

STATEMENT OF POLICY

TITLE 25 – ENVIRONMENTAL PROTECTION DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy

The Department of Environmental Protection (Department) is amending Chapter 16 (relating to water quality toxics management strategy – statement of policy). These amendments complement the triennial review and revision of Chapter 93 (relating to water quality standards). See ___ Pa.B. ___ (_____, 2013) for the text of the final-form rulemaking.

A. Effective Date

These amendments will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. Background and Summary

Pennsylvania's water quality standards, which are set forth, in part, in *25 Pa. Code* Chapter 93, Chapter 92a (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), and Chapter 16, implement the provisions of Sections 5 and 402 of the Clean Streams Law and Section 303 of the Federal Clean Water Act, 33 U.S.C.A. § 1313. Water quality standards consist of the uses of the surface waters of the Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances, and currently lists site-specific water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly

referenced as a supporting policy document in the Department's toxic substances regulation at Sections 93.8a and 93.8c.

The amendments update sections of Chapter 16, Water Quality Management Strategy – Statement of Policy to be consistent with the amendments to Chapter 93, Water Quality Standards, as related to the Commonwealth's triennial review of water quality standards. The amendments also update and correct approved analytical methods in Tables 2A and 2B (relating to approved EPA analytical methods and detection limits; inorganics; and approved EPA analytical methods and detection limits: organics). The titles of these tables are also corrected to reflect that several analytical methods listed are Department accredited. This statement of policy may affect persons who discharge wastewater into surface waters of this Commonwealth, or otherwise conduct activities, which may impact these waters.

The Department discussed the triennial review with the Water Resources Advisory Committee (WRAC) five times in 2011, at the April, June, July October and December meetings. On January 11 2012, WRAC voted to have the Department present the rulemaking package to the Environmental Quality Board (EQB). The Agricultural Advisory Board declined the need for their consideration on the triennial review of water quality standards that was scheduled for their regular October 19, 2011 meeting.

The amendments were shared with the EQB as a companion to the triennial review of water quality standards rulemaking, although the EQB is not required to act on the revisions to the Department's Statement of Policy for toxic substances. The proposed amendments were published in the *Pennsylvania Bulletin* on July 7, 2012 (42 Pa.B. 4367) with provision for a 45-day public comment period that ended August 21, 2012. The Department held a public meeting and hearing for the purpose of accepting comments on the proposed amendments to Chapter 16 on August 8, 2012, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Department did not receive any comments pertaining to the Chapter 16 proposed amendments.

The draft final amendment were discussed with and approved by WRAC at its November 28, 2012, meeting. Comments received on the Chapter 93 regulation resulted in related changes to the final Chapter 16 amendments. The changes to the proposed amendments to Chapter 16 are summarized in Section D below.

D. Summary of the Change to the Proposed Amendment

Changes to proposed amendment for Chapter 16

§ 16.102 Appendix A. Table 1A. Site-specific Water Quality Criteria For Toxic Substances

1,4-Dioxane – Based on comments to Chapter 93 received by the EQB, the proposed statewide criterion for 1,4-dioxane is removed from Chapter 93, but retained as a site-specific criterion (3 µg/L) in Chapter 16, Table 1A.

A copy of the final amendments is available from the Division of Water Quality Standards, at the address provided in Section B.

Michael L. Krancer
Secretary