

# Final-Form Rulemaking: Water Quality Standards – Site-Specific Water Quality Criteria

Environmental Quality Board  
April 8, 2025

JOSH SHAPIRO, GOVERNOR | JESSICA SHIRLEY, ACTING SECRETARY



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# Purpose of the Regulation

- Update the Commonwealth's water quality standards to reflect current scientific methods and guidance with respect to the development of site-specific criteria.
- Update the process for requesting and adopting site-specific water quality criteria.
- Update the mercury water quality criterion for Ebaughs Creek.



# Site-Specific Criteria Development

- Site-specific criteria afford the most appropriate level of protection to specific waterbodies.
- Site-specific criteria development process was established in 1979.
- Proposed updates will provide clarification on how to request site-specific criteria and when site-specific criteria may or may not be requested.



# Site-Specific Criteria Development

Summary of the proposed rulemaking updates to § 93.8d:

- Minor edits were made to subsection (a) to clarify when site-specific criteria may be requested or developed on DEP's own initiative.
- A new subsection (a.1) was added to clarify situations when site-specific criteria may not be requested.
- Subsection (b) was modified to clarify the information to be submitted with each request for site-specific criteria.



# Site-Specific Criteria Development

Summary of the proposed rulemaking updates to § 93.8d:

- Subsection (c) was modified to describe the additional information that may need to be submitted with a request for site-specific criteria.
- New subsections (c.1) - (c.3) were added to update procedural requirements previously in subsection (f):
  - Department evaluation
  - Public participation
  - Incorporation into Chapter 93
  - EPA approval



# Changes to Final-Form Rulemaking

Three substantive changes were made to the regulation between proposed and final-form rulemaking.

The first change adds a fourth condition to § 93.8d(a), which specifies when the Department will consider a request for site-specific criteria, as shown here:

**(4) THERE EXISTS A NEED FOR A SITE-SPECIFIC CRITERION FOR A POLLUTANT TO ADDRESS A CAUSE OF IMPAIRMENT FOR A PROTECTED WATER USE, AS LISTED IN PENNSYLVANIA'S INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT, AS AMENDED AND UPDATED.**



# Changes to Final-Form Rulemaking

The second change revises § 93.8d(a.1). Proposed paragraphs (1) and (2) were deleted, and paragraph (3) was renumbered as shown here:

(a.1) Site-specific criteria may not be developed when ~~one or more of the following apply:~~ **FOR SURFACE WATERS WITH AN EXISTING OR DESIGNATED USE OF HQ OR EV.**

A nonsubstantive revision to subsection (b)(5) was made to reflect this change.



# Changes to Final-Form Rulemaking

The third change clarifies § 93.8d(c.2) as shown here:

**(c.2) The Department will incorporate approved site-specific criteria into this chapter THROUGH RULEMAKING, AFTER SATISFYING 40 CFR PART 25 AND 40 CFR 131.20(B) (RELATING TO PUBLIC PARTICIPATION IN PROGRAMS UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, THE SAFE DRINKING WATER ACT, AND THE CLEAN WATER ACT; AND STATE REVIEW AND REVISION OF WATER QUALITY STANDARDS), and maintain a publicly available table of EPA-approved site-specific criteria.**





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## Site-Specific Methylmercury Criterion for Ebaughs Creek (York County)

- York County Solid Waste and Refuse Authority, owner and operator of the York County Sanitary Landfill, requested this site-specific criterion.
- No changes were made to the recommendation between the proposed and final-form rulemaking.
- No public comments or testimony were received on the proposed methylmercury criterion for Ebaughs Creek.



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# Proposed Rulemaking

- EQB adopted the proposed regulation on July 11, 2023.
- Published in the *Pennsylvania Bulletin* on November 4, 2023 (53 Pa.B. 6854).
- 45-day public comment period that ended on December 19, 2023.
- One virtual public hearing held on December 5, 2023.



# Public Comments

- EQB received comments from two commentators:
  - United States Environmental Protection Agency (EPA) Region 3
  - Independent Regulatory Review Commission (IRRC)
- No testimony was received at the public hearing.
- The comments received, and DEP's responses are summarized in the DEP's Comment and Response Document.
  - DEP considered all public comments received on the proposed rulemaking in preparing the final rulemaking.



# Public Comments

Comments included the following requests:

- Additional explanation of the proposed changes to the regulation.
- Clarification on the development of site-specific criteria for human health protection under § 93.8d(a).
- Clarification on how DEP will meet the public participation requirements of federal regulations.



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# Advisory Committees

- Presented draft recommendations to the Water Resources Advisory Committee (WRAC) on May 16, 2024 and to the Agricultural Advisory Board on June 18, 2024.
- WRAC voted to support presentation of this final-form rulemaking to the Board.



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# Recommendation

The Department recommends the Board adopt the final-form regulation.



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# Questions?

**Jill Whitcomb**

**Deputy Secretary, Water  
Programs**

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**[jiwhitcomb@pa.gov](mailto:jiwhitcomb@pa.gov)**

**Nick Vivian**

**Bureau of Clean  
Water**

...

**[nvivian@pa.gov](mailto:nvivian@pa.gov)**

**Josh Lookenbill**

**Bureau of Clean  
Water**

...

**[mlookenbil@pa.gov](mailto:mlookenbil@pa.gov)**

**Michelle Moses**

**Bureau of Regulatory  
Counsel**

...

**[mmoses@pa.gov](mailto:mmoses@pa.gov)**

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).