

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

Environmental Quality Board
September 9, 2025





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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



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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



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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



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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



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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



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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



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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



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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



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Recommendation

DEP recommends the Board adopt this final-form regulation.

Questions?

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).