



WEST VIRGINIA CHAMBER

October 19, 2012

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 57th Street, SE
Charleston, WV 25304

Re: Additional Comments on Potential Revisions to Water Quality Standards

Dear Mr. Coyne:

Thank you for the opportunity to provide additional comments for potential revisions to West Virginia's water quality standards to be considered as part of the 2014 Triennial Review process. These comments are filed on behalf of the West Virginia Chamber of Commerce ("the Chamber"). The Chamber is West Virginia's largest, most influential general business organization, representing all business sectors in every region of the State. Members range from small business enterprises to mid-sizes manufacturers to tourism destinations to energy companies to Fortune 500 corporations. However, small businesses are the core of our membership - making up 85 percent of the Chamber's companies and firms.

The Chamber suggests the West Virginia Department of Environmental Protection ("DEP") remove the existing criteria for arsenic for Category C usage. 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. While Category C covers water contact recreation, it appears that the current arsenic value for this category is supposed to be protective of fish consumption. Yet, we understand that the DEP arsenic value of 10 ug/l is not a fish body burden number, and do not believe that there is a scientific basis for concluding that these levels of arsenic in streams would result in excessive levels of arsenic in fish.

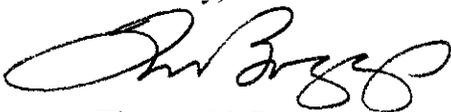
As shown in the chart on page 2, West Virginia is the only State among its neighboring States that has a water contact criterion for arsenic.

State/Entity	Aquatic Use B (chronic)	Human Health C (water contact recreation)	Human Health A (drinking water and fish consumption)	Other Uses
West Virginia (total arsenic)	150 ug/l (As+3)	10 ug/l (protective of fish consumption)	10 ug/l (protective of fish consumption and drinking water)	100 ug/l
Kentucky	150 ug/l	None	10 ug/l (domestic water supply source)	None
Virginia	150 ug/l	None	10 ug/l (public water supply)	None
Maryland	150 ug/l	None	10 ug/l (drinking water + consumption of organism) 41 ug/l (As+3) (consumption of organism only)	None
Pennsylvania (Great Lakes criteria)	148 ug/l (As+3)	None	N/A	None
Ohio (river quality) (total recoverable)	150 ug/l	None	Outside Mixing Zone Average 10 ug/l (intakes) 50 ug/l (elsewhere)	100 ug/l (agricultural)
ORSANCO	150 ug/l	None	0.010 mg/l (human health protection)	340 ug/l (acute criterion concentration) 150 ug/l (chronic criterion concentration)

Accordingly, the Chamber urges DEP to consider removing the Category C arsenic standard.

The Chamber appreciates the opportunity to offer these additional written comments, but also reserves the right to present additional comments at future public hearings on this topic. If you have any questions, please feel free to contact me.

Sincerely,



Thomas M. Boggs
Vice President