swim in will harm them.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Dee Quaranto

Sincerely,
Deborah Quaranto
90 Hunter Zane Rd.
Fairmont, WV 26554

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:15 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Duane Nichols <Nichols330@gmail.com>
Date: Monday, July 19, 2021 at 1:55:55 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. Due to legacy pollution sources, the TDS in the Mon River is running excessively high, a bed omen for the future. Recent measures over 400 TDS demonstrates the need to investigate acid mine water discharges from multiple sources affecting the West Fork, the Tygart Valley and smaller streams that feed the Mon River.

7. New mining operations in the Tygart Valley watershed are in need of more investigation, monitoring, control and limitation.

8. Recent announcements that PFAS and related compounds have been and maybe are still being used in Marcellus fracking requires investigation, monitoring and regulation. This is unacceptable if true that these cancer causing compounds are being used in WV.

9. Extensive monitoring, control and limitations are needed for Middle Island Creek. Numerous frackwater issues affect this stream. Water removal should be prevented. Water pollution has great potential to enter the stream from the major disposal operation near Middlebourne, as a primary example.

10. The WV-DEP has responsibility to guard and protect our streams, not seek loopholes to provide for greater discharges to burden our streams.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for

considering these comments.

Duane Nichols, Upper Monongahela Area Watersheds Compact

Sincerely,
Duane Nichols
330 Dream Catcher Circle
Stewartstown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:08 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Ella Belling <ellabelling@gmail.com>
Date: Monday, July 19, 2021 at 12:42:56 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

I live in Morgantown, WV on the Monongahela River and have family across the state including on the Elk River, Greenbrier River, and Kanawha River. Some of my oldest and youngest family members live near the chemical spill on the Elk River in 2014, and that memory is still a painful one. All of us depend on these waterways for our drinking water which needs to be protected.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Ella Belling
505 Madison Ave
Morgantown, WV 26501

Archived: Monday, July 19, 2021 11:15:03 AM
From: franklin crabtree
Sent: Wed, 14 Jul 2021 15:39:02
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

Finally, and perhaps most importantly, it's time for WVDEP to take a stand against those interests which would further erode our state's environmental integrity - literally and figuratively. (See, for example, EPAs recent recommendation to the USArmy Corps of Engineers).

YOU! Yes, you, WVDEP staffers. You folks who make the agency work day-to-day. Follow your own rules and make it as difficult as you can for your political bosses to further weaken clean water rules for fossil-fueled polluters like MVP.
Does anyone who can read actually believe that an industry study won't recommend additional pollutants for our state waters? This must stop somewhere. You can be the point.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
franklin crabtree
PO Box 522
Union, WV 24983



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:07 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Hannah King <hking1275@gmail.com>
Date: Monday, July 19, 2021 at 12:26:34 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. With a long history of industry pollution here in our state, it is WV DEP's job to ensure that our waters stay clean and stay healthy enough for our residents to drink and enjoy. It seems that every year there are challenges to our water quality standards that cater to polluting industries, and WV residents will be the ones to suffer. With the third highest cancer death rate and an average life span of 62.5 years in Charleston, WV, I don't believe allowing our human health criteria to be weakened is a smart decision by the WV DEP. Keep our waters safe and please stand up to polluting industries.

Thank you for your time and consideration.
Hannah King

Sincerely,
Hannah King
1118 Edgewood Drive Apt B
Charleston, WV 25302



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:14 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Helen Poffenbarfer-Jordan <helenpwv@gmail.com>
Date: Monday, July 19, 2021 at 1:39:19 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

You cannot be pro West Virginia and poison our waters at the same time. Some of the oldest water sources in the world are here and for those of us that have stayed in West Virginia through all her changes, we'd like to drink clean water.

Thank you,
Helen

Sincerely,
Helen Poffenbarfer-Jordan
225 Cornell Avenue
Morgantown, WV 26505

Archived: Monday, July 19, 2021 3:34:00 PM
From: holly bradley
Sent: Mon, 19 Jul 2021 17:05:21
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards.

