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**Via U.S. Mail and email to Kevin.R.Coyne@wv.gov**

WV Department of Environmental Protection  
 Division of Water and Waste Management  
 Water Quality Standards Program  
 Attn: Kevin Coyne  
 601 57<sup>th</sup> Street, SE  
 Charleston, WV 25304

**Re: Comments on Potential Revisions to Water Quality Standards**

Dear Mr. Coyne:

The following comments are offered on behalf of First Energy. Participation in the development of a strong state water quality standards program is key and we appreciate the opportunity to provide comments for potential revisions to West Virginia's water quality standards to be considered as part of the 2014 Triennial Review process.

The existing criteria for arsenic for Category C usage presents the need for removal. The adoption of the arsenic criteria for Category C was not established by the State of West Virginia based upon scientific information relevant to West Virginia or otherwise supporting its intent or value related to recreation or fish consumption. The DEP arsenic value has no basis as a fish body burden number and should be removed. In addition, there is no regional precedence for establishing an arsenic criteria to protect water contact recreation as evidenced by the table set forth below:

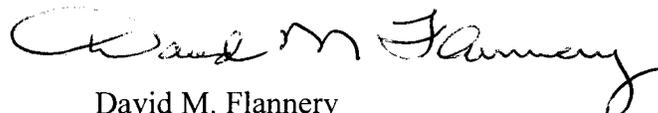
<b>State/Entity</b>	<b>Aquatic Use B</b> (chronic)	<b>Human Health C</b> (water contact recreation)	<b>Human Health A</b> (drinking water and fish consumption)	<b>Other Uses</b>
West Virginia (total arsenic)	<b>150 ug/l</b> (As+3)	<b>10 ug/l</b> (protective of fish consumption)	<b>10 ug/l</b> (protective of fish consumption and drinking water)	<b>100 ug/l</b>
Kentucky	<b>150 ug/l</b>	None	<b>10 ug/l</b> (domestic water supply source)	None
Virginia	<b>150 ug/l</b>	None	<b>10 ug/l</b> (public water supply)	None
Maryland		None	<b>10 ug/l</b>	None

	<b>150 ug/l</b>		(drinking water + consumption of organism) <b>41 ug/l (As+3)</b> (consumption of organism only)	
Pennsylvania (Great Lakes criteria)	<b>148 ug/l (As+3)</b>	None	N/A	None
Ohio (river quality) (total recoverable)	<b>150 ug/l</b>	None	Outside Mixing Zone Average <b>10 ug/l</b> (intakes) <b>50 ug/l</b> (elsewhere)	<b>100 ug/l</b> (agricultural)
ORSANCO	<b>150 ug/l</b>	None	<b>0.010 mg/l</b> (human health protection)	<b>340 ug/l</b> (acute criterion concentration) <b>150 ug/l</b> (chronic criterion concentration)

Accordingly, the First Energy urges removal of the arsenic standard for Category C.

If you have any questions, please feel free to contact me.

Very truly yours,



David M. Flannery