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Environmental Quality Board

March 13, 2008

#2659.

Mr. Kim Kaufman, Executive Director
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17120

RECEIVED
MAR 14 2008
10:30 AM

Re: Proposed Rulemaking – Triennial Review of Water Quality Standards (#7-421)

Dear Mr. Kaufman:

Enclosed are copies of the official verbatim transcripts for the two public hearings the Environmental Quality Board recently held in Harrisburg on the proposed Triennial Review of Water Quality Standards rulemaking. As you will note from the enclosed, no witnesses attended the public hearing held at 8:00 p.m. in Harrisburg, therefore, those transcripts do not include written testimony.

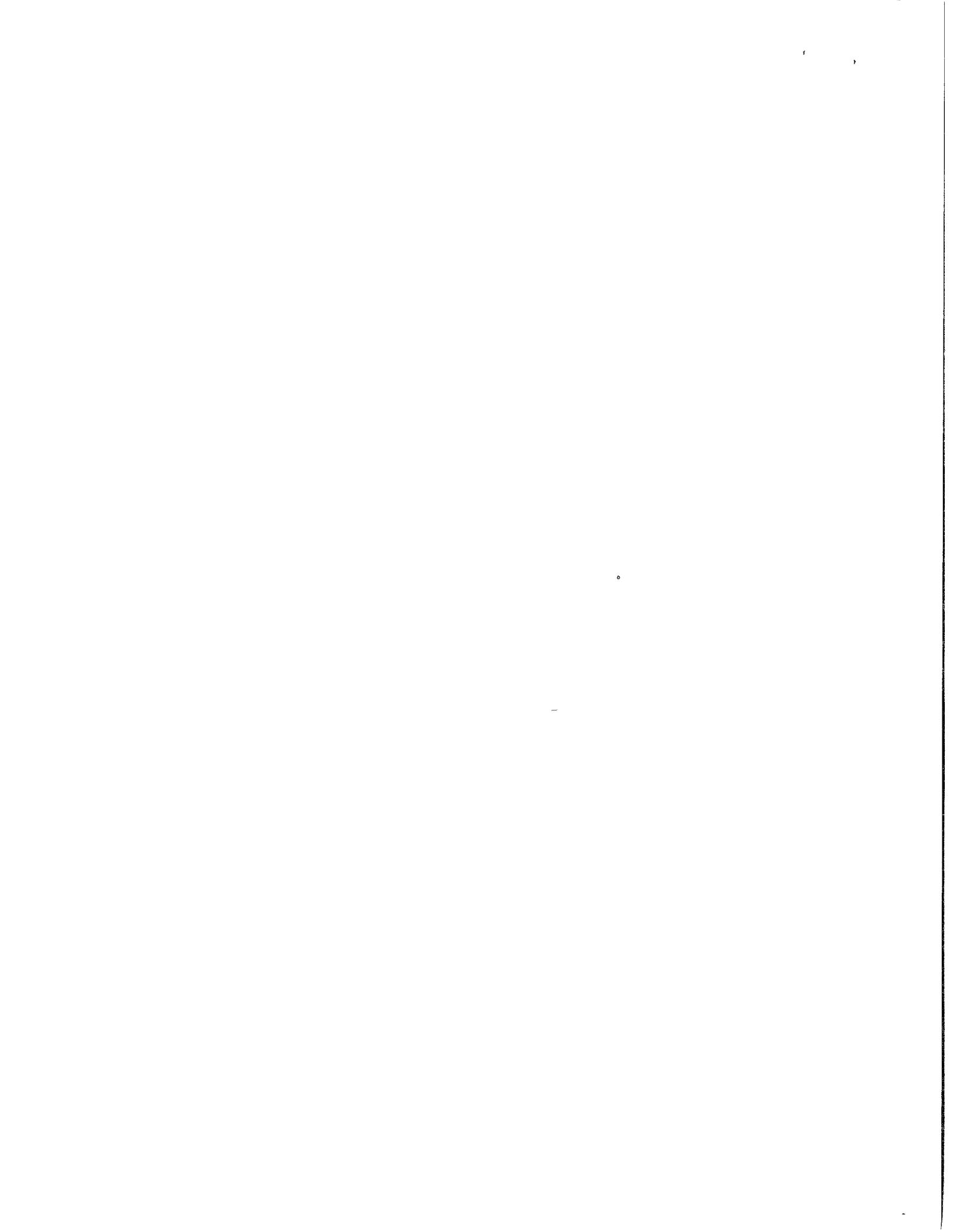
Please contact me at the number provided above or via e-mail at mtate@state.pa.us if you have any questions.

