

Support the West Virginia Fair Standards ACT (HB 2506)

SAY YES to HB 2506!



WV FAIR STANDARDS ACT 2017 – HB 2506

What the Act does:

- Uses EPA-recommended mean flow to set permit limits for protection of human health in a safe and responsible manner. Even the Rivers Coalition conceded that harmonic mean flow is the EPA-recommended design flow for carcinogens, and is used by neighboring states.
- Puts West Virginia closer to parity with neighboring states in the way permits are written.
- Allows overlapping mixing zones, to improve flexibility for co-locating industrial plants and multiple discharges, without exceeding drinking water criteria.

What the Act does NOT do:

- Does not change the criteria for protecting drinking water. The same safe limits will still apply to the water you drink.
- Does not change where those safe criteria apply. They must still be met at the edge of the mixing zone, which is and will continue to be more restrictive than standards in neighboring states who protect drinking water as it relates to the location of drinking water intakes.
- Does not allow large increases of pollutants. The DEP has already said that it will require dischargers to continue to provide the same amount of wastewater treatment. Changing the way river flow is measured does not affect commitment to wastewater treatment.
- Does not make any change in the way permit limits are set to protect fish or water recreation. Statements being made about the effect HB 2506 has on protections for fish or water recreation are misleading and false.

The EPA Sends a Clear Message

An excerpt (below) from an August, 2016 letter to the West Virginia Department of Environmental Protection from the United States Environmental Protection Agency 2016 encouraging the WV DEP to adopt harmonic mean flow for all human health criteria.

(pg. 3) “West Virginia is proposing to redefine critical design flow for human health criteria by using harmonic mean flow for carcinogens, and 30Q5 flow for non-carcinogens. In the preamble to the Federal Register notice announcing the availability of EPA’s 2000 Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health, EPA recommends the harmonic mean flow as the design Criteria for the Protection of Human Health, EPA recommends the harmonic mean flow as the design flow to be used to implement both carcinogen and noncarcinogen human health criteria. 65 FR 66450. Harmonic mean flow should be used to implement human health criteria because, by and large, human health criteria are designed to protect an individual over a lifetime of exposure. By this recommendation, EPA is attempting to match the longest stream flow averaging period (using harmonic mean) with criterion which is protective over a human lifetime. **EPA recommends that WVDEP modify this revision to reflect harmonic mean flow as the critical design flow for both carcinogens and noncarcinogens.** However, West Virginia has the prerogative to retain flows that will result in a more stringent application of the State’s human health criteria.”

The WV DEP Agrees

A March 3, 2017 article from the Charleston Gazette-Mail reports that DEP Deputy Secretary Scott Mandirola told the Senate Finance Committee that the agency backs the bill’s (HB 2506) mandate to change the stream-flow figure used to calculate permit discharge limits from the current method using a low-flow figure to using an average flow called the “harmonic mean”. Along with expressing support of the legislation, Mr. Mandirola indicated that “scientifically, it makes perfect sense”, and went on to emphasize that the **legislation doesn’t actually change the in-stream water quality limits.**

“Scientifically, it makes perfect sense...”

***-Scott Mandirola (WV DEP)
on HB 2506***

Say YES to HB 2506 as passed by the WV House of Delegates.

Supported By:

The WV Manufacturers Association o The WV Farm Bureau o The WV Coal Association
The WV Chamber of Commerce o The WV Coal Association

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