

FOR WVDEP LISTSERV

**West Virginia Department of Environmental Protection  
Division of Water and Waste Management**

REQUIREMENTS GOVERNING WATER QUALITY STANDARDS, **47 CSR 02**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM, **47 CSR 10**

UNDERGROUND INJECTION CONTROL, **47 CSR 13**

**Virtual Public Hearing Set for Monday, June 16, 2025, at 6:00 PM.**

The West Virginia Department of Environmental Protection's (WVDEP) Division of Water and Waste Management (DWWM) will conduct a virtual public hearing on changes to Legislative Rules: Requirements Governing Water Quality Standards (47 CSR 02), National Pollutant Discharge Elimination System (NPDES) Program (47 CSR 10), and Underground Injection Control (47 CSR 13), as directed by the House Bill 2233.

The amendments are based on the [WV Legislature House Bill 2233](https://www.wvlegislature.gov/Bill_Text_HTML/2025_SESSIONS/RS/bills/hb2233%20sub1%20enr.pdf)  
([https://www.wvlegislature.gov/Bill\\_Text\\_HTML/2025\\_SESSIONS/RS/bills/hb2233%20sub1%20enr.pdf](https://www.wvlegislature.gov/Bill_Text_HTML/2025_SESSIONS/RS/bills/hb2233%20sub1%20enr.pdf))

To read the rules in entirety, go to:

<https://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-02>

<https://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-10>

<https://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=47-13>

The virtual public hearing will be conducted via the video call link provided below.

Virtual Public Hearing: DWWM 2025 Legislative Rules on Monday, June 16 · 6:00 PM

Video call link: <https://meet.google.com/sho-toeo-aof>

Or dial: (US) +1 219-213-6293 PIN: 326 891 578#

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In addition to the most recent changes to 47 CSR 02, WVDEP intends to seek U.S. Environmental Protection Agency approval for hardness based dissolved aluminum criteria as approved by the legislature in 2016. The agency will also accept written comments up to 10 days from the conclusion of the hearing (June 26, 2025), in addition to oral comments provided at the public hearing. Please contact the following individuals for any additional information regarding this public notice.

Written comments on **47 CSR 02** may be mailed or emailed to the following address:

**Dawn Newell**

DWWM - WV Department of Environmental Protection

601 57th St. S.E., Charleston, WV 25304

dawn.a.newell@wv.gov

Written comments on **47 CSR 10** and **47 CSR 13** may be mailed or emailed to the following address:

**Yogesh Patel**

DWWM - WV Department of Environmental Protection

601 57th St. S.E., Charleston, WV 25304

yogesh.p.patel@wv.gov

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West Virginia Department of Environmental  
Protection Virtual Public Hearing on Changes to  
Rules 47 CSR 02, 47 CSR 10, and 47 CSR 13

Taken on  
June 16, 2025

at  
6:00 p.m.

on behalf of

West Virginia Department of Environmental  
Protection, Division of Water and Waste Management

\* \* \* \* \*

Transcript of the public hearing in the  
above matter, held pursuant to notice via video  
teleconference, on the 16th day of June, 2025.

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APPEARANCES :

PRESENT VIA VIDEOCONFERENCE :

- Terry Fletcher, WVDEP
- Yogesh Patel, WVDEP
- Dawn Newell, WVDEP
- Johnsely Cyrus, WVDEP
- Chris Smith, WVDEP
- Autumn Crowe
- Mike Tony
- Rachel Stevens
- Greg Welter
- Saja Montague
- Barry Milam
- Eric Anderson

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1 P R O C E E D I N G S

2 (Hearing commenced at 6:06 p.m.)

3 MR. FLETCHER: All right. So good  
4 evening, everyone. My name is Terry Fletcher. I'm  
5 the Chief Communications Officer for the West  
6 Virginia Department of Environmental Protection.

7 I want to welcome to the DEP s Virtual  
8 Public Hearing for Changes to Legislative Rules for  
9 the Division of Water and Waste Management.

10 These include rules: 47 CSR 02,  
11 Requirements Governing Water Quality Standards; 47  
12 CSR 10, relating to the National Pollutant  
13 Discharge Elimination System Program; and 47 CSR 13  
14 Underground Injection Control.

15 The amendments to these rules are  
16 based on House Bill 2233, which passed during the  
17 2025 Legislative session.

18 With me tonight is staff from the  
19 Division of Water & Waste Management, including  
20 Yogesh Patel and Johnsely Cyrus with our Permitting  
21 staff, as well as Dawn Newell and Chris Smith with  
22 Water Quality Assessment and Standards section.