Sincerely,

Michele Tate
Regulatory Coordinator

Enclosures





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

* * * * *

IN RE: WATER QUALITY OF STANDARDS PROPOSIAL

PUBLIC HEARING

* * * * *

BEFORE: Richard Fox, Member
Richard Shertzer, Chief
Michelle Moses, Member
Kelly Heffner, Member
HEARING: Thursday, February 14, 2008
3:55 p.m.
LOCATION: 909 Elmerton Avenue
Harrisburg, PA
WITNESSES: Cheryl Hicks, Thomas Ondrejko, Denise
Hakowski

PH 1/14/08

Reporter: Daniel B. Urie

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Cheryl Hicks
Thomas Ondrejko
Denise Hakowski

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NONE OFFERED

P R O C E E D I N G S

MR. FOX:

Good afternoon. I'd like to welcome you to the Environmental Quality Board's Public Hearing on the triennial review of water quality standards proposed rulemaking. My name is Richard Fox, and I'm a member of the Environmental Quality Board, representing Senator Rafeal Musto. And I'll call this hearing to order at 3:55 p.m.

The purpose of this hearing is to formally accept testimony on the triennial review of the water quality standards proposed rulemaking Section 303(c)(1) of the Federal Clean Water Act which requires that states periodically, but at least once every three years, review and revise as necessary their water quality standards. This proposal constitutes the Pennsylvania's current triennial review of its water quality standards.

In this triennial review, the issues being considered include the update of water quality criteria or toxic substances to reflect the latest scientific information and new federal guidelines for criteria development, the merging of Section 25 PA Code Chapter 16 into Chapter 93, the addition of a

1 definition in Section 93.1, to clarify the term
2 conventional treatment for portable water supply, or
3 PWS, that is used in Section 93.3, Table 1 and
4 clarification to the footnote to Table 3 in Section
5 93.7 that other more sensitive critic uses may apply.

6 Additional changes are included in the
7 rulemaking to clarify stream names and segment
8 boundaries and certain dranguless (phonetic) and to
9 recognize the presence of migratory fish in the three
10 major tributaries to the Mid-Atlantic Slope Drainage.
11 In the development of this rulemaking, the Department
12 of Environmental Protection consulted with the Water
13 Resources Advisory Committee and the Agricultural
14 Advisory Board. The proposed rulemaking was approved
15 for publication by the EQB at its October 16th, 2007
16 meeting and was published in the Pennsylvania Bulletin
17 of January 12th, 2008. The public comment period for
18 the proposal will conclude on March 27th, 2008.

19 In order to give everyone an equal
20 opportunity to comment on this proposal, I would like
21 to establish the following ground rules. I will first
22 call upon the witnesses who have preregistered to
23 testify at this hearing. After hearing from these
24 witnesses, I will provide any other interested parties
25 with the opportunity to testify as time allows.

1 Testimony is limited to ten minutes for
2 each witness. Organizations are requested to
3 designate one witness to present testimony on its
4 behalf. Each witness is asked to submit three written
5 copies of his or her testimony to aid in transcribing
6 the hearing. Please hand me your copies prior to
7 presenting your testimony. Please state your name,
8 address and affiliation for the record prior to
9 presenting your testimony. We would appreciate your
10 help by spelling names and terms that may not be
11 generally familiar so that the transcript can be as
12 accurate as possible.

13 Because the purpose of the hearing is to
14 receive comments on the proposal, EQB or DEP staff may
15 question witnesses; however, the witnesses may not
16 question the EQB or DEP staff. In addition to or in
17 place of oral testimony presented at today's hearing,
18 interested persons may also submit written comments on
19 this proposal. All comments must be received by the
20 EQB on or before March 27th, 2008. And comments
21 should be addressed to the Environmental Quality
22 Board, P.O. Box 8477, Harrisburg, PA, 17105-8477.
23 Comments may also be submitted electronically to the
24 EQB at greatcomments@state.pa.us by March 27th, 2008.
25 All comments received at this hearing as well as

1 written or electronic comments received by March 27th,
2 2008 will be considered by the EQB and will become
3 included in a comment response document, which will be
4 prepared by the Department and reviewed by the EQB
5 prior to the board taking its final action on this
6 regulation. Anyone interested in a copy of the
7 transcript of this hearing may contact the reporter
8 here this afternoon to arrange to purchase a copy. I
9 would now like to call the first witness, which is
10 Cheryl Hicks, representing Senator Barry Stout.

11 MS. HICKS:

12 My name is Cheryl Hicks. I'm the
13 Legislative Director for Senator Stout, and I'm
14 actually giving testimony for him. His testimony is
15 submitted because Langeloth Metallurgical Company
16 operates a metal roasting facility where, among other
17 activities, it roasts molybdenum ore to produce
18 molybdenum-based products for use by others, which is
19 located in his senatorial district.

20 He had also collaborated with
21 Representative Jesse White, whose House District it
22 sits in. And they basically object to the proposing
23 inclusion of molybdenum, which I will refer to as Mo,
24 as at toxic substance. Furthermore, the establishment
25 of an in-stream criteria for Mo that would likely

1 result in a reduction in Mo levels to only ten percent
2 of Langeloth Metallurgical Company's currently
3 authorized discharge limit is an unachievable level by
4 any current treatment technologies.

5 The office was previously involved with
6 Langeloth in 2006, when a renewed MPDES permit was to
7 have been issued but was delayed because of
8 uncertainties as to the appropriateness of the then
9 proposed new and greatly reduced Mo discharge limits.
10 Significantly, almost two years ago, DEP believed it
11 was possible to amend the company's Mo limit under the
12 regulations as they currently exist. He asks that I
13 share some history concerning Metallurgical Company.
14 They currently employ 152 people, 120 of who are
15 represented by the United Auto Workers of America and
16 have had an Mo operation at the site since 1926.

17 There are no legacy issues, and Langeloth
18 Metallurgical has an outstanding environmental record
19 in water, air and solid waste. Langeloth
20 Metallurgical competes in the world market where
21 cheaper labor and lower international operating costs
22 place them in a highly competitive situation.
23 Additional costs to improve the water discharge beyond
24 reasonableness will just render Langeloth as a high
25 cost producer, and they will lose their market share.

1 Langeloth has proven that it is committed
2 to providing quality discharged water to the
3 Commonwealth and continues to explore short-term and
4 long-term water treatment options. The bottom line is
5 that they are an environmentally responsible company
6 and certainly a vital economic asset to Northwest
7 Washington County and the Commonwealth of
8 Pennsylvania. The Senator and the Representative
9 respectfully submit to you that DEP and EQB should
10 exclude and table further consideration of proposed Mo
11 rulemaking from the Chapter 93 regulations until and
12 the public is provided with the basis for the
13 proposals and all interested parties are afforded the
14 opportunity to study the same and respond as
15 appropriate.

16 The simplest --- and what they consider
17 the correct approach to the Mo issue is to retain the
18 existing regulations and policies relating to Mo and
19 for DEP to monitor any new science and technology that
20 is published or developed concerning this substance.
21 This is appropriate because of the questions that
22 exist about both the validity of the Mo health
23 criteria and the complete lack of any current
24 treatment technology that could meet an in-stream
25 criteria as low as that proposed. There is no danger

1 if the existing Mo limit is retained because Mo is not
2 a carcinogen. In fact, it is a necessary nutrient.
3 Further, although there is no basis for concluding
4 that an in-stream criteria for Mo is needed, in
5 circumstances where it is undisputed that Mo is not a
6 concern to aquatic life, the appropriate course of
7 action, should the rulemaking proceed, is to modify
8 the proposal to provide that the criteria will be
9 applied not at the point of discharge, but at the
10 first point downstream where a portable water supply
11 intake is located.

