



Protect Stream Life, Strike Water Changes in the Coal Bill (SB 687)

SB 687 as-is would make our narrative water quality standards one of the weakest in the nation.

What is a narrative water quality standard?

Narrative standards are based on the numbers and types of animals living in streams (as opposed to numeric limits on particular chemical pollutants). They are not violated until pollution actually kills the animals which would otherwise naturally inhabit waterways in the state. They serve as an ultimate backstop to protect streams from dying.

What does the coal bill change for stream protections?

It removes what nearly every other state uses – the assessment of macroinvertebrates (aka “bugs”) as the most scientifically sound way to measure a stream’s biological health. The note intended to be included on the original bill made this clear: *“The purpose of this bill to clarify that any rules promulgated to measure compliance with the aquatic life component of West Virginia’s narrative water quality standards do not necessarily have to be consistent with the West Virginia Stream Condition Index or other indices that focus on the presence or absence of certain benthic invertebrates.”*

Why must we maintain stream health assessments based on invertebrates?

Insects, crustaceans, and invertebrates are the foundation of a healthy ecosystem. Without them, the entire food chain breaks down. Loss of invertebrate populations is an early signal that pollution is damaging life in a stream. If the state moves to assessing stream life based on fish or the ability to support fish, not only will West Virginia be at the bottom for the weakest narrative quality standards in the country, but it will be severely limited in accurately measuring the health of its waterways.

What is the cost?

We would no longer have the most accurate method for determining if a stream is “impaired” due to water quality standards violations stemming from coal mining or other diverse forms of pollution. Under the Clean Water Act, an improvement plan known as a TMDL (Total Maximum Daily Load) must be developed for impaired streams. This change aims to avoid impairment determinations and TMDLs. It would turn a blind eye to problems in our waters until it’s too late, and the state will be further burdened with more restoration costs. Additionally, since fish are much harder and more expensive to sample, this bill would make it more costly for WVDEP to comply with the federal requirement to measure the biological health of waterways in West Virginia.