23 The purpose for this public hearing is  
24 to give you the opportunity to share your comments

1 or information about the rule changes with the DEP,  
2 and the hearing is being recorded so that the  
3 comments you share can be taken into consideration  
4 and entered into the public record for these rules.

5 All comments submitted before the end  
6 of the comment closes, including those provided  
7 here tonight, will be made part of the public  
8 record.

9 The comment period opened on May 16th,  
10 2025 and ends at 5:00 on June 30th, 2025, and you  
11 can submit comments, both written or by e-mail to  
12 the folks on your screen here. So if you're  
13 submitting comments related to 47 CSR 02, which is  
14 Water Quality Standards, you can send those to Dawn  
15 Newell at the address here on the screen, 601 57th  
16 Street Southeast, Charleston, West Virginia 25304,  
17 or via e-mail to dawn.a.newell@wv.gov.

18 And if you're submitting comments  
19 related to 47 CSR 10 or 47 CSR 13, those can be  
20 sent to Yogesh Patel, again at the 601 57th Street  
21 Southeast, Charleston, West Virginia 25304, or by  
22 e-mail to yogesh.p.patel@wv.gov.

23 And those addresses are on your screen  
24 as well as the meeting chat where I've asked folks

1 to put their information.

2 To ensure that we do have an accurate  
3 record of everyone in attendance, I've asked that  
4 you please provide your name and contact  
5 information in the meeting chat so that we can add  
6 that to the official record. So if you can take a  
7 few minutes now to add your information, if you  
8 haven't done so, you can do that by clicking the  
9 small text bubble icon in the bottom right corner  
10 of your screen. And just your name, e-mail address  
11 or phone number will be sufficient.

12 To ensure that we successfully achieve  
13 the purpose of this hearing, we ask that everyone  
14 be respectful and considerate of each other by  
15 refraining from using foul language and name  
16 calling, and from interrupting others while they  
17 are speaking.

18 And we also ask that you keep your  
19 comments on the topics of these rule changes so  
20 that our time together is used efficiently.

21 Each commenter will be given  
22 approximately five minutes to speak, and if time  
23 allows, we will circle back to previous commenters  
24 to allow for additional testimony.

1                   And if you have written comments in  
2 addition to your verbal comments, you can submit  
3 them via e-mail again to either Yogesh Patel or  
4 Dawn Newell using the contact information I  
5 provided a moment ago.

6                   All right. I want to thank everyone  
7 for bearing with me through those opening remarks  
8 and instructions. At this point, we will now open  
9 the floor for commenters. So if you d like to  
10 provide comments, I ask that you please raise your  
11 hand, use the raise hand feature - it's the little  
12 hand icon in the bottom center of your screen - and  
13 we'll call on you and then begin your comments.

14                   Okay. All right. First, we have  
15 Autumn Crowe. Autumn, if you want to go ahead with  
16 your comments.

17                   MS. CROWE: Okay. Good evening. My  
18 name is Autumn Crowe and I'm the Deputy Director of  
19 West Virginia Rivers Coalition. We're a statewide  
20 water policy and advocacy organization working to  
21 promote clean and healthy West Virginia waters for  
22 all.

23                   On behalf of our organization and  
24 members, we appreciate the opportunity to comment

1 on these changes to the rules governing water  
2 quality standards.

3 During the legislative session, we  
4 expressed concerns about the proposed changes to  
5 Category A in the water quality standards, which  
6 are the most stringent standards and used to  
7 protect public health. West Virginia has a long-  
8 standing history of applying Category A standards  
9 to the majority of our waters across the state to  
10 protect our drinking water sources, both now and  
11 for future use.

12 For decades, this designated use has  
13 limited the discharge of some of the most toxic  
14 chemicals known to man. The removal of Category A  
15 protections would downgrade the use to a Category B  
16 aquatic life or a Category C recreation, which have  
17 much less stringent standards. But we all know  
18 that water flows downstream and eventually those  
19 pollutants will reach a drinking water intake,  
20 placing the burden to remove those toxins on water  
21 utilities who are already strapped for resources to  
22 upgrade their existing infrastructure.

23 West Virginia is blessed with an  
24 abundant water resources, and as droughts increase

1 in the West, businesses that are in need of clean  
2 abundant water, it could potentially limit  
3 businesses relocating here if they are faced with  
4 the burden of polluted water sources and increased  
5 treatment costs. Clean drinking water sources are  
6 imperative for future economic development  
7 opportunities.