12 There are members here from the company
13 that will give further testimony. I would also like
14 to state that in April 2006 Secretary McGinty made a
15 presentation to the PA Chamber, which made it clear
16 that she does not want to see companies lose
17 opportunities because of undo burdens imposed by the
18 DEP. That speech concluded that environmental
19 protection is often seen as a tradeoff with economic
20 growth rather than an engine of efficiency,
21 productivity and enhanced competitiveness. Let's work
22 at making good engines roll down solid tracks. The Mo
23 proposals in the rulemaking appear to be unreasonable
24 and unnecessary at this time. And the Senator and the
25 Representative, again, strongly recommend that Mo be

1 removed and not included in the promulgated rules.

2 Thank you for your time and attention.

3 MR. FOX:

4 Thank you, Cheryl. The next person
5 scheduled to testify is Thomas Ondrejko?

6 MR. ONDREJKO:

7 Yes.

8 MR. FOX:

9 Okay. With Langeloth Metallurgical
10 Company.

11 MR. ONDREJKO:

12 My name is Thomas J. Ondrejko. I'm a
13 metallurgical engineer with Langeloth Metallurgical
14 Company in Langeloth, Pennsylvania. This is the
15 testimony of Langeloth Metallurgical Company, or LMC,
16 regarding the proposed rulemaking. Specifically, all
17 the comments will be relating to molybdenum, or Mo.
18 LMC appreciates, greatly appreciates, the opportunity
19 to present testimony regarding proposed rulemaking of
20 the DR on the triennial water quality standards
21 review. First, thank you to Cheryl Hicks, Senator
22 Barry Stout and Representative Jesse White for their
23 testimony and support of LMC. We greatly appreciate
24 your concern and support of us.

25 LMC respectfully submits that the

1 Environmental Quality Board, EQB, should table further
2 consideration of the proposed rulemaking on
3 molybdenum. Our objections include, one, the
4 rulemaking's failed to provide the public with any
5 meaningful information to enable it to determine the
6 basis for the proposals relating to Mo and is,
7 therefore, procedurally defective. To date, and
8 despite both oral and written requests for copies of
9 all materials relied upon to justify the Mo proposals,
10 LMC has not received such data. Absent specific
11 information as to why the Mo proposals are reportedly
12 needed and at what risks and at what levels Mo is
13 known to cause harmful effects to humans, the public
14 in general and LMC, in particular, have been denied a
15 meaningful opportunity to comment on the proposals
16 relating to Mo.

17 Two, the public has not been provided
18 with an adequate, meaningful explanation as to why
19 there exists a need for the proposals relating to Mo.
20 There's absolutely no substance of explanation in the
21 proposed rulemaking about the need to regulate Mo as a
22 statewide standard. LMC and the public have not been
23 afforded any technical supporting information as to a
24 justification to proposing an in-stream standard for
25 Mo of .210 mg/L. No study standards or other data

1 have indicated Mo and state water has any threat to
2 human health as referenced. Nor has any data
3 presented that indicates a state wide problem exists
4 due to contained Mo in water supplies or for that
5 matter any problem exists due to waters that may
6 contain Mo. No explanation as to the type of health
7 effects that may be associated with Mo intake is
8 provided.

9 Three, there's no evidence that Mo is a
10 substance that is expected to be found in discharges
11 nor any basis for concluding that to the extent there
12 is a need to address Mo in LMC's discharge that it
13 cannot be accomplished under the regulations as they
14 now exist. Although the notice of proposed rulemaking
15 states that there exists a need for the Mo rulemakings
16 because Mo is, quote, a compound expected to be
17 present in discharges, end quote, no support for this
18 statement is set forth in the notes. To date, LMC has
19 not identified any other company in western PA that
20 will be affected by the proposed rulemaking. Who will
21 be affected besides LMC? DEP has properly regulated
22 LMC's industrial discharge without need for any
23 rulemaking.