I am a mother of two and a farmer raising my children in West Virginia. I have lived in West Virginia my entire life + have dedicated my life to stewarding this land. My ancestors are also from here, nine generations back + I want my sons to be able to raise their families here if they so wish. I do not want them to leave home because they are in search of a safe + clean place to raise their families.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
holly bradley
2234 locust creek rd
hillsboro, WV 24946



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:32 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Holly McGuire <hemcg3@gmail.com>
Date: Monday, July 19, 2021 at 11:36:36 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Also, in case it wasn't clear, stop dumping shit in our water!!!

Thank you!

Sincerely,
Holly McGuire
PO box 131
Danese, WV 25831

Archived: Monday, July 19, 2021 11:09:18 AM
From: J & T Walker
Sent: Wed, 14 Jul 2021 15:37:04
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

P.S. I have an idea. Let's make sure that the water YOU AND YOUR FRIENDS AND FAMILY and CEO'S of these companies drink will be filled with the exact same chemicals that you would allow for me and my family to consume.

Sincerely,
J & T Walker
6602 Back Valley RD
Lindside, WV 24951



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:29 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: J.T. Arbogast <jtarbogast@gmail.com>
Date: Monday, July 19, 2021 at 7:01:52 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

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4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

Our water is one of our truest, most important resources. My family and friends rely on clean source water from wells, etc. and they deserve your protection.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
J.T. Arbogast
214 Main Street
Cass, WV 24927

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:33 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: James and Terri Walker <meandmooinwv@gmail.com>
Date: Monday, July 19, 2021 at 8:07:50 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons:

If you allow this to happen, letting industry pollute our water, will you be willing to drink it? How about your children or grandchildren if you have any? Or are you at the stage of "it is fine for thee, but of course not ME!"

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
James and Terri Walker
6602 Back Valley RD
Lindside, WV 24951



Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

Jane Birdsong <janebirdsong67@gmail.com> Fri, Jul 16, 2021 at 9:05 PM
Reply-To: Jane Birdsong <janebirdsong67@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

If there's anything that raises a red flag, it's a loophole.
While I appreciate an opportunity to comment on your proposed revision to West Virginia's Water Quality Standards, I oppose the policy proposed in paragraph 8.2.c

The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses who are without the resources to fund similar studies at a disadvantage. It's wrong to allow more toxins in industrialized areas. Period. No exceptions. People live there, people who may not know how to complain to the DEP because they're just barely able to feed and clothe and house themselves. Get the picture?

There is already a process in place to revise water quality standards. Your proposed revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

WV already has the 3rd highest cancer death rate in the nation. If you want to allow industrial pollutants and more toxic chemicals into our water, then just declare West Virginia OPEN FOR DUMPING TOXIC WASTES and CLOSED TO HUMAN HABITATION.

Which side are you on?

Respectfully, Jane Birdsong

Sincerely,
Jane Birdsong
14 Birdsong Dr
Elkins, WV 26241

Archived: Monday, July 19, 2021 11:28:29 AM
From: Janet Keating
Sent: Wed, 14 Jul 2021 19:21:32
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Additionally try to have a vision for the future. Out West, water quantity is dwindling, threatening economic development and especially food supplies; potable, safe water is a diminishing resource everywhere.

In West Virginia, water is NOT a limiting resource, and visionaries should be developing strategies now to protect this life-sustaining resource—quantity and quality. Please, please, please think about future generations, not just about industry's next quarter's profits.

Water is life.

Sincerely,
Janet Keating
1719 Spurlock Creek Rd
Glenwood, WV 25520

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:28 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Joan Randall <joanrandall069@gmail.com>
Date: Sunday, July 18, 2021 at 3:46:33 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.
This has been the polite version. Contemplating the further degradation of our water here induces frustration and anger. Clean water is a human right and a citizen right. Keep
It clean!

