



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

Water Quality Toxics Management Strategy – Statement of Policy 25 Pa. Code, Chapter 16 Proposed Amendments

Environmental Quality Board Meeting
April 18, 2017

Tom Wolf, Governor

Patrick McDonnell, Acting Secretary

Chapter 16 – Statement of Policy

- Includes revisions to 25 Pa. Code, Chapter 16, as a companion and integral part of Pennsylvania's Water Quality Standards
- Related to the Triennial Review of Water Quality Standards (TR17) proposed rulemaking
- Proposal is a DEP action

Proposed Updates to Chapter 16

- Proposed changes will update Sections 16.21, 16.23, 16.24, 16.32, 16.33, 16.51, and 16.61, and
- Section 102 (relating to approved EPA analytical methods and detection limits)
- Appendix A, Tables 1A, 2A, 2B and 3
 - Table 1A (relating to site-specific water quality criteria for toxic substances)
 - Tables 2A and 2B (relating to approved EPA analytical methods and detection limits: inorganics and organics)
 - Table 3 (relating to EPA methods for analysis of priority pollutant organics)

Proposed Revisions to Chapter 16

- Updates, revisions, corrections, and clarifications associated with prior rulemakings and/or publication activities, and to be consistent with revisions in the TR17 Chapter 93 Water Quality Standards Rulemaking:
 - Language to clarify endpoints, magnitude and duration in § 16.21
 - Update to reference the ECOTOX website in § 16.23
 - Add Benchmark Dose Modeling (BMD) in § 16.32
 - Remove reference in § 16.32 to the *National Recommended Water Quality Criteria* (EPA-822-H-04-001, 2004), and Exhibit 3-1 of the *Water Quality Standards Handbook, Second Edition*, (EPA 823-0-94-005A, August, 1994). DEP uses the *EPA Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004, October, 2000)

Proposed Revisions to Chapter 16

Updates Related to the Triennial Review Proposed Rulemaking:

- Incorporate Biotic Ligand Model (BLM) in § 16.24, for developing site-specific criteria for copper
- Incorporate in §§ 16.32 & 16.33, the updated risk exposure factors:
 - body weight – 70 kg to 80 kg
 - drinking water – 2 L/day to 2.4 L/day
 - fish consumption – 17.5 g/day to 22.0 g/day
- Update or remove references in §§ 16.32, 16.33, 16.51, and 16.61 to special provisions for the Great Lakes System
 - Criteria in Chapter 93, Table 5 may be used if criteria for that pollutant is not available in Table 6
- Delete Table 1A in Appendix A, and delete cross-references to Table 1A in §§ 16.51 and 16.102
 - Site-specific criteria will be maintained in on-line table on DEP website

Proposed Revisions to Chapter 16

Updates Related to the Triennial Review Proposed Rulemaking:

- Remove language in § 16.102 that pertains to Tables 2B and 3 that are being deleted in Appendix A, for EPA-approved analytical methods and guidelines
 - Will reference federal regulations, as amended and updated; 40 CFR Parts 122, 136, 141, 143, 430, 455 and 465, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; National Secondary Drinking Water Regulations; Analysis and Sampling Procedures*. (Final Rule, April 11, 2007)
- Table 2A will be re-titled, Approved DEP Analytical Methods, and will contain methods developed and approved by DEP

Public Comment

- Statement of Policy includes a 60-day public comment period, with three Public hearings to be held in the Harrisburg, Pittsburgh and Wilkes-Barre areas.
- Public hearings will coincide with the public comment period and hearings being held by the EQB for Triennial Review Proposed Rulemaking.



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