24 Four, there is no known method for
25 sufficiently removing Mo into such levels as to

1 achieve an in-stream criteria as low as .210 mg/L. Mo
2 is not a carcinogen. There is no purer reviewed
3 science to support classifying Mo as a toxic substance
4 for humans, and there exists a clear ongoing debate
5 among scientists as to acceptable levels of Mo intake
6 in humans. It would be completely unreasonable and an
7 abusive discretion to adopt the proposals relating to
8 Mo.

9 For over 25 years, LMC has discharged
10 wastewater containing Mo limits of up to 30 milligrams
11 per liter on a monthly average. To our knowledge,
12 there has been no record of any adverse health effects
13 relating to Mo in and around southwestern Pennsylvania
14 and in general or the Langeloth/Burgettstown area in
15 particular. Nevertheless, in the absence of any
16 evidence that anyone would actually intake Mo at any
17 levels from LMC discharges, DEP is proposing to reduce
18 the levels of Mo that LMC can discharge to in-stream
19 levels almost 150 times lower than that which LMC is
20 currently allowed to discharge, which if adopted, has
21 been estimated by DEP to result in LMC being required
22 to reduce the moly levels in it's discharge to less
23 than 3 mg/L.

24 As DEP knows full well, there does not
25 exist any currently available technology capable of

1 achieving such a low concentration of molybdenum or
2 Mo. Recent historic evidence for this exists with
3 Molycorp/Chevron in Washington County, PA. This is
4 not a situation where the substance in question might
5 cause cancer in humans or even a life threatening
6 health problem. This is not a situation where there
7 even exists any clearly accepted science that Mo at
8 levels as low as that associated with the proposed
9 in-stream standard cause an increase in risk of any
10 life altering condition. This is also not a situation
11 where Mo at levels anywhere near that associated with
12 LMCs current discharge causes any risk to the quality
13 of life.

14 Five, molybdenum is an essential and
15 micronutrient and EPA has chosen not to adopt national
16 drinking water standards for Mo. Molybdenum is a
17 metal, essential trace mineral and cofactor for
18 enzymes xanthine oxidase, aldehyde oxidase and sulfide
19 oxidase. These enzymes are needed for a variety of
20 metabolic processes in animals including humans. In
21 plant, molybdenum is required for nitrogen fixation
22 and for reduction of nitrate to nitrite in bacteria.
23 Mo is not toxic to aquatic life and has never before
24 been considered for designation as a toxic subject to
25 regulation under Chapter 16 and no in-stream water

1 quality criteria designed to protect human health has
2 ever been promulgated for this metal.

3 Mo is not considered to be a priority
4 pollutant by EPA, has never been classified as a
5 carcinogen and is a substance for which EPA has never
6 seen the need to establish a maximum contaminant level
7 or MCL, or maximum contaminant level goal, MCLG,
8 pursuant to the Federal Safe Drinking Water Act. Six,
9 even absent any explanation as to how DEP arrived at
10 an in-stream water quality criteria of .210 mg/L, the
11 science on the effects of Mo intake on humans is not
12 sufficient to justify the proposed rulemaking. There
13 are no federal regulatory standards setting a water
14 quality limit for Mo. Mo is not regulated by either
15 state or federal safe drinking water criteria. While
16 EPA has issued a health advisory, which is a
17 non-binding advisory publication. The standard for Mo
18 discussed therein has not been peer-reviewed. EPA
19 does not consider its Mo advisory to be binding. No
20 EPA Publication classifies Mo as a potential or even
21 suspected human carcinogen.

22 EPA's Integrated Risk Information System,
23 IRIS, I-R-I-S, discusses a lowest observable adverse
24 effect Level for Mo, but even EPA concedes that its
25 data on Mp has, at best, a, quote, medium, end quote,

1 confidence level. The few papers established up
2 through 2007 support the lack of credible evidence as
3 to adverse health effects from Mo.

