



Office of Water Management



**Triennial Review
of
Water Quality Standards
Proposed Rulemaking**

Environmental Quality Board

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Office of Water Management
Department of Environmental Protection

Triennial Review of Water Quality Standards (WQS)

- Periodic Review Required by the Clean Water Act
- Previous Triennial Review:
 - TR08 (39 Pa.B. 2523) May 16, 2009
- WQS contained in Title 25 Pa Code:
 - Chapter 93 and portions of Chapter 92a (relating to NPDES Permitting, Monitoring and Compliance)
 - Chapter 16 Water Quality Toxics Management Strategy - Statement of Policy
 - Chapter 96 Water Quality Standards Implementation

General Updates and Corrections:

Updates, revisions, and corrections for typos, translation errors and missed references or entries associated with prior rulemaking and/or publication activities.

- Delete definition for “Critical use” in Section 93.1 since currently defined in Sec. 93.7, Table 3 footnote.
- Revise and update all cross references and citations pertaining to the new Chapter 92a; replacing citations to the old Chapter 92.
- Corrections to use designations and stream entries in Drainage Lists at Sections 93.9a – 93.9z.

Improvements to Notification Process:

Propose to improve the public notification process associated with the stream redesignation process in Section 93.4d(a).

- Supplement specific requirement to publish notices in local newspapers with more general requirements to use the most appropriate and effective means of notification.
- Could include newspapers, but also direct mailings, web-based features, list serves and subscriber-based notifications, electronic bulletin boards, and other social media, as appropriate.

Revise and update water quality criteria:

Revise and update water quality criteria found in Chapters 93 and 16 to reflect the latest scientific information and Federal guidelines for criteria development.

- Revisions based in part on the most recent compilation of nationally recommended WQ criteria, as updated since the Commonwealth's previous triennial - TR08 - and as requested by DEP Regional staff.

Revise and update water quality criteria: (continued)

Add new statewide aquatic life criteria, derived by the Department for Chloride and Sulfate, and revise criteria for Dissolved Oxygen in Chapter 93, Section 93.7, Table 3.

- Chloride and Sulfate – equation-based criteria (Hardness & Sulfate or Chloride dependent)
- Freshwater D.O. criteria to be more consistent with US EPA's recommendations

Justification for Replacing Previous Proposal with the New Equation-Based Criterion

- Suggested by commentators on 2010 proposal
- Based on best available sound science
- Gaining acceptance by US EPA and in other states
 - Approved by US EPA in Iowa's WQS (May 19, 2010)
 - Indiana & Missouri are currently promulgating this same standard

Revise and update water quality criteria: (continued)

Department not recommending change to the temperature criteria in Table 3, at this time

- Request in Preamble seeking new, peer-reviewed scientific data related to species-specific thermal tolerance and responses to temperature change.

Update the Metals Criteria conversion factor for Chromium III in Section 93.8b Conversion Factors Table.

- Based on update from US EPA

Revise and update water quality criteria: (continued)

Add new statewide ambient water quality criteria to Table 5 in Section 93.8c for aquatic life and human health uses

Aquatic life criteria:

Acrolein

Molybdenum

Nonylphenol

Resorcinol & sulfonates

Human Health criteria:

Acrolein

Phenol

Benzyl chloride

2-Butoxyethanol

Cyclohexylamine

Acrylamide

1,4-dioxane

Strontium

Molybdenum

1,2 cis-dichloroethylene (DCE)

Resorcinol

1,2,4 and 1,3,5-trimethylbenzene (TMB's)

Reconfirm Removal of Water Contact Use (WC):

