

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy

The Department of Environmental Protection (Department) is proposing to amend to Chapter 16 (relating to water quality toxics management strategy—statement of policy). The 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).

The Commonwealth's water quality standards, which are set forth in part in Chapters 16 and 93 and Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), 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). Water quality standards consist of the uses of the surface waters in this 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 toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

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 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 AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Availability of Proposed Statement of Policy

Copies of the proposed statement of policy may be obtained from the contact persons previously listed. The proposed statement of policy is also available through the Department's web site at www.dep.state.pa.us (DEP Keyword "Public Participation, Participate" then choose "Proposals Currently Open for Comment").

Summary of Proposed Amendments

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

The proposed amendments are comprised of the following:

- Removing the substances listed in Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances) since the listed site-specific human health and aquatic life criteria for 1,4-dioxane and acrylamide are proposed to be updated and added to § 93.8c, Table 5 (relating to water quality 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 approved EPA analytical methods and detection limits: organics). The titles of these tables will also be corrected to reflect that several analytical methods listed are Department accredited.

Public Comments

Comments and suggestions regarding the proposed statement of policy should be addressed to Rodney A. Kime at the previous address or submitted electronically 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 August 21, 2012. Comments submitted by facsimile will not be accepted.

Public Hearing

The Department will hold a public hearing for the purpose of accepting comments on the proposed statement of policy. The public hearing will be held on the same date and at the same location where the Environmental Quality Board will conduct a public hearing at 4 p.m. on the proposed amendments to Chapter 93. The public hearing for the proposed amendments to the statement of policy will be held as follows:

August 8, 2012 Department of Environmental Protection
1 p.m. Rachel Carson State Office Building
Conference Room 105
400 Market Street
Harrisburg, PA 17105

Persons wishing to present testimony at the Chapter 16 public 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 the hearing and require an auxiliary aid, service of other accommodation in order to participate should contact Amy Musa at the previous telephone number or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

MICHAEL L. KRANCER,
Secretary

(Editor's Note: For the proposed rulemaking relating to this proposed statement of policy, see 42 Pa.B. 4367 (July 7, 2012).)

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