

Kathy Cooper

From: ecomment@pa.gov
Sent: Wednesday, January 03, 2018 10:59 AM
To: Environment-Committee@pasenate.com; IRRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; apankake@pasen.gov
Cc: c-jflanaga@pa.gov
Subject: Comment received - Proposed Rulemaking: Triennial Review of Water Quality Standards

**Re: eComment System**

The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Triennial Review of Water Quality Standards.

Commenter Information:

Ellen Kohler
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 IRRRC

Comments entered:

I am a consultant to several watershed organizations in the Delaware River basin. I have reviewed the proposed rulemaking and submit the following comments with the interests of these organizations in mind.

I support the adoption of the ammonia standard. I am interested in how the department tracks pH and temperature since it is relevant to the application of this criterion.

I am concerned about the adoption of a different method for measuring bacteria during the summer months and the winter months. I believe this will cause confusion, particularly for communities where there are waterbodies with bacteria impairments.

I am particularly concerned about the lack of action on a chloride criterion to protect aquatic life. As reported through sampling by the USGS, chloride levels throughout the Brandywine Christina watershed are increasing at an alarming rate over the past several years. The PA DEP needs to take action now so that communities and stakeholders can begin to address the concerns raised by this troubling trend line. This proposed rulemaking not only fails to adopt a new criterion but it does not lay out a course of action or a timeline for adoption. If the department is not going to adopt a new criterion, it should adopt a timeline for action.

While the department includes a number of new compounds to its list of toxic criteria, it does not propose to include PFAs and/or PFOAs. As we know, the Delaware River basin contains a high number of sites with PFA contamination. And we know about the health risks associated with PFAs. New Jersey DEP recently adopted a 14 ppt standard and the EPA recommends a 70 ppt standard. Pennsylvania should be addressing PFAs. If the department does not take action in this rulemaking, it should set a timeline for action on PFAs.

The proposed rulemaking seeks comments on a definition for conservation easement that is used in the context of review of water bodies for exceptional value designation. The proposed definition requires a government interest or nexus to the easement. No rationale is provided for the need for this governmental involvement. There are many generous private landowners who have chosen to place their land under permanent protection through private land trusts with the goal in mind of protecting water quality. There is no reason why these easements should not be considered in any review for exceptional value designation. The relevant criteria for easements in this setting should be whether the easement is in perpetuity and whether it includes appropriate protections for water quality. I do not support the definition as proposed and suggest that the PA DEP work with the Pennsylvania Land Trust Association to craft an appropriate definition.

Thank you for your time and consideration.

Ellen Kohler

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Jessica Shirley

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