



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

# **Triennial Review of Water Quality Standards TR17 Updated Scope, Recommendations, and Timeline**

Water Resources Advisory Committee  
November 18, 2015

Tom Wolf, Governor

John Quigley, Secretary

# Triennial Review of Water Quality Standards

Review, revise and update, as needed, at least once every three years, water quality criteria and standards found in 25 Pa Code Chapters 93 and 16, and portions of 92a to reflect the latest scientific information and new federal guidelines for criteria development, and other implementation guidance

# Updated Scope

- The U.S. Environmental Protection Agency (EPA) has issued, since the last triennial review, new or updated ambient water quality criteria for:
  - Revised Ammonia criteria based on new studies that include sensitive freshwater mussels (April 2013)
  - New Recreation Use criteria; including E. coli indicators (Nov. 2012)
- DEP will recommend updates to Table 3 at 25 Pa Code Section 93.7 (relating to specific water quality criteria) following thorough review of EPA's recommendations, and other documentation and implementation guidance

# New Human Health Criteria

EPA issued final updates to its national recommended water quality criteria for human health protection for 94 chemical pollutants in June 2015

- Reflects the latest scientific information and EPA policies, including updated body weight and fish and water consumption rates described in EPA's report
- Recommend revisions, updates or adding several new criteria to Section 93.8c, Table 5 (regarding water quality criteria for toxic substances)

# ➤ Other Water Quality Criteria Updates

## DEP has conducted research on Chloride and Sulfate Aquatic Life Criteria

- Stroud Water Research Center conducted toxicity testing on sensitive mayflies
- Incorporate Stroud data into EPA-approved dataset
- Recommend new aquatic life criteria for chloride

# Site-Specific Water Quality Criteria

- Provide clarification and specific reference, in §93.8d(c) to the use of the Biotic Ligand Model (BLM) for development of site-specific water quality criteria for copper
- Describe special conditions and prerequisites for use of the BLM
- Currently only available for freshwater Copper

# ➤ Clarification and Update for Great Lakes WQ Criteria

Recommend defaulting to statewide (Table 5) criteria if none available in Table 6

- More appropriate since the statewide fish consumption rate was increased to 17.5 g/day
- More consistent with GLWQA's rate of 15 g/day than when the statewide rate was just 6.5 g/day
- The following current statements would need to be changed or clarified:
  - §93.8c(b) – “The criteria in Table 5 do not apply to the Great Lakes System.”
  - §93.9e(b) – “For any pollutant not listed in the table (Table 6), criteria ... will be developed, ... in accordance with ...” Ch 93 and §16.61

# ▶ Interstate/International WQ Criteria

- Provide additional clarification in §93.2(b) & §93.9(b) and in the drainage lists about application of WQS established under interstate or international compacts or agreements – DRBC, ORSANCO, GLWQA regarding:
  - “... the more stringent shall apply.” and
  - “Exceptions to Specific Criteria”
- Particularly where interstate criterion has been developed based on specific studies and site or waterbody conditions

# ▶ Non-Fishable/Non-Swimmable Waters

Reaffirm that the existing exclusions of the “fishable/swimmable” use for portions of the Delaware River and Lake Erie basins in Drainage Lists E, G, and X are still applicable

# Typos and Errors

- Updates, revisions, and corrections for typos, translation errors, and missed references associated with prior rulemaking and/or publication activities
- Update, revise, and correct use designations and stream entries in the Drainage Lists in Sections 93.9a through 93.9z, as needed, which are not addressed in a separate Stream Redesignation Rulemaking Package

# Updates to Chapter 16: Statement of Policy

## 25 Pa Code Chapter 16 Water Quality Toxics Management Strategy - Statement of Policy

- As a companion to the Chapter 93 Triennial Review Rulemaking
- Also intend to recommend revisions and updates to Chapter 16

# Updates to Chapter 16: Statement of Policy

- Correct the reference to Ch. 92a at §16.22(1)
- Provide updates to methodologies/protocols for development of Aquatic Life and/or Human Health Criteria
- Change Incorrect reference at §16.32(c)(2) to the Water Quality Standards Handbook, Second Edition (should reference EPA-823-B-94-005a)
- Possible incorrect reference to Tier II values at §16.61(b)(2) when referring to Human Health Criteria for the Great Lakes System

# Updates to Chapter 16: Statement of Policy

- Create a new online resource to store site-specific and provisional criteria; delete Table 1A in Appendix A
- Make Updates to §16.102 – Approved EPA Analytical and Detection Limits, with cross references to EPA approved methodologies;
  - Already maintained and updated by EPA
  - Easier to manage and implement
  - Eliminates potential for introducing errors or use of outdated information
- delete Methods Tables 2A, 2B and 3; create new Table for DEP Accredited Analytical Methods and Detection Limits

# Projected Timeline

Action	Target Date
Proposed recommendations to WRAC	November 2015
Present proposed rule to EQB	March 2016
Publish in PA Bulletin	May/June 2016
60-day public comment period (end)	August 2016
Draft response to comments	November/December 2016
Draft of final rule to WRAC	February/March 2017
Present final rule to EQB	April/May 2017
Publish final rule in PA Bulletin	July/August 2017
Submit record of rulemaking to EPA	September 2017



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# Questions?

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