

Pollution Control Standards

- 1) Summary of Public Comments.
- 2) Proposed FirstEnergy variance.
- 3) Additional Variance Requests.
- 4) Results of Prioritization Exercise.

Proposed 2015 Standards Revisions

- Comments summary in your agenda package.
- Held a public comment period and hearing which closed May 14, 2015.
- Received over comments from over 17,000 entities*.
 - 15,400+ third party emails from National Wildlife Federation.
 - 1,000+ 3rd party National Audubon Society.
 - 500+ 3rd party Sierra Club.
 - 30 entities submitted more detailed comments.
- Vast majority of comments opposed to proposal regarding the mixing zone prohibition.

Mixing Zone Prohibition for BCCs

- Replace October 16, 2015 effective date with "as soon as practicable, as determined by the permitting authority, considering the following criteria:
 - i. Measures taken during the current permit cycle and an evaluation of those measures proposed to be taken during the next permit cycle to reduce or eliminate the necessity of a mixing zone for BCCs.
 - ii. The concentration and duration of the discharge, bioaccumulation factors and exposure considerations.

Mixing Zone Prohibition for BCCs (cont.)

- Add "The necessity for continuation of a mixing zone shall be determined by permitting authority during each permit renewal."
- Add "The addition of waste streams to an existing facility shall be evaluated under this section by permitting authority."
- Add "No mixing zone for a BCC shall be approved that would result in a violation of any water quality standard or designated use impairment."

Total Mercury Water Quality Criterion

- Do not revise the numeric value of 0.012 ug/L during this review.
- Consider revising the “not to exceed” component of the criterion after receiving public input on the specification of frequency and duration for all criteria.

Total Dissolved Solids

- No change to the criterion.
- Revise footnote to clarify that "intakes" refers to "drinking water intakes."

Ammonia Criteria for Aquatic Life

- Adopt new USEPA national recommended criteria.
- These are more stringent than current criteria.
- Tables for "mussels absent" are included.

Human Health Temperature Criterion

- No change to criterion.
- Clarify that the criterion applies both inside and outside the mixing zone, at any location where public access is possible.

Frequency and Duration of Criteria

- Request public input on the specification of frequency and duration for which numeric criteria shall be applied.

Notification of Upsets and Bypasses

- This requirement applies to industrial waste treatment facilities.
- Requires notification within 2 hours.
- Proposal is to extend this requirement to spills (in addition to upsets and bypasses).

Items for Next Triennial Review

Input on Prioritization

- Total mercury water quality criterion (numeric value).
- Criteria for individual constituents of TDS.
- E. coli criteria for protection of contact recreation.
- Nutrients criteria.
- Radionuclide criteria.
- Chloride criterion for aquatic life protection.
- Development of additional metals translators as available data allows.

Proposal for FirstEnergy Pleasants Power Station Variance

- Public comment period also held regarding FirstEnergy variance.
- Received many public comments against variances in general.
- Standards Committee voted to recommend approval of a two-year variance.
- Variance applies to prohibition on mixing zones regarding their discharge of total mercury.
- Comments submitted by FirstEnergy
 - 2-years is not adequate time.
 - Proposed effluent limits are too stringent.
 - Suggested delayed starting dates for monitoring.

Proposal for FirstEnergy Variance

- Two-year variance effective October 16, 2015.
- Monthly avg. limit for total mercury of 0.022 ug/L (based on highest discharge value in last three years).
- Remainder of variance modeled after the Axial variance.
 - Requires implementation of mercury reduction plan, annual monitoring and reporting.

Additional Variance Requests

- Contained in your agenda package.
- Standards Committee will be requesting a public comment period and hearing on:
 - Mountain State Carbon, Follansbee, WV.
 - Koppers Inc., Follansbee, WV.
 - Valley Converting, Toronto, OH.
- They are of various lengths coinciding with permit expiration dates.
- Will need to work with OEPA and WVDEP on incorporating effluent limits into permits prior to public comment period.

Standards Issues Prioritization

	<u>Score</u>	<u>Rank</u>
•Total mercury water quality criterion.	39	1
•Nutrients criteria.	37	2
•E. coli criteria (contact rec).	33	3
•Criteria for individual constituents of TDS.	26	4
•Radionuclide criteria.	23	5
•Chloride criterion for aquatic life protection.	22	6
•Development of additional metals translators.	20	7

Write-Ins:

Handle duration/frequency of criteria in 2018 review (High)

Bromide (Medium)

Copper Ligand Model Update & Toxicity data (High)

Selenium (2 votes – Medium)

General review of all criteria against USEPA national criteria (2 votes – High)

Investigate shale gas discharges regarding TDS & chloride (None)