

Form Letter A 4 - 40

Form Letter: Strong Standards for Water Quality

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Proposed Rulemaking – Triennial Review of Water Quality Standards (7-534)

2018 FEB 15 A # 40

Dear PADEP Environmental Quality Board,

I am writing to support and encourage the Pennsylvania Dept. of Environmental Protection (PADEP) to set strong numeric water quality standards as part of your triennial review process to better protect the tributaries and water that flows through the Delaware River Basin and the greater Commonwealth. As someone who enjoys recreating, paddling, and fishing in the Delaware River and other Pennsylvania streams and as someone who values clean drinking water and healthy streams that are diverse and high quality, please consider the following comments I am providing and consider setting more standards than what is currently being proposed in this triennial review. I understand that these standards set an important foundation for so many of the water quality programs, permits, and impacts that are being considered.

I would also request that in the future I be added to a mailing list or email list so that I am alerted when the next triennial review occurs. Public notice is critical since this process only comes along every three years. I appreciate the PADEP providing an extension to the public comment period, as called for by Delaware Riverkeeper Network and allies, to avoid the holiday season and original deadline of 12/31. Having a longer open comment period now until Feb 16, 2018 helps residents like me have more information to truly be part of this process and to share this important process with my neighbors and other watershed groups and land conservancies. Please see my points below on some of the critical components pertaining to this current triennial review:

- I urge the PADEP to consider private conservation easements in your review of stream upgrade petitions. It appears current language looks to omit conservation easements held by many of the committed land trusts that operate in Pennsylvania - from being considered at all as an Outstanding waters - essentially limiting a protection tool to secure Exceptional Value (EV) protection for the streams that deserve this anti-degradation protection. What happens on the land impacts the watershed and in fact many land trusts over the years have actually petitioned for these protections - gutting their power is not protective to the watershed. If anything, I would encourage the PADEP to go farther to consider more conservation easements in their analysis not less. In the past DEP has included privately held easements and we are puzzled why now, DEP would look to rescind this important protection - especially in light of the public monies that go to preserving easements thru private partnerships and the need to leverage private funds when legislators continue to gut government programs and funds. These partnerships are innovative.

- The federally endangered Atlantic sturgeon and other reproducing fish that currently live and breed in the tidal Delaware River (Zones 3,4, and 5) deserve stronger elevated dissolved oxygen standards and immediate listing of these zones as fish propagation is needed. Two decades of studies clearly show propagation is occurring and DO has improved so this existing use should be reflected in the regulations. Historically the DO standards for the estuary are very low and they need ratcheting up now to fulfill existing use requirements. Delaware Riverkeeper Network petitioned the DRBC in 2015 for this change and EPA is also weighing in for fish propagation for this triennial review.

- I do not believe the PADEP can remove the water contact/swimming existing use from the Delaware River from RM 108.4 to 81.8 which includes a section of the tidal river from about Riverton wharf

(108.4) downstream to Raccoon Island/Chester/Bridgeport Ferry (81.4). In this river stretch, there are multiple instances where DRN has documented water contact and conducted paddling with members on this stretch of the River. The Tidal Delaware River Water trail is a popular trail; water contact is an existing use and should not be removed especially in light of combined sewer overflow (CSO) cleanup plans underway.

- It is encouraging to see DEP is proposing to add 11 new toxics to its list but Delaware Riverkeeper Network is concerned that DEP is not proposing to adopt PFA standards (Perfluoroalkyl and Polyfluoroalkyl substances) to protect drinking water even though these toxins have been found in drinking water supplies in parts of the Delaware River Basin. Strong numeric water quality criteria for toxics help push innovation and technologies to face the threats our freshwater supplies are facing with climate change and other impacts.

- A criterion for chloride to protect Pennsylvania streams from impacts like brine gas drilling wastewater and road salt applications in the winter is a missing critical standard by the state that is overdue and needed; the science conducted by the state and academic institutions in the past supports establishment of this chloride criterion at this critical time, especially in light of the grave aquatic life impacts that occur with high chlorides entering our freshwater tributaries and the increasing chloride trends being documented by scientists.

- Pennsylvania's streams continue to suffer from nutrient pollution, both Nitrogen and Phosphorus, and the failure of PADEP to more rapidly adopt numeric nutrient criteria for aquatic life use exacerbates the damage that these streams suffer, and extends the time they will be part of the long list of "impaired" waters. In July 2000, the EPA provided technical guidance for states to develop regional nutrient criteria to begin addressing this pollution.

- From the stream listings tables, it would appear that the Dept. is proposing to downgrade Goose Creek in the Delaware River Basin from TSF (trout stock fishery) to WWF (warmwater fishery). More information and analysis is warranted to the public on how this decision is justified and we believe DEP should be considering a use attainability analysis if this is not an oversight or mistake. The same issue appears for Beaver Creek a tributary to the East Branch Brandywine Creek. There may be other instances of this in the triennial review and EPA's comments reflect other needed reviews.

- Bacteria standards should be made to be consistent throughout the year and DEP should consider adopting EPA's recommended standards. EPA provided more detail in their Dec 20, 2017 comment letter where it also suggested DEP adopt magnitude, duration and frequency components of the criteria in order to be consistent with EPA and to be fully protective of primary contact designated use.

In summary, as a resident of the Delaware River watershed that values clean streams and healthy drinking water, I appreciate the PADEP considering my comments. I hope many can be addressed in this year's triennial review or the next. I recognize that healthy streams only improve our quality of life and our economy - so strengthening standards is needed and a critical step to ensuring the 19,000 miles of impaired waterways are cleaned up and remaining healthy and diverse streams deserving of High Quality and Exceptional Value are given these protections and not disqualified because the bar is set too high or the work of private land trusts are not included in watershed protection when they should be. Thank you for your time.

Kathy Cooper

From: Edinger, Laura <ledinger@pa.gov>
Sent: Wednesday, February 14, 2018 4:29 PM
To: IRRC; Environment-Committee@pasenate.com; eregov@pahousegop.com; environmentalcommittee@pahouse.net; Pankake, Adam
Cc: EP, RegComments; Shirley, Jessica
Subject: Form Letter Notice (1) - Proposed Rulemaking: Triennial Review of Water Quality Standards (7-534)
Attachments: Form Letter - 7-534 - Strong Standards for Water Quality.pdf

Good Afternoon,

Attached is a form letter DEP has received regarding Proposed Rulemaking: Triennial Review of Water Quality Standards (7-534). We have labeled this letter "Strong Standards for Water Quality". To date, we have received 37 copies of this letter via email.

Thank you,
Laura

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