4 There is no reason to treat Mo
5 differently than, for example, other substances that
6 are not a concern to aquatic life such as chlorides,
7 fluoride, phenolics and sulfates. Although there's no
8 basis for concluding that an in-stream criteria for Mo
9 is needed, in circumstances where it's undisputed that
10 Mo is not a concern to aquatic life, the appropriate
11 course of action, should the rulemaking proceed, we
12 believe it's to modify the proposal to provide that
13 the criteria will be applied not at the point of
14 discharge, but at the first point downstream where a
15 potable water supply intake is located. LMC has
16 submitted a letter to Mr. Shertzer dated February 8,
17 2008 with more detailed explanation.

18 In summary, the proposed Mo rulemaking,
19 if carried forth, could result in a drastic reduction
20 of the Mo levels which LMC can discharge versus what
21 it has been authorized to discharge for over 25 years.
22 However, the Mo proposed rulemaking offers absolutely
23 no explanation as to the need for this reduction,
24 which DEP knows cannot be achieved by any currently
25 available treatment technologies.

1 The simplest, and we believe, correct
2 approach to the Mo issue is to retain the existing
3 regulations and policies relating to Mo and for DEP to
4 monitor any new science and technology that is
5 published or developed concerning this substance.
6 While LMC is fully sensitive to the need to protect
7 humans and the environment from unreasonable exposure
8 to all types of substances, we believe this approach
9 is appropriate because of the questions that exist
10 about both the validity of the Mo health criteria and
11 the complete lack of any current treatment technology
12 that could meet an in-stream criteria as low as that
13 proposed.

14 Thank you for consideration of our
15 concerns, and should you have any questions I would be
16 pleased to try to respond.

17 MR. FOX:

18 Michelle?

19 MS. MOSES:

20 Your request for further information, was
21 that made in writing or through someone else?

22 MR. ONDREJKO:

23 My understanding it was in writing and
24 that --- we use Tim Reed at Dinsmore and Shohl in
25 Pittsburgh.

1 MS. MOSES:

2 Okay. And ---.

3 MR. ONDREJKO:

4 And I believe he made the request on
5 behalf of us.

6 MS. MOSES:

7 Because we've responded to two requests
8 for information with data, and I was just wondering
9 why yours wouldn't have been received. So ---.

10 MR. SHERTZER:

11 Neither of those requests were from Tim
12 Reed either.

13 MS. MOSES:

14 No, neither ---.

15 MS. HEFFNER:

16 No. One was from Densmore and Sholz.

17 MS. MOSES:

18 --- I think one was from Dinsmore,
19 though, but not from Tim Reed.

20 MR. ONDREJKO:

21 It could have been from somebody
22 associated with him.

23 MS. HEFFNER:

24 Conabee (phonetic).

25 MR. SHERTZER:

1 I would bet Conabee.

2 MS. MOSES:

3 Right.

4 MS. HEFFNER:

5 Yeah.

6 MR. SHERTZER:

7 Okay. Okay.

8 MR. ONDREJKO:

9 Yes. Yes.

10 MS. HEFFNER:

11 Conabee went out day before yesterday.

12 MR. ONDREJKO:

13 Oh, okay. So what --- we consult.

14 MS. HEFFNER:

15 Conabee was right to ---.

16 MS. MOSES:

17 Two requests came in. One came in as a
18 Right to Know request. One came in as just a request
19 for information. Both have been responded to, and I
20 guess I was just checking to make sure that we hadn't
21 missed something.

22 MR. ONDREJKO:

23 Okay. Well, we'll check when we get back
24 with --- is there somebody we can get back to to
25 confirm that we did receive it or do they know ---?

1 MS. MOSES:

2 Why don't you get back to ---?

3 MR. SHERTZER:

4 You might as well continue to use me as a
5 contact.

6 MR. ONDREJKO:

7 Okay. Yeah, we'll confirm that we ---

8 MS. MOSES:

9 Thank you.

10 MR. ONDREJKO:

11 --- received it. I assume that they did
12 receive it. It's just a timing issue here.

13 MR. SHERTZER:

14 Hopefully.

15 MS. MOSES:

16 Right.

17 MR. ONDREJKO:

18 And it sounds like we have an extension
19 of March 27th to ---.

20 MS. MOSES:

21 Comment.

22 MR. ONDREJKO:

23 Thank you.

24 MR. FOX:

25 March 27th? Thank you. Appreciate your

1 coming. The next person scheduled to testify is
2 Denise Hakowski with the Environmental Protection
3 Agency.

