

EXECUTIVE SUMMARY

Amendment to 25 PA Code, Chapter 93 (Water Quality Standards)

The Department of Environmental Protection recommends the Environmental Quality Board (EQB) propose amendments to 25 Pa. Code Chapter 93 regarding water quality standards.

SUMMARY OF THE PROPOSAL - The proposed regulation will merge sections of Chapter 16, Water Quality Management Strategy – Statement of Policy into Chapter 93, Water Quality Standards. The proposed regulations are comprised of:

- Moving portions of 16.61 (relating to special provisions for the Great Lakes System) to Chapter 93;
- Replacing the substances currently listed in Appendix, Table 1 of Chapter 16 with a list of site-specific human health and aquatic life criteria that have been developed or reviewed and approved by the Department.
- Moving updated criteria (currently found in Chapter 16) into new sections and tables in Chapter 93 to consolidate the water quality standards.
- Adding clarification to the definition of *conventional treatment* for the protection of potable water supply use (PWS) in §§ 93.1 and 93.3.
- Clarifying that other intervening uses may become the most sensitive use as related to the *Critical Use* in § 93.7, Table 3.
- Changing several drainage lists to clarify stream names, segment boundaries and to recognize the presence of migratory fish in the three major tributaries to the mid-Atlantic slope drainage.
- Proposing language or typographic corrections to add clarity.
- Updated portions of the remaining sections of Chapter 16 (pertaining to Water Quality Toxics Management Strategy – Statement of Policy) that were not merged into Chapter 93 will be retained in the current statement of policy.

PURPOSE OF THE PROPOSAL - Section 303(c)(1) of The Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. This proposal constitutes Pennsylvania's current triennial review of its water quality standards.

Pennsylvania's water quality standards, which are codified in Chapter 93 and portions of Chapter 92, are designed to implement the requirements of Sections 5 and 402 of The Clean Streams Law and Section 303 of the Federal Clean Water (33 U.S.C.A. § 1313). The water quality standards consist of the designated uses of the surface waters of this Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses and an antidegradation policy. Thus, water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements and effluent limitations, on individual sources of pollution.

ADVISORY GROUPS - The Department's Water Resources Advisory Committee (WRAC) was briefed on the proposed amendments to Chapter 93 Water Quality Standards and Chapter 16

Water Quality Toxics Management Strategy – Statement of Policy at its March 8, 2006, May 10, 2006 meetings and during a special meeting on October 13, 2006. At its May 9, 2007 meeting, WRAC voted to present this triennial rulemaking to the EQB. In addition, the Department will present this proposed rulemaking package to the Agricultural Advisory Board on August 22, 2007.

PUBLIC COMMENT - A public comment period of 45 days and at least one public hearing to be held in Harrisburg are recommended for the proposed regulation.