




**Triennial Review  
of  
Water Quality Standards**

**Final Rulemaking**

Environmental Quality Board  
September 16, 2008



The Clean Water Act requires states to periodically, but at least once every three years, review and revise as necessary their water quality standards - **Triennial Review of Water Quality Standards**

Pennsylvania's WQS are contained in 25 Pa Code Ch. 93 and portions of Ch. 92 (relating to NPDES Permitting, Monitoring and Compliance)

Other WQS provisions and criteria are also contained in Chapters 16 (Toxics Mgmt Strategy - Statement of Policy) and 96 (WQS Implementation)




Proposed Rulemaking was presented and approved by the Board at the Oct. 16, 2007 EQB meeting.

Proposed rulemaking notice published in the Pa Bulletin on Jan. 12, 2008 (38 PaB 236), with provision for 45-day public comment period, and public hearings on Feb. 14, 2008.


Correction notice published in the Pa Bulletin on Feb. 2, 2008 (38 PaB 612) for errors in proposed notice for two human health criteria.

Notice published in Pa Bulletin on Feb. 23, 2008 (38 PaB 976) to extend public comment period an additional 30 days, which closed March 27, 2008.




**Revise and update water quality criteria found in Chapters 93 and 16** to reflect the latest scientific information and new Federal guidelines for criteria development:

- Update to nationally recommended WQ criteria, as published in November 2002 (EPA-822-R-02-047), and updated in December 2002 (67 FR 79094).
- Incorporate new Human Health criteria development methods, including new national recommended fish consumption rate to 17.5 g/day, which is currently 6.5 g/day

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- Move revised, updated and other criteria currently contained in Chapter 16 (Statement of Policy) into new criteria tables in Chapter 93 WQS (regulation)
  - Add new statewide ambient water quality criteria to new Table 5 in Chapter 93 for Molybdenum, Metolachlor, and Diazinon.
  - Add migratory fishes (MF) use to the mid-Atlantic slope drainage basins – the Delaware, Susquehanna & Potomac Rivers.



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- Reconfirm the removal of water contact (WC) protected use for portions of the Delaware Estuary and the outer Erie Harbor and Presque Isle Bay, as required during triennial reviews.
  - Update, revise, and correct for typos, translation errors and missed references associated with prior rulemaking and/or publication activities.



## **Further Clarified the Following from Proposed:**

- definition of “conventional treatment” for Potable Water Supply (PWS) use protection.
- how the Department may develop site-specific criteria to further protect intervening, more sensitive uses if greater protection is needed for criteria listed in 93.7
- reference in Drainage List X for US EPA’s 2004 Beach Act federal promulgation at 40 CFR 131.41 that applies to Lake Erie coastal recreational waters.



## Advisory Committee Support

- Water Resources Advisory Committee (WRAC) approved motion at July 22, 2008 meeting

support the Triennial Review 2008 Final Rulemaking update, with caveat that some members of the WRAC have significant concerns with the molybdenum criterion and the health data used for that criterion.





## Response to Comments

- Most comments received involved request for Board to justify the proposed statewide criterion for molybdenum.
- US EPA reviewed and concurred DEP used the best available data and methods to develop molybdenum criterion.



## Decision to proceed with statewide Mo criterion based on:

- requests from several DEP regional offices to develop NPDES permit limits; all will use same criterion.
- Mo also expected to be found in other wastewater discharges and air emissions from various sources.
- Mo is a toxic metal at higher concentrations which can cause gout, adversely affect the liver and intestines, alter brain function, and cause deformities of the fetus.
- 7 other states regulate molybdenum, 5 of these developed human health criteria, ranging from 10 to 160 ug/L.
- treatment technologies are available to remove and recover Mo from drinking and waste waters.