4 MS. HAKOWSKI:

5 Good afternoon. I am Denise Hakowski.
6 It's H-A-K-O-W-S-K-I. And I am an Environmental
7 Scientist/Water Quality Standards Specialist with the
8 Environmental Protection Agency, Region 3, in
9 Philadelphia. I have reviewed the proposed
10 modifications to the water quality standards
11 regulation that was advertised in the Pennsylvania
12 Bulletin on January 12, 2008. EPA fully supports and
13 commends Pennsylvania on its proposal to modify many
14 of the human health criteria, which were derived using
15 EPA's 2000 Methodology for Deriving Ambient Water
16 Quality Criteria for the Protection of Human Health.

17 We are also pleased to see that the
18 Commonwealth intends to adopt the current National
19 Primary Drinking Water Standard for arsenic as the
20 criterion for the protection of human health from the
21 ingestion of both fish and water. It is important to
22 protect the public from long-term chronic effects of
23 exposure to low concentrations of inorganic arsenic.
24 As arsenic is a known human carcinogen, EPA believes
25 that any reduction in the levels of potential exposure

1 is desirable.

2 EPA would also like to take this
3 opportunity to reiterate the importance of adopting
4 protective nutrient criteria. While EPA recognizes
5 that it's not reasonable to expect Pennsylvania to
6 adopt such criteria during this triennial review, we
7 ask that once this triennial review is considered
8 final the Commonwealth re-double its efforts to get
9 these key protections in place.

10 For almost a decade, EPA has emphasized
11 the importance of establishing numeric nutrient
12 criteria. Criteria for nutrients, which are
13 identified as one of the top three causes of use
14 impairments in U.S. waters, benefit watershed
15 management by improving the overall quality of water
16 and establishing the necessary quantitative causal and
17 response endpoints needed to assess the impact of
18 nutrients, reduce excess inputs of nutrients and
19 prevent any further nutrient-based impairments in our
20 nation's waters.

21 Pennsylvania has made great strides in
22 getting nutrient criteria in place, but the job is not
23 done. EPA looks forward to continuing to work with
24 Pennsylvania Department of Environmental Protection to
25 get these important protections in place. Thank you

1 for this opportunity to provide comments on
2 Pennsylvania's triennial review of its water quality
3 standards regulation.

4 Please note that these comments,
5 regarding both existing and proposed water quality
6 standards, are preliminary in nature and do not
7 constitute a disapproval or determination by EPA under
8 Clean Water Act 303(c). Approval/disapproval
9 decisions will be made by the region following
10 adoption of new/revised standards by the Pennsylvania
11 and submittal to EPA. In addition to these comments,
12 EPA will be providing some additional written comments
13 by the close of public comment period. Thank you.

14 MR. FOX:

15 Does anybody have any questions? Okay.
16 I believe that concludes the agenda as far as people
17 who have preregistered to testify at the hearing, and
18 is anyone else present who would like to present
19 testimony? With no other witnesses present, on behalf
20 of the Environmental Quality Board, I'll adjourn the
21 hearing at 4:20 p.m.

22

23 * * * * *

24 HEARING CONCLUDED AT 4:20 P.M.

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C E R T I F I C A T E

I hereby certify that the
foregoing proceeding 2/14 DEP
was reported by me, that I have read this
transcript on 3/5/08, and I attest
that this transcript is a true and
accurate record of the proceeding.

