



WVMWQA Supports DEP Deletion of WQS Compliance Language from Permits October 2018

Members may recall some disagreement over the past several years with DEP about their inclusion of narrative Water Quality Standards compliance language in your permits. Recently, we negotiated better language with Scott Mandirola than what has been included in your permits thus far:

This discharge shall not cause or materially contribute to: distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; distinctly visible color which may impair or interfere with the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

We now have an opportunity to get rid of that language altogether. The WV legislature has adopted two bills that would prohibit DEP from imposing permit limitations that require general compliance with water quality standards (narrative or numeric). EPA has determined that this language is a change to DEP's permitting regulations, and thus requires EPA's approval. Accordingly, EPA published a federal register notice seeking public comment on the change.

In September, EPA solicited comments on West Virginia's NPDES [program revision](#) clarifying that water quality standards are only to be enforced or implemented through specified permit terms and conditions. *Generic references to not violating water quality standards are not considered effluent standards or limitations and thus will be removed from permits.* These amendments, introduced via SB 357 (for WV NPDES permits) and HB 2283 (for coal mining facilities), are common sense changes that will greatly benefit members. On September 24, the WVMWQA submitted [comments](#) in support of the state's program revision and urged all members to contact EPA in support of the WVMWQA's comments urging the Agency to approve the WV legislature's prohibition on DEP imposing general water quality standards compliance limits in NPDES permits.