

Final-Form Rulemaking- Triennial Review of Water Quality Standards (TR #10)

Environmental Quality Board
September 9, 2025

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Pennsylvania
Department of
Environmental Protection

Water Quality Standards

- Implement Sections 5 and 402 of The Clean Streams Law and Section 303 of the Federal Clean Water Act
- Protected water uses, water quality criteria and an antidegradation policy
 - 25 Pa. Code Chapter 93
 - 25 Pa. Code Chapter 16

Final Rulemaking

- 17 new or updated WQ Criteria
 - 14 Human Health (HH)
 - 3 Aquatic Life (AL)
- Exceptions for fishable/swimmable uses
 - Sections of the Lower Delaware River Basin and The Erie Harbor
- Minor edits/clarifications to Chapter 93

Human Health Criteria

- DEP-derived Human Health criteria
 - Recalculated based on new exposure inputs
 - 7 criteria more stringent; 4 criteria less stringent
 - 1,4 – Dioxane (carcinogen)
- EPA § 304(a) Recommendations
 - 2,4-D (chlorophenoxy herbicide)
 - Chloroform

Human Health Criteria

Pollutant	DEP Current (µg/L)	DEP Recommended (µg/L)
Barium	2400	1000
Boron	3100	1000
Methyl ethyl ketone	21000	4000
1,2,3-trichloropropane	210	30
1,2,4-trimethylbenzene	72	10
1,3,5-trimethylbenzene	72	10
Xylene	70000	1000
Acetone	3500	6000
Formaldehyde	700	1000
Metolachlor	69	700
Resorcinol	2700	3000

Aquatic Life Criteria

- EPA § 304(a) Recommendations
 - Carbaryl (new)
 - Tributyltin (TBT) (new)
- DEP Recommendations
 - Cadmium (updated)

Existing Exclusions

Need to reaffirm existing exclusions of the “fishable/swimmable” uses are still applicable

- Harbor Area and central channel to Outer Erie Harbor/Presque Isle Bay (§ 93.9x)
- Zones 3 & 4 within a portion of the Delaware Estuary (§§ 93.9e & 93.9g)

Minor Edits & Clarifications

- Deletion of reference to Appendix A, Table 1A from § 93.1. Definitions
- Addition of language that clarifies the duration of the aquatic life criteria
- Updates to the notes for Tables 5 and 6

Affected Parties

- DEP identified 274 facilities with active National Pollutant Discharge Elimination System (NPDES) permits for discharges
- This final-form rulemaking may result in both more stringent and less stringent effluent limitations dependent upon the pollutant and site-specific characteristics

Public Comment

- EQB adopted the proposed regulation on July 11, 2023
- Published in the *Pennsylvania Bulletin* on October 7, 2023 (53 Pa.B. 6170)
- 45-day public comment period ended on November 21, 2023
- One virtual public hearing held on November 14, 2023

Public Comment

- EQB received comments from 104 commentators including:
 - U.S. Environmental Protection Agency (EPA)
 - Testimony from 19 witnesses at the public hearing
- Independent Regulatory Review Commission (IRRC) commented
- The comments received, and DEP's responses, are summarized in the DEP's Comment and Response Document
 - DEP considered all public comments received on the proposed rulemaking in preparing the final rulemaking

Public Comment

The Board received comments on the following:

- The proposed criteria for metolachlor, formaldehyde, acetone, resorcinol, chloroform and 1,4-dioxane
- The criteria duration clarifications for acrylonitrile, chlordane, 4,4-DDT, alpha- and beta-endosulfan
- Several items outside the scope of this rulemaking

Change to Final Regulation

- One minor change was made to the regulation between the proposed and final-form rulemaking to delete a footnote in Table 5
- Note #4 is deleted for acrylonitrile because the aquatic life criteria durations of instantaneous and 24-hour average does not apply

Advisory Committee Review

- DEP presented the final-form rulemaking recommendations to the Water Resources Advisory Committee (WRAC) on May 16, 2024. WRAC voted to support presentation of this final-form rulemaking to the Board
- DEP also provided a summary of the final-form rulemaking recommendations to the Agricultural Advisory Board (AAB) on April 17, 2024



Recommendation

DEP recommends the Board adopt this final-form regulation.



Questions?

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