Sincerely,
Joan Randall
528 A Maxwell St.
Charleston, WV 25311

Archived: Monday, July 19, 2021 7:59:18 AM
From: John Doyle
Sent: Tue, 13 Jul 2021 19:44:34
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

Water quality must not be further compromised. It is absolutely unacceptable that industries should be allowed to function without addressing this issue. I am not allowed to go out in public and poison people, I support the strictest enforcement of standards concerning my own sewage and waste management and I demand that industries do the same. It does no good to create jobs that degrade the environment for wildlife and for the very same workers who perform those jobs.
For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
John Doyle
1527 Hampton Rd
Charleston, WV 25314

Archived: Monday, July 19, 2021 2:00:46 PM
From: Juliet Marlier
Sent: Mon, 19 Jul 2021 12:33:08
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

I appreciate this chance to comment on WVDEP's proposed revision to West Virginia's Water Quality Standards. I believe that the voice of citizens such as me must be heard at this crucial time. Our right to clean drinking water must outweigh the ill-considered loophole that serves the interests of industry to the detriment of WV's citizens.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Juliet Marlier
123 Rugh Lane
MORGANTOWN, WV 26508

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:03 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Kathi Elkins <randykathi@suddenlink.net>
Date: Monday, July 19, 2021 at 11:34:50 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

My comment relates to WVDEP proposed revision to West Virginia's Water Quality Standards. WVDEP is correct to adopt more of EPA's updated criteria, to protect human health, but I oppose paragraph 8.2.c for the following reasons.

1. The proposed policy allows corporations to fund expensive studies that may be influenced to conclude that pollutants are safe when they are not, which creates a conflict of interest. It is not too difficult to find obscure studies that conclude what you want them to. Only peer-reviewed studies, published from academia and NOT funded by industry should be used to set policy.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5.Contaminants/pollutants/carcinogens are often studied by using biological testing, but those subjects (small aquatic animals, insects, fish) are not comparable to the wildlife in streams, rivers, lakes, ponds, where they are already exposure to dozens of other chemicals. This burden of exposure is not just additive, but can multiply the risk of disease and death. Allowing higher levels of any one contaminant can do more damage than we realize.

6. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kathi Elkins
2016 Quarrier Street
Charleston, WV 25311

Archived: Monday, July 19, 2021 8:42:24 AM
From: Keith Lilly
Sent: Wed, 14 Jul 2021 02:39:10
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. Public comments and participation in setting water quality standards is critical. I support WVDEP's adoption of more of EPA's updated water quality criteria that WV needs to adequately protect human health. However, I oppose the policy proposed in paragraph 8.2.c for the following reasons:

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

I love all of the streams, rivers and lakes of West Virginia. I especially love and play in the Elk River and rivers of Webster County. Annually I entertain several out of state visitors - the next such visit to be in late-July '21. My out of state guests bring in tourist dollars and they leave with a much greater awareness of wild and wonderful WV. They pay attention to the happenings in WV after their visits. Water mishaps such as the Elk River tank spill and recent acid mine spills make the news and make my visitors worry about how WV manages and protects our precious fresh water and resources in general. Please work to protect the future of WV and the water quality standards that protect residents, visitors and our down-stream neighbors.

Sincerely,
Keith Lilly
300 McGraw Ave
Webster Springs, WV 26288

Archived: Wednesday, July 14, 2021 2:02:05 PM
From: Kerry Harbert
Sent: Tue, 13 Jul 2021 17:33:11
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Please do not take any steps that weaken the water quality in West Virginia. Nothing says "don't move here" like hearing that residents can't drink the water. I kayak in WV streams, and love seeing the unique beauty of WV that can only be seen from the water. Please do not jeapordize the future of WV by failing to protect our water.
Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Kerry Harbert
1488 Woodland Dr
Morgantown, WV 26505

Archived: Monday, July 19, 2021 12:41:33 PM
From: Laura Garbet Van Vuuren
Sent: Thu, 15 Jul 2021 03:19:33
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

On a personal note - my late father - Thomas H. Garber- worked tirelessly the last 15 years of his life to clean up and protect the waterways in the region by working with industry and legislative leaders to find equitable alternatives to polluting out rivers snd streams and ground Water. He well understood - as we all should - that clean water is essential for life and health - and that anything short of protecting waterways and providing clean water to citizens was irresponsible and short- sighted. I pray that his efforts and the efforts of other conscientious civil servants and business leaders were/are not wasted and set aside in the pursuit of profit only, the lust for power and short-sighted selfishness.

Thank you

Sincerely,
Laura Garbet Van Vuuren
177 Rebels Roost Court
Harpers Ferry, WV 25425

Archived: Monday, July 19, 2021 3:24:10 PM
From: Laura Izzo
Sent: Mon, 19 Jul 2021 16:38:09
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

p.s. Please do your job as a protector of the environment.

Sincerely,
Laura Izzo
265 Chestnut Farm Lane
Lewisburg, WV 24901

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:24 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Laura Levesque <unextinguished@gmail.com>
Date: Monday, July 19, 2021 at 5:22:26 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

My family and I have been wanting to leave West Virginia for several years. Not because we don't enjoy the people, land, and natural beauty, on the contrary, we want to leave because of the corruption in local government that runs from every local board, council, agency on through to the state government level and beyond. We have seen our agencies fail time and again to protect us and our health. I implore you, please do the job explicitly stated in your agency's name: Protect Our Environment. There's no amount of silly schemes that will draw high salary remote workers to relocate to WV if the water, air, and land is fouled and full of carcinogenic chemicals. Do your jobs and protect us.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Laura Levesque
154 High St
Charles Town, WV 25414

Archived: Monday, July 19, 2021 1:02:04 PM
From: Leigh Keener
Sent: Thu, 15 Jul 2021 22:31:14
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Besides, what do you want your children and / or grand children bathing in?

Sincerely,
Leigh Keener
76 McCartney Ave
Morgantown, WV 26505

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Linda Yoder <lindakyoder@gmail.com> Sat, Jul 17, 2021 at 7:34 PM
Reply-To: Linda Yoder <lindakyoder@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c

More toxins in our drinking waters? No, no, no!

I am the owner of a small organic farm. Sensitive to the need for good land, good water.

Sincerely,
Linda Yoder
640 Goshen Road
Morgantown, WV 26508

Smith, Chris B <chris.b.smith@wv.gov>

[EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Lindsay McLaughlin <lindsay.mclaughlin66@gmail.com> Sat, Jul 17, 2021 at 2:55 PM
Reply-To: Lindsay McLaughlin <lindsay.mclaughlin66@gmail.com>
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

BOTTOM LINE: We do NOT need, NOR DO WE WANT -- MORE TOXINS in our family's water! Who are you to think it is okay to extract and exploit FOR PROFIT our Earth's water? You are doing so on the backs of my grandchildren and ALL OF US.
For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lindsay McLaughlin
66 Shepherd Village Circle
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 11:06:31 AM
From: Lisa Mitchell
Sent: Wed, 14 Jul 2021 15:27:38
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

It is not responsible or ethical to release more toxins into our waters. You are responsible for the protecting the health our communities.

I strongly urge WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lisa Mitchell
206 Greenbrier Trl
Charleston, WV 25313

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:20 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Lori Maloney <ladavias@gmail.com>
Date: Monday, July 19, 2021 at 3:34:15 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Mr. Smith:

I have lived in the Eastern Panhandle of WV for five years with my husband and son. I am also a watershed professional. I have worked to educate the public on their role in keeping surface and drinking waters clean. I have also helped secure funding for and implement stream restoration projects, including Acid Mine Drainage cleanups. While my expertise may not extend to all industrial pollutants, their exact chemical properties, or routes of exposure, my experience does lead me to understand that *it is much more cost effective to prevent contamination of water than it is to attempt to filter it out, remove it, or otherwise clean it up after the fact.*

I support WV Rivers Coalition and echo their comments on this proposed policy. Thank you for considering what's best for public health.

