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9:20 am

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



NOV 18 2008

Honorable Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market St, 14th Floor
Harrisburg, PA 17101

Dear Mr. Coccodrilli:

The Independent Regulatory Review Commission (IRRC) will soon be considering revisions to the Commonwealth of Pennsylvania's water quality standards regulation at 25 PA Code Chapter 93. One of the revisions to that regulation is the adoption of a statewide molybdenum criterion for the protection of human health. The U.S. Environmental Protection Agency (EPA) understands that the adoption of this provision is being questioned by several parties. The purpose of this letter is to provide support for the adoption of the molybdenum criterion.

EPA requires that States adopt water quality criteria that protect the designated uses of a State's waterbodies and are based on sound scientific rationale (40 CFR 131.11(a)). States are also required to:

"...review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting water quality or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use." (40 CFR 131.11(b))

EPA has made a number of numeric criteria recommendations for priority pollutants as required by Clean Water Act (CWA) Section 304(a). The list of priority pollutants are identified at 40 CFR 401.15. Molybdenum is not presently included on the priority pollutant list. EPA has to date made no numeric molybdenum criterion recommendation. However, it is the responsibility of the state to consider all possible (toxic) pollutants that may jeopardize the protection of designated uses, not just those pollutants for which EPA provides recommendations under the CWA Section 304(a). Pennsylvania's Department of Environmental Protection (PADEP) determined that a molybdenum criterion is necessary to protect the statewide potable water supply designated use, and, as appropriate, developed a numeric criterion for the protection of that use.

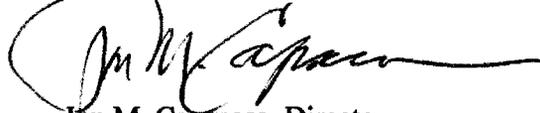
PADEP developed numeric criterion for molybdenum to protect human health in accordance with its own state regulations (Chapter 16, Guidelines for Development of Human Health-Based Criteria). The criterion was calculated using the guidelines in PA Code §16.32 for

threshold level toxic effects and EPA's Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000). Based upon EPA's suggestion, PADEP calculated the criterion using the reference dose from a recent, peer reviewed Institute of Medicine (IOM) assessment of molybdenum . Note that economic and technological factors may not be used to justify adoption of criteria that do not protect the designated use.

EPA supports both the methodologies and the variables that PADEP used to develop a human health criterion for molybdenum. EPA also supports PADEP's determination that a molybdenum criteria is necessary to protect Pennsylvania's statewide potable water supply use.

If you have any questions concerning this letter, please contact me, or have your staff contact Denise Hakowski at (215)814-5726.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa", with a long horizontal flourish extending to the right.

Jon M. Capacasa, Director
Water Protection Division

From: Hakowski.Denise@epamail.epa.gov
Sent: Tuesday, November 18, 2008 9:20 AM
To: IRRC
Subject: Comments regarding Regulation 7-421 (IRRC #2659)
Attachments: PA.TR.mo.pdf

(See attached file: PA.TR.mo.pdf)