



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

# **Final Rulemaking - Water Quality Standard for Manganese and Implementation (25 Pa. Code, Chapters 93 and 96)**

Agricultural Advisory Board  
December 9, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Water Quality Standard for Manganese

## Act 40 of 2017

(j) The board shall promulgate regulations under the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," or other laws of this Commonwealth that require that the water quality criteria for manganese established under 25 Pa. Code Ch. 93 (relating to water quality standards) shall be met, consistent with the exception in 25 Pa. Code § 96.3(d) (relating to water quality protection requirements). Within ninety days of the effective date of this subsection, the board shall promulgate proposed regulations.

# Water Quality Standard for Manganese

DEP must review and update water quality standards to reflect current scientific knowledge and understanding (e.g., updated national recommendations, published scientific literature).

DEP published an advance notice of proposed rulemaking (ANPR) on January 27, 2018 to solicit scientific data and other information necessary to prepare the rulemaking documents required by law.

Information was received from 15 organizations and individuals.

# Proposed Rulemaking for Manganese

DEP presented information on the proposed manganese criterion and implementation to AAB on October 25, 2018, June 20, 2019 and August 29, 2019.

# Proposed Rulemaking for Manganese

The proposed regulation for manganese included recommendations to:

- Delete the existing Potable Water Supply (PWS) criterion of 1.0 mg/L, and
- Add a human health toxics criterion of 0.3 mg/L to Table 5.

# Proposed Rulemaking for Manganese

The EQB also sought public comment on two alternative points of compliance for the human health toxics criterion, including:

- 1<sup>st</sup> alternative point of compliance would move the point of compliance from the point of discharge to the point of downstream potable water supply withdrawal.
- 2<sup>nd</sup> alternative point of compliance would maintain the point of compliance at the point of discharge.

# Proposed Rulemaking for Manganese

The proposed regulation was adopted by the EQB at its December 17, 2019 meeting and was published in the *Pennsylvania Bulletin* on July 25, 2020 (50 Pa. B. 374)

- 60-day public comment period that ended on September 25, 2020
- 3 virtual public hearings held on September 8, 9 and 10, 2020

# Proposed Rulemaking for Manganese

EQB received comments from 954 commenters including comments and testimony from:

- 13 witnesses at the 3 public hearings
- Independent Regulatory Review Commission (IRRC)

The comments received, and DEP's responses are summarized in the Department's **Comments and Responses Document**.

- DEP considered all public comments received on the proposed rulemaking in preparing the final rulemaking.



# Final Rulemaking for Manganese

## DEP's Final Recommendation to the EQB:

- Delete the Potable Water Supply use criterion of 1.0 mg/L from §93.7, Table 3.
- Add a Human Health criterion of 0.3 mg/L to §93.8c, Table 5.
- Maintain the point of compliance in all surface waters (at the point of discharge) in accordance with § 96.3(c).
  - **This point of compliance will protect water uses between points of discharge and downstream water supply withdrawals, including water supplies for livestock and irrigation.**

# Changes from Proposed to Final Rulemaking

## CHAPTER 93. WATER QUALITY STANDARDS

\* \* \* \* \*

### § 93.7. Specific water quality criteria.

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. These exceptions will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

**TABLE 3**

Parameter	Symbol	Criteria	Critical Use*
		* * * * *	
Iron	Fe <sub>1</sub>	30-day average 1.5 mg/l as total recoverable.	CWF, WWF, TSF, MF
	Fe <sub>2</sub>	Maximum 0.3 mg/l as dissolved.	PWS
<b>[Manganese</b>	<b>Mn</b>	<b>Maximum 1.0 mg/l, as total recoverable.</b>	<b>PWS]</b>
<b>Nitrite plus Nitrate</b>	N	Maximum 10 mg/l as nitrogen.	PWS

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# Changes from Proposed to Final Rulemaking

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## § 93.8c. Human health and aquatic life criteria for toxic substances.

\* \* \* \* \*

TABLE 5

### WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

PP N O	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria (ug/L)	
			Criteria Continuous Concentrations (ug/L)	Criteria Maximum Concentration (ug/L)		
-	LITHIUM	07439932	N/A	N/A	N/A	-
<b>D</b>	<b>MANGANESE</b>	<b>07439965</b>	<b>N/A</b>	<b>N/A</b>	<b>300</b>	<b>H</b>
-	METHYLETHYL KETONE	00078933	32000	230000	21000	H

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# Changes from Proposed to Final Rulemaking

## CHAPTER 96. WATER QUALITY STANDARDS

### IMPLEMENTATION

\* \* \* \* \*

#### § 96.3. Water quality protection requirements.

\* \* \* \* \*

(c) To protect existing and designated surface water uses, the water quality criteria described in Chapter 93 (relating to water quality standards), including the criteria in § § 93.7 and 93.8a(b) (relating to specific water quality criteria; and toxic substances) shall be achieved in all surface waters at least 99% of the time, unless otherwise specified in this title. The general water quality criteria in § 93.6 (relating to general water quality criteria) shall be achieved in surface waters at all times at design conditions.

(d) As an exception to subsection (c), the water quality criteria for total dissolved solids, nitrite-nitrate nitrogen, phenolics, chloride, sulfate and fluoride established for the protection of potable water supply **and** ~~the water quality criterion for manganese~~ shall be met at least 99% of the time at the point of all existing or planned surface potable water supply withdrawals unless otherwise specified in this title.

# Final Rulemaking for Manganese

Expected delivery of the final rulemaking package to EQB:

- Spring 2022
- Final package must be delivered to IRRC within 2 years of close of the public comment period (or before **September 26, 2022**)

In addition to AAB,

DEP has visited or will visit the following advisory committees:

- **Water Resources Advisory Committee**
  - Voted to support the draft final-form rulemaking on November 18, 2021
- **Mining and Reclamation Advisory Board**
- **Aggregate Advisory Board**

# Final Rulemaking for Manganese

Questions?



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