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lori Maloney
46 Shannon Lane
Kearneysville, WV 25430



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:06 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Lynn Delles <LBDelles@gmail.com>
Date: Monday, July 19, 2021 at 12:17:46 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. It's truly outrageous that the residents of this state once again have to comment on how ridiculous it is to loosen regulations that allow industries to dump more toxins in source water. It seems that the Agency is hell bent on pushing the state further and further behind the rest of the country in environmental protections at the expense of human health. When will the WVDEP prioritize its residents over the profits of corporations too lazy or self-entitled to do the right thing? What happens when further pollution creates an environment so toxic that it is unrecoverable and unlivable for future generations (even more so than it currently is in parts of the state)? Instead of being the corporate permitting agency, please work on protecting public health and wellbeing.

While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Lynn Delles
3646 Old Leetown Pike
Ranson, WV 25438



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:19 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Madison Ball <ballmad@mail.gvsu.edu>
Date: Monday, July 19, 2021 at 3:24:40 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

Please consider valuing the health of the people of West Virginia more than the financial health of industry and corporations.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Madison Ball
86 Hart Ranch Rd
Elkins, WV 26241

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 9:42 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Margaret Didden <mwd10jubilada@gmail.com>
Date: Monday, July 19, 2021 at 10:59:05 AM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Water is life for human beings: the goal of WVDEP should be to bring purest possible water to all the people!

Sincerely,
Margaret Didden
6195 Scrabble Rd
Shepherdstown, WV 25443

Archived: Monday, July 19, 2021 2:56:05 PM
From: Marilyn Blake
Sent: Mon, 19 Jul 2021 16:30:49
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

We must tighten WV water quality standards, not loosen them for big business. By the way, the Department of Highways needs to stop spraying RoundUp or whatever toxic herbicide they are using along guard rails, or we will soon have another Silent Spring- this one without humans, as well.

Sincerely,
Marilyn Blake
1806 Buffalo Creek Rd
Lost Creek, WV 26385

Archived: Monday, July 19, 2021 12:46:41 PM
From: Mark Leonard
Sent: Thu, 15 Jul 2021 10:26:44
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

These are the type of loopholes that play havoc with the ability to protect our water resources. Please do the right thing and make sure these are not part of your criteria. Clean water should be a given right, let's not step on this given right.

Thanks

Mark Leonard

Sincerely,
Mark Leonard
4546 Bergoo Rd.
Webster Springs, WV 26288

Archived: Monday, July 19, 2021 12:49:13 PM
From: Marsha Wells
Sent: Thu, 15 Jul 2021 12:42:05
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Please protect the water - that's your job.

Sincerely,
Marsha Wells
110 Twyford Ave
Sistersville, WV 26175

office of technology

Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:31 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Max Gold <maxagold@comcast.net>
Date: Monday, July 19, 2021 at 9:39:06 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

When I take my family camping we have a rule that when we leave no trace behind. We do this out of respect for our environment. You know the environment is just another word for earths life support system which in turn supports our lives.

I read the proposal and I noticed that the cyanide levels for column A3 human was dramatically increased. What is the purpose of loosening our standards? It is certainly not in the peoples interest. After all if you asked anyone if more cyanide should be allowed in the water I pretty much guarantee that 99.999% of the people would say no. Industry knows this and tries to bury public scrutiny of what their intentions are. This to me is shameful behavior.

I urge you to stop loosening the standards. After all you live here too. Keep West Virginia beautiful.

Sincerely,
Max Gold
36 Albar Ct
Charles Town, WV 25414

Archived: Wednesday, July 14, 2021 12:44:13 PM
From: Melissa Shafer
Sent: Tue, 13 Jul 2021 17:24:45
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

6. There has been an exodus of residents from West Virginia. To keep and attract people in this state, we need to address the pollution, quality of life, and aesthetics of West Virginia. Deteriorating water quality standards is not the way to do this.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Melissa Shafer
PO Box 371
Bruceton Mills, WV 26525



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:23 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Myrna Fox <mandbfox@gmail.com>
Date: Monday, July 19, 2021 at 5:00:01 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

I wish to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, but oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public who are without the resources to fund similar studies at a disadvantage.

2. There is already a process in place to revise water quality standards. The proposed revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public. This must not be allowed.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often near poorer communities that are already struggling with problems related to their health, social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry. Our people should be considered first.

