

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSED AMENDMENTS TO STATEMENT OF POLICY**

25 PA. Code, Chapter 16

**Water Quality Toxics Management Strategy –
Statement of Policy**

The Department of Environmental Protection (Department) is proposing amendments to Chapter 16 (relating to Water Quality Toxics Management – Statement of Policy). These proposed amendments compliment the triennial review of water quality standards and revisions associated with the concurrent proposed rulemaking for Chapter 93 (relating to water quality standards).

Pennsylvania's water quality standards, which are set forth, in part, in 25 Pa. Code Chapter 93, Chapter 92a (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), and Chapter 16, implement the provisions of Sections 5 and 402 of the Clean Streams Law and Section 303 of the Federal Clean Water Act, 33 U.S.C.A. § 1313. Water quality standards consist of the uses of the surface waters of the Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances, and currently lists site-specific water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulation at Sections 93.8a and 93.8c.

Contact Persons

For further information contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P.O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website <http://www.depweb.state.pa.us>.

Summary of Amendments

The proposed revisions will update sections of Chapter 16, Water Quality Management Strategy – Statement of Policy to be consistent with the amendments to Chapter 93, Water Quality Standards, as related to the Commonwealth's triennial review of water quality standards.

The proposed revision is comprised of:

- Removing the substances currently listed in Appendix A, Table 1A since the listed site-specific human health and aquatic life criteria for 1,4-dioxane and acrylamide are

proposed to be updated and moved to Section 93.8c, Table 5 (relating to human health and aquatic life criteria for toxic substances), as statewide criteria.

- Updating and correcting approved analytical methods in Tables 2A and 2B (relating to approved EPA analytical methods and detection limits: inorganics and organics). The title of these tables is also corrected to reflect that several analytical methods listed are DEP Accredited.

Public Comments

Comments and suggestions regarding the proposed amendments to the statement of policy should be addressed to Mr. Kime at the address noted above or may be submitted electronically by email to RA-WQS@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments must be received by - _____, 2012 (within 45 days of publication in the *Pennsylvania Bulletin*). Comments submitted by facsimile will not be accepted.

The Department will hold a public hearing for the purpose of accepting comments on the proposed amendments to the statement of policy. The hearings will be held in conjunction with the Environmental Quality Board (EQB) public hearing on proposed water quality amendments (Chapter 93). The DEP Chapter 16 hearing will be held immediately following conclusion of the EQB hearing. The EQB hearing will begin at _____. The date and location is listed below:

Public Hearing

Persons wishing to present testimony at the Chapter 16 hearing are requested to contact Amy Musa at (717) 787-5017 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness, and one designated witness for each organization. Witnesses are requested to submit three written copies of their testimony to the hearing chairperson.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service of other accommodation in order to participate should contact Amy Musa at the above telephone number or the Pennsylvania AT&T Relay Service as (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

Michael L. Krancer
Secretary
Department of Environmental Protection