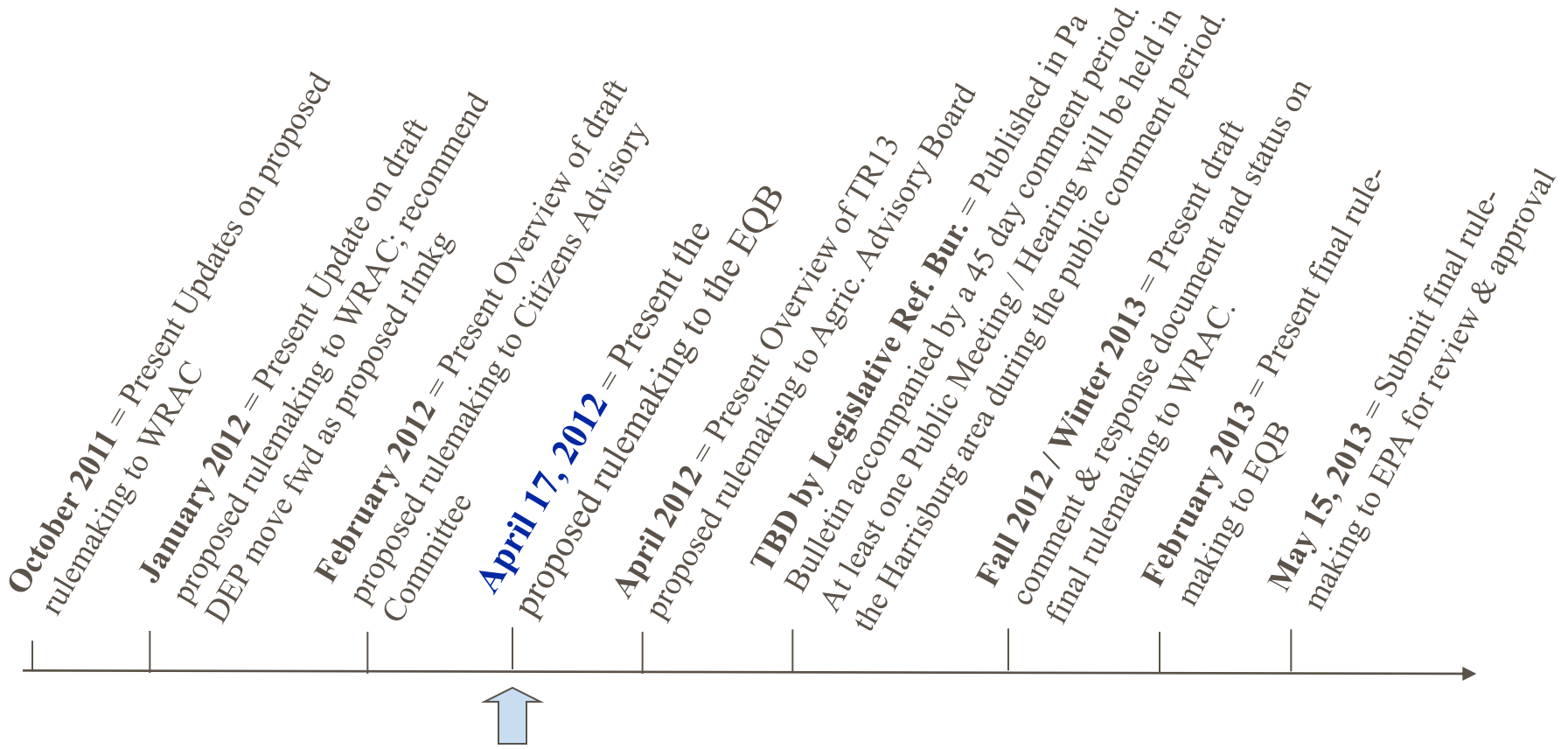
Required to reconfirm during each triennial review the removal of water contact (WC) protected use on selected waters within Pennsylvania's WQS for portions of the Delaware Estuary (§§93.9e & g) and for the outer Erie Harbor and Presque Isle Bay (93.9x).

Department confirms that same conditions and hazards exist so continue to remove WC for these waters

Revise / Update Portions in Chapter 16:

- Remove the criteria for 1,4 Dioxane and Acrylamide from Chapter 16 Appendix A, Table 1A , “SITE-SPECIFIC WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES” since they are being moved to Chapter 93, Table 5 as statewide criteria.
- Update approved analytical methods and detection limits in Tables 2A and 2B to reflect updates from EPA, and to add Department approved methods related to the new criteria proposed in the triennial review.

Timeline for Triennial Review of Water Quality Standards – TR13



Recommendations to EQB

- Approve TR13 Proposed Rulemaking
- Include provision for 45-day public comment period
- Public hearing in Harrisburg during the public comment period

Thank you

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