



Water Quality Standards Rule

BACKGROUND

Water Quality Standards are the legal basis for controlling the amount of pollution entering our waters. They are designed to protect and maintain water quality to support healthy aquatic life and assure that we can safely use it for drinking and recreation. Some of WVDEP's 2017 proposed rule changes raise concerns because they will allow more pollution in our water.

PROPOSED REVISIONS OF CONCERN

Category A drinking water protection. Category A is the classification that protects human health. It is applied to waters, which, after conventional treatment, are able to be used for human consumption. This designation ensures our waters can be safely used as current and future drinking water sources and protects us from pollutants that are most dangerous. West Virginia's Water Quality Standards currently apply Category A protection to all waters, with few exceptions. WVDEP proposes to allow the removal of Category A within a pollution discharge permit for streams that can be demonstrated to not have the capacity to serve as a drinking water source.

We oppose changes that allow the removal of Category A through the permitting process. We support the long-standing policy of protecting all waters as current and future drinking water sources.

Changes to the critical design flow. Critical design flow is used to estimate the water's flow rate, or how much water is moving through a stream, to determine the amount of pollution a stream can hold without posing a threat to human health. WVDEP proposes to change the flow rate calculation to Harmonic Mean, which is recommended by EPA, but is not appropriate during drought conditions which could allow higher concentrations of carcinogens into our waters during low flow periods. Other states that use the Harmonic Mean account for low flow periods. Low-flow statistics are useful as legal indexes for maintaining water-quality standards.

We reject changes to the critical design flow that will allow permittees to discharge higher concentrations of carcinogens in our waters. We recommend WVDEP work with USGS to determine the best estimates for Harmonic Mean that account for low flow periods.

Bacteria. Bacteria is the most abundant pollutant in our rivers and can make recreation in water unsafe. WVDEP is proposing to transition to using E. coli instead of fecal coliform counts to measure the recreational safety of the water. However, there is a severe lack of bacteria testing in most watersheds in West Virginia. The new standard will only be more protective if there is adequate frequency of sampling to measure a monthly average.

We support increased monitoring of bacteria and encourage WVDEP to increase sampling events to meet the monthly average. We recommend that WVDEP develop a procedure that measures both bacterial indicators through the transition period to ensure that the water is safe for recreation.