

**Amendments to
Triennial Review
of
Water Quality Standards**

Final Rulemaking

Environmental Quality Board
January 20, 2009



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Triennial Review of Water Quality Standards

- Required by federal Clean Water Act at least once every 3 years
- Pennsylvania's WQS found at 25 Pa Code
 - Chapter 93
 - Chapter 16
 - and portions of Chapters 92 and 96



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Summary of WQ Standards Final Rulemaking

Revise/update WQ criteria to reflect the latest scientific information and Federal guidelines:

- incorporated nationally recommended WQ criteria published by EPA.
- established new methods for Human Health criteria development
- revised, updated and moved other criteria currently contained in Ch. 16 (Policy) into new criteria tables in Ch. 93 WQS (regulation)
- added new statewide ambient water quality criteria for Molybdenum, Metolachlor, and Diazinon.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TR08 Chronology

WRAC meetings - May 10, 2006, Oct 13, 2006, & May 9, 2007

Proposed Rulemaking

Approved by EQB - Oct 16, 2007

Published in Pa Bulletin - Jan 12, 2008

Public Hearings - Feb 14, 2008

Comment Period Closed - Mar 27, 2008

WRAC Approval - July 22, 2008

Final Rulemaking - Approved by EQB Sept 16, 2008

Senate Environmental Resources and
Energy Committee notification to IRRC - October 8, 2008

IRRC met and disapproved final rulemaking - Nov 20, 2008



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

IRRC Disapproval Order

Sole concern with the rulemaking is the implementation of a new statewide water quality criterion for molybdenum.

IRRC determined regulation of molybdenum is not in the public interest based on the following criteria:

- Economic or fiscal impact of regulation
- Protection of public health, safety and welfare
- Need for the regulation
- Reasonableness of the regulation
- Comments, objections or recommendations of a Committee



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

IRRC's Concerns

- Lack of federal standard for molybdenum
- Methods of reducing molybdenum are costly
- Insufficient evidence to demonstrate the adverse public health impacts of molybdenum



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Consequences of IRRC Disapproval

- Under Section 7(a) of the Regulatory Review Act, agencies are provided with several options to respond to the disapproval order of IRRC, including the submission of a revised rulemaking to IRRC and the Standing Committees to address the objections raised by the Commission.
- Due to time constraints under the Regulatory Review Act, including sine die of the state legislature, submission of a revised rulemaking to IRRC and the Standing Committees is required by the fourth Monday in January, if the Committees are designated.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Finalization of Revised TR08 Rulemaking

- DEP disagrees with the objections and disapproval put forth by IRRC
- Timely adoption of TR08 revisions are required by EPA
- DEP Recommends removal of molybdenum statewide water quality criterion from TR08



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Future Steps

- Propose Rulemaking to establish statewide water quality criterion for molybdenum
- Continued implementation of site-specific molybdenum criterion



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

In conclusion

DEP recommends the Board's approval to remove the statewide criterion for molybdenum from the TR08 final rulemaking.

The revised final rulemaking will remain otherwise unchanged as it was approved by the Board on September 16, 2008.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Thank you.

Cathy Curran Myers
Deputy Secretary for Water Management



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION