

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE**

[25 PA Code, Chapter 16]

Water Quality Toxics Management Strategy—Statement of Policy

The Department of Environmental Protection (Department) proposes to amend Chapter 16 (Water Quality Toxics Management Strategy – Statement of Policy) to read as set forth in Annex A.

A. Effective Date

The proposed amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Michael (Josh) Lookenbill, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, Harrisburg, PA 17105-8774, (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 Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The proposed amendments are available on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of **DATE**).

C. Background and Summary

The Commonwealth's water quality standards in Chapter 16 and Chapters 92a and 93 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance; and water quality standards) implement sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Chapter 16 is a water quality toxics management strategy, establishing policy for regulating toxic pollutants in this Commonwealth's surface waters. It sets forth the guidelines for development and modification of water quality criteria for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

The proposed amendments will update Chapter 16 to be consistent with the amendments to Chapter 93, as related to the Commonwealth's triennial review of water quality standards.

D. Summary of Amendments

Proposed amendments to § 16.32 (relating to threshold level toxic effects) include other data sources approved by the U.S. Environmental Protection Agency (EPA) beyond the use of the EPA's Integrated Risk Information System (IRIS) for risk assessment values. The EPA

frequently publishes updated risk assessment information for toxic substances in health effects support documents, which are not referenced in or available through IRIS. Removal of the language “referred through IRIS” enables the Department to utilize the latest scientific recommendations.

In § 16.41 (relating to changes and additions), the Department proposes to delete a reference to Appendix A, Table 1A. Amendments removing this table from Chapter 16 were published previously at 50 Pa.B. 3485 (July 11, 2020).

In § 16.102, Table 2A (relating to approved EPA and DEP analytical methods and detection limits), the Department proposes to delete the parameter and method for free cyanide to reflect the availability of EPA-approved analytical methods published under 40 CFR Part 136 (relating to guidelines establishing test procedures for the analysis of pollutants). Facilities with National Pollutant Discharge Elimination System (NPDES) permits are required to use the EPA-approved analytical methods published under 40 CFR Part 136. Since the Department’s analytical method in Table 2A is not EPA-approved and approved methods are now available, it is not needed.

E. Public Comments

Interested persons are invited to submit to the Department written comments, suggestions, support or objections regarding this proposed Statement of Policy. Comments, suggestions, support or objections must be received by the Department by **DATE**.

Comments may be submitted online, by e-mail, by mail or express mail as follows below.

Comments may be submitted to the Department by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Department by e-mail at RegComments@pa.gov. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

F. Public Hearings

The Board will hold one virtual public hearing for the purpose of accepting comments on the proposed amendments to Chapter 16. The public hearing will take place on the same date and at the same location where the Board will conduct a public hearing on the proposed amendments to Chapter 93. The hearing will be held as follows:

DATE

Persons wishing to present testimony at the Chapter 16 hearing are requested to contact Casey Damicantonio for the Department and the Board, (717) 787-4526 or RA-EPEQB@pa.gov, at least one week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Casey Damicantonio at (717) 787-4526 by 5 p.m. on **DATE**.

Oral testimony is limited to five minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at each hearing. Witnesses may provide testimony by means of telephone or Internet connection. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the virtual public hearing will be available on the Board's webpage found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board"). Prior to a hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing the hearing.

Any members of the public wishing to observe a virtual public hearing without providing testimony are also directed to access the Board's webpage. Those who have not registered in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

RICHARD NEGRIN,
Secretary
Department of Environmental Protection