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Wednesday, May 7, 2014

DEP: Redesignate Kanawha for drinking-water use

by **Ken Ward Jr.**, Staff writer



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Jet skiers speed up the Kanawha River past Haddad Riverfront Park and the Union Building on Wednesday. Regulators plan to seek redesignation of the river through Charleston as acceptable for use as a public drinking-water source.

West Virginia regulators plan to propose a major water quality change that would designate the Kanawha River through Charleston for potential use as a public drinking-water source, state Department of Environmental Protection officials said Wednesday.

The action, if approved by lawmakers, could remove a legal hurdle that West Virginia American Water has said makes it too expensive for the company to add a secondary drinking-water intake for the 300,000 residents who get their water from the utility's treatment and distribution plant on the Elk River, which feeds into the Kanawha.

DEP Secretary Randy Huffman said his agency's goal is not to pressure the water company, but he added that redesignating

the Kanawha as safe for drinking-water use would provide the region with an alternative that hasn't existed for more than 30 years.



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"It gives options," Huffman said in an interview. "That's what we didn't have in January."

The DEP proposal could also ultimately lead to tougher pollution restrictions on the Kanawha and to steps to improve water quality in the river.

In January, when the Freedom Industries chemical leak contaminated the region's drinking water, many residents were surprised to learn that West Virginia American Water had only one intake, on the Elk River, with no backup supply readily available. Under legislation passed in the wake of the leak, water providers in the state would have to study their ability to switch to alternative supplies or intakes in the event of contamination.

The water company has said its preliminary estimates show that building a second intake on the Kanawha would cost between \$70 million and \$105 million. That's largely because existing restrictions would force the intake to be located above the Belle area, forcing the company to pipe the water to the Elk River for treatment and distribution.

Laura Jordan, spokeswoman for West Virginia American Water, said Wednesday that her company needs to learn more about exactly what the DEP is proposing.

"At this point in time, we don't have the information to understand what water quality changes may allow for this new classification," Jordan said. "We will, of course, need to understand why they are making the change and see the data they are relying on. However, if this option is made available, we would certainly factor it into our ongoing evaluation."

Technically, what the DEP proposes to do is remove an exemption in the state's water quality standards that excludes part of the Kanawha from the general rule that West Virginia rivers and streams be kept clean enough for use as public drinking water. The change would be subject to a public comment period, and then submitted for legislative consideration.

Under the rules, all waterways are designated for different uses, such as drinking, fishing and contact recreation, like swimming. Different water quality limits are set, based on the designated uses of a particular waterway. The most stringent limits are for drinking-water sources. That use is known as "Category A."

Unless a stream is exempt from Category A, the more stringent water quality limits are supposed to apply to all state waterways — a level policy that regulated industries have tried for years to eliminate and citizen groups have struggled to protect.

Being designated for a particular use, such as drinking water, doesn't necessarily mean a stream attains that use or is clean enough for that particular use. And the DEP change alone, if finalized by lawmakers, does not approve location of a drinking water intake on the Kanawha. New intakes need approval from the state Bureau for Public Health and the state Public Service Commission.

Since about 1979 or 1980, a 72-mile stretch of the Kanawha River starting just upstream from Belle has been exempt from Category A use and protections, said Kevin Coyne, program manager for water quality standards at the DEP's Division of Water and Waste Management.

The exact reasons for the exemption are not clear. Coyne said a review of state records shows "very little rationale" behind the exemption, but that legacy pollution from area chemical manufacturing appears to have been the driving force.

Concerns about using the Kanawha as a drinking-water source date back to before the Category A exemption. When the company then known as West Virginia Water Co. proposed building the Elk River treatment and distribution plant in the late 1960s, state health officials rejected a second intake proposed at Chelyan, deeming the Kanawha's water "unsatisfactory," state Public Service Commission records show.

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DEP reports still list parts of the Kanawha downstream from Belle as "impaired," citing violations of standards for fecal coliform and fish consumption advisories related to elevated fish tissue concentrations of polychlorinated biphenyls, or PCBs. Fish advisories also warn not to eat certain fish from the Kanawha downstream of the I-64 bridge in Dunbar because of dioxin contamination.

Officials said some of those issues, such as fecal coliform, can be dealt with by a modern drinking-water treatment plant, and Huffman said there's no question that the Kanawha has improved greatly since the Category A exemption was put in place many years ago.

"It's a clean river," Huffman said, "and it's clean enough to make drinking water out of."

Evan Hansen, president of the Morgantown-based environmental consulting firm Downstream Strategies, noted that designating the Kanawha as "Category A" would mandate some tougher pollution restrictions, and could force the DEP to tighten permit limits for some industrial sites and other businesses along the river.

"This is sort of an acknowledgment that it would be a good thing to hold the Kanawha River to the same standards as other rivers across the state," Hansen said. "I think it's a really good thing."

Coyne said questions raised by residents and the news media after the Jan. 9 Freedom Industries leak about why West Virginia American Water doesn't have a secondary intake on the Kanawha helped push the DEP to focus on whether the Category A exemption is really necessary.

"[The leak] is a factor, yes," Coyne said. "It really brought it to our attention. We think it should be protected, to restore and maintain that use. Does that mean that somebody is going to run out and put a drinking-water intake there? I don't know that."

The proposed change is among issues expected to be discussed at a water quality standards public meeting today at 3 p.m. at the DEP headquarters in Kanawha City.

Reach Ken Ward Jr. at kward@wvgazette.com or 304-348-1702.



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