

The General Assembly of Pennsylvania



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September 18, 2012

John F. Mizner, Esq.
Commissioner
Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

Subject: DEP Proposed Rulemaking: 25 PA Code Chapter 93 Triennial Water Quality Standards

Dear Commissioner Mizner:

We are writing to express our concerns regarding the Department of Environmental Protection (DEP)'s proposed 25 PA Code Chapter 93 triennial water quality standards.

Specifically, we have major concerns with the addition of an aquatic life standard and a human health standard for molybdenum and the addition of an aquatic life standard for sulfates and chlorides. The new standards could have a potential devastating impact on the Pennsylvania economy without any clear need or pressing threat to the aquatic environment.

The Senate Environmental Resources and Energy Committee issued similar concerns over the molybdenum standard during the previous water quality standard triennial review due to the lack of a drinking water standard or federal water quality standard for molybdenum. Since nothing has changed regarding the sources and supporting information for this molybdenum human health standard, and since this standard was rejected by the IRRC, we question why it is being proposed again without any evaluation and inclusion of sound science.

In addition, DEP is also proposing far reaching aquatic life standards for sulfates and chlorides based on Iowa Department of Natural Resources chloride and sulfate standards.

Our concern is that these two parameters are primary constituents of Total Dissolved Solids (TDS), which DEP discussed at-length with the regulated community during the Chapter 95 rulemaking process due to the substantive costs involved with TDS treatment and removal. The requirement to meet the proposed standards for these two parameters without an equivalent environmental need or federal mandate places Pennsylvania at a significant economic disadvantage to neighboring states.

With the aforementioned in mind, we strongly urge that you not include the molybdenum, sulfate, and chloride criteria in the final Chapter 93 rulemaking.

Sincerely,



Joseph B. Scarnati
Senate President Pro Tempore
25th Senatorial District



Mary Jo White
State Senator
21st Senatorial District