6. Fresh clean water such as we have enjoyed is becoming more and more a valuable commodity nationwide. We won't be wild and wonderful if we don't respect and cherish our water, and endeavor to keep it pure. Please bear this in mind.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you.

Sincerely,
Myrna Fox
688 Breakiron Hill Rd
Morgantown, WV 26508



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:29 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Nancy and Wood Bouldin <nancy_bouldin@hotmail.com>
Date: Monday, July 19, 2021 at 7:26:27 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

We are writing from Monroe County to comment on WVDEP's proposed revision to West Virginia's Water Quality Standards. We have strong concerns about water quality protections given the extensive karst terrain in our county and elsewhere in the state. Having had roots in Charleston, we are also aware of the damage to air and water quality in the past due to special deference given to polluting industries. We all should know better now. The best way to protect our water (and the health of all West Virginians) is not to allow toxins in our drinking sources to begin with.

We fully support DEP's policy proposal to adopt more of EPA's updated criteria that WV needs to adequately protect human health.

We agree with West Virginia Rivers Coalition in opposing the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

We strongly encourage WVDEP to strike paragraph 8.2.c from the rule.

Thank you.

Sincerely,
Nancy and Wood Bouldin
240 Wayside Creamery Rd
Greenville, WV 24945

Archived: Monday, July 19, 2021 1:17:06 PM
From: Naomi Cohen
Sent: Fri, 16 Jul 2021 19:01:32
To: DEP WQS Comments
Subject: [External] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
Sensitivity: Normal

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

I am an officer and shareholder in Sweet Springs Valley Water Company of Gap Mills, WV. We have been in business for more than 30 years bottling, selling and delivering spring water to homes, businesses and stores. We employ a dozen people and do approximately $ 1 million a year in sales. Our business depends on pure, uncontaminated water. The proposed policy is a threat to our business and our product.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.

Sincerely,
Naomi Cohen
POB 39
Gap Mills, WV 24941



Smith, Chris B <chris.b.smith@wv.gov>

Fwd: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards

1 message

Chris B Smith <chris.b.smith@wv.gov> Tue, Jul 20, 2021 at 10:07 AM
To: Chris B Smith <chris.b.smith@wv.gov>

---------- Forwarded message ---------
From: Natalie Sampson <shoequeen@suddenlink.net>
Date: Monday, July 19, 2021 at 12:21:44 PM UTC-4
Subject: [EXTERNAL] Proposed Changes to Legislative Rule 47 C.S.R. 2 - Water Quality Standards
To: Christopher Smith <WQSComments@wv.gov>

Dear Mr. Smith,

Thank you for this opportunity to comment on WVDEP proposed revision to West Virginia's Water Quality Standards. While I support WVDEP's adoption of more of EPA's updated criteria that WV needs to adequately protect human health, I oppose the policy proposed in paragraph 8.2.c for the following reasons.

1. The proposed policy creates a loophole allowing industry to weaken the human health criteria in our water quality standards. This revision benefits big corporations who can afford expensive studies, and puts smaller businesses and the public at a disadvantage who are without the resources to fund similar studies.

2. There is already a process in place to revise water quality standards. The revision sidesteps that process by creating a shortcut with less scrutiny by the Legislature and the public.

3. The loophole is likely to exacerbate existing environmental justice issues by allowing more toxins in waters near industrialized areas, which are often poorer communities that are already struggling with problems related to social, economic, and environmental justice.

4. The proposed revision is vague and sets a bad precedent. The loophole could allow weakened human health criteria in all waters of the state.

5. WV already has the 3rd highest cancer death rate in the nation. Allowing industry to dump more toxic chemicals into our water increases health risks for West Virginians to benefit industry.

For the reasons stated above, I strongly encourage WVDEP to strike paragraph 8.2.c from the rule. Thank you for considering these comments.
Let's not make it easier on polluters to ruin our water. I would think after the MCHM leak the powers that be would do all they could to prevent any other threats to our water

Sincerely,
Natalie Sampson
1577 Smith Rd
Charleston, WV 25314

Public Hearing Transcript

(this document will be added to this submittal when it has been received by DEP from transcriptionist)