



VAMWA Helps Secure Technically Sound Outcome on Copper Criteria and WER September 2022

Going into the 2022 Triennial Review of Water Quality Standards, EPA Region 3 recommended, and the Virginia Department of Environmental Quality (“DEQ”) initially proposed, that the Virginia standards drop the existing hardness-based freshwater aquatic life criteria for copper, in favor of EPA’s (2007) Biotic Ligand Model option (currently a permittee option to the hardness-based criteria).

VAMWA disagreed with the Region’s stated position that the BLM is more accurate biologically in predicting aquatic life toxicity. The traditional criteria, particularly as they are frequently modified by a permit-specific Water Effects Ratio (WER), are the more accurate and appropriate approach. WERs are frequently used successfully by POTWS to avoid numeric limits for copper, or to moderate the numeric value of limits. In the end, VAMWA convinced DEQ to withdraw the BLM proposal and retain the current copper criteria.

VAMWA and its Members aggressively oppose copper BLM as being (1) less representative (than hardness/WER-based criteria) of real-world aquatic life toxicity, (2) non-transparent, and (3) a poor management decision in light of EPA’s ongoing development of a third generation (BLM being second-generation), more empirical freshwater copper approach. This beneficial DEQ decision was the result of the efforts of VAMWA and its Members.