Samuel B. Wax
Court Reporter

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER QUALITY STANDARDS

* * * * *

IN RE: WATER QUALITY TOXIC MANAGEMENT STRATEGY,
STATEMENT OF POLICY

* * * * *

PUBLIC HEARING

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BEFORE: RICHARD SCHERTZER, Chair
RICHARD FOX, Chair
HEARING: Thursday, February 14, 2008
7:55 p.m.
LOCATION: 909 Elmerton Avenue
Harrisburg, Pennsylvania
WITNESSES: None

Reporter: Daniel B. Urie

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OPENING REMARKS

By Chair Fox

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CERTIFICATE

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NONE OFFERED

P R O C E E D I N G S

CHAIR FOX:

I would like to welcome you to the Environmental Quality Board DEP Public Hearing on the triennial review of Water Quality Standards proposed rule making. My name is Richard Fox. I am a member of the Environmental Quality Board representing Senator Ray Musto. And I'll call this hearing to order at 7:58 p.m. The purpose of this hearing is to formally accept testimony on the triennial review of Water Quality Standards. Section 303C1 of the Federal Clean Water Act requires that states periodically but at least every three years review and revise as necessary their Water Quality Standards. This proposal constitutes the Pennsylvania's current triennial review of its Water Quality Standards.

In this triennial review the issues being considered include the update of water quality criteria for toxic substances to reflect the latest scientific information and new federal guidelines for criteria development, the merging of Section 25 PA Code Chapter 16 into Chapter 93, the addition of a definition in Section 93.1 to clarify the term conventional treatment or potable water supply or PWS

1 that is used in Section 93.3, Table 1, and
2 clarifications in the footnote to Table 3 in Section
3 93.7 that other more sensitive critical uses may
4 apply. Additional changes are included in the rule
5 making to clarify stream names and segment boundaries
6 and certain draingules and to recognize the presence
7 of migratory fish in the three major tributaries to
8 the MidAtlantic Slope Drainage.

9 In the development of this rule making,
10 the Department of Environmental Protection consulted
11 with the Water Resources Advisory Committee and the
12 Agricultural Advisory Board. The proposed rule making
13 was approved for publication by the EQB at it's
14 October 16th, 2007, meeting and was published in the
15 Pennsylvania Bulletin of January 12th, 2008.

16 The public comment period for the
17 proposal will conclude on March 27th, 2008. In order
18 to give everyone an equal opportunity to comment on
19 this proposal, I would like to establish the following
20 ground rules. I will first call upon the witnesses
21 who have preregistered to testify at this hearing.
22 After hearing from these witnesses, I will provide any
23 other interested parties with the opportunity to
24 testify as time allows. Testimony is limited to ten
25 minutes for each witness. Organizations are requested

1 to designate one witness to present testimony on its
2 behalf. Each witness is asked to submit three written
3 copies of his or her testimony to aid in transcribing
4 the hearing. Please hand me your copies prior to
5 presenting your testimony. Please state your name,
6 address, and affiliation for the record prior to
7 presenting your testimony. We would appreciate your
8 help by spelling names and terms that may not be
9 generally familiar so that the transcript can be as
10 accurate as possible.

11 Because the purpose of the hearing is to
12 receive comments on the proposal, EQB or DEP staff may
13 question witnesses; however, the witnesses may not
14 question the EQB or DEP staff. In addition to or in
15 place of oral testimony presented at today's hearing,
16 interested persons may also submit written comments on
17 this proposal. All comments must be received by the
18 EQB on or before March 27th, 2008. Comments should be
19 addressed to the Environmental Quality Board, P.O. Box
20 8477, Harrisburg, PA 17105-8477. Comments may also
21 be submitted electronically to the EQB at
22 comments@state.pa.us by March 27th, 2008. All
23 comments received at this hearing as well as written
24 or electronic comments received by March 27th, 2008,
25 will be considered by the EQB and will become included

1 in a comment response document, which will be prepared
2 by the Department and reviewed by the EQB prior to the
3 Board taking its final action on this regulation.

4 Anyone interested in a copy of the
5 transcript of this hearing may contact the reporter
6 here this evening to arrange to purchase a copy.

7 With no other witnesses present, on
8 behalf of the Environmental Quality Board, I hereby
9 adjourn this hearing at 8:02 p.m.

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HEARING CONCLUDED AT 8:02 P.M.

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C E R T I F I C A T E

I hereby certify that the
foregoing proceeding 41-20
was reported by me, that I have read this
transcript on 37 1/2, and I attest
that this transcript is a true and
accurate record of the proceeding.

J. W. [Signature]
Court Reporter