8 West Virginia waters belong to all of  
9 us. As the agency prepares for the implementation  
10 of this new legislation, we urge DEP to explain to  
11 the public the criteria the agency will use to  
12 determine whether the removal of Category A is  
13 warranted.

14 We would also like an explanation of  
15 how Category A removals will account for the flow  
16 of contaminants to downstream water utilities. DEP  
17 must ensure a robust process for involving the  
18 public in reviewing Category A removals and provide  
19 the criteria needed for reinstating designated uses  
20 in the future.

21 The legislative changes also include  
22 water use designations that would restrict  
23 recreational contact and aquatic life. As removal  
24 of Category A protections, we are concerned that

1 such a downgrading of designated uses may result in  
2 significant losses for West Virginia communities.  
3 DEP should recognize that local communities will  
4 continue to access and use these streams for  
5 fishing and other recreational activities  
6 irrespective of the formal use designations.

7 We encourage DEP to focus on improving  
8 water quality for recreational use, drinking water,  
9 and aquatic life instead of administrative  
10 strategies to allow for additional pollutants.

11 West Virginia Rivers is also opposed  
12 to the changes to the National Pollutant Discharge  
13 Elimination System Program, 47 CSR 10. EPA has  
14 made it clear to DEP that expired or extended NPDES  
15 permits may not be modified.

16 The changes to 47 CSR 10 passed by the  
17 legislature do not comply with the Clean Water Act  
18 and should therefore be rejected.

19 We will be submitting written  
20 technical comments prior to the June 30th deadline  
21 to expand on these concerns. But since I have a  
22 minute, I just wanted to also express my  
23 dissatisfaction with the process in which these  
24 rule changes came about.

1 I serve on the Environmental  
2 Protection Advisory Council and there was a process  
3 that we went through to review all of the changes  
4 to water quality standards prior to them going to  
5 the legislative session.

6 And these changes were introduced by  
7 the Manufacturers Association. Bypassing that  
8 process, they also serve on the EPAC board. And so  
9 by bypassing that process, they basically gave a  
10 disservice to the EPAC members by not fully  
11 informing us of what these proposed changes would  
12 mean and catching us off guard during the  
13 legislative session when we were already dealing  
14 with a bunch of other legislative rules. Thank  
15 you.

16 MR. FLETCHER: Thank you, Autumn. Do  
17 we have any additional comments? If so, please  
18 just raise your hand.

19 Okay. Not seeing any other hands  
20 raised at this point. I'll open the floor up for  
21 additional comments from those who have already  
22 provided comments, if they wish.

23 Okay. Not seeing any other hands  
24 raised.

1 All right. So if there are no other  
2 comments, this will close the public hearing for  
3 the changes to legislative rules for the Division  
4 of Water Waste Management, including 47 CSR 02, 47  
5 CSR 10, and 47 CSR 13.

6 Again, I want to ask that you make  
7 sure your contact information is in the meeting  
8 chat.

9 And again, written comments can be  
10 submitted at any point up until 5 o'clock on June  
11 30, 2025. You can do that by contacting the  
12 information on your screen here. This has all the  
13 contact information and that's also in the meeting  
14 chat. But if for some reason you need other  
15 assistance with that, please let us know and we'll  
16 point you in the right direction.

17 I want to thank everyone for taking  
18 the time to attend this hearing. Thank you, and  
19 have a good evening.

20 (Hearing concluded at 6:19 p.m.)

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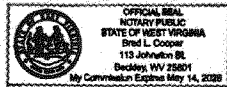
1 STATE OF WEST VIRGINIA,  
2 COUNTY OF RALEIGH, to wit:

3 I, Brad L. Cooper, a Notary Public within  
4 and for the County and State aforesaid, duly  
5 commissioned and qualified, do hereby certify that  
6 the foregoing proceedings were duly taken by me and  
7 before me at the time and place and for the purpose  
8 specified in the caption hereof.

9 I do further certify that the said  
10 proceedings were recorded by means of digital audio  
11 and/or video recording, Stenomask, and/or correctly  
12 taken by me in shorthand notes, and that the same  
13 were accurately written out in full and reduced to  
14 typewriting by means of computer-aided  
15 transcription by me or under my supervision.

16 My commission expires May 14, 2028.

17 Given under my hand this 16th day of June,  
18 2025.



A handwritten signature in black ink, appearing to read "Brad L. Cooper", written over a horizontal line.

21 BRAD L. COOPER, Notary Public  
22 Realtime Reporters, LLC  
23 schedulerealttime@gmail.com 304-344-8463  
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