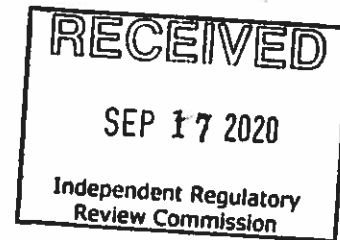


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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
Electronic mail submission: RegComments@pa.gov



Dear Sir or Madam:

On Saturday July 25, 2020 the Environmental Quality Board (EQB) proposed amendments to Chapters 93 and 96 of the Commonwealth of Pennsylvania environmental regulation in the Pennsylvania Bulletin (50 Pa. B. 374). The proposed changes were accessible to the public at <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-30/992.html>.

The proposed environmental regulations seek comment on amendments to Chapters 93 and 96 relating to water quality standards and water quality standards implementation that would delete the existing manganese water quality standards criterion from Table 3 in §93.7, relating to specific water quality criteria, and add a revised manganese water quality standards criterion to Table 5 in §93.8c relating to human health and aquatic life criteria for toxic substances. Additionally, the amendments seek comment on two possible points of compliance for the proposed manganese water quality standard. The two proposed alternatives for the point of compliance would apply at either the point of all existing or planned surface potable water supply withdrawals; or all surface waters (that is, near the point of discharge). The proposed amendments, set forth in Annex A in the proposed rulemaking included information for both alternatives.

The U.S. Environmental Protection Agency (EPA), Region III has reviewed the proposed amendments to Chapters 93 and 96 of the Commonwealth's environmental regulation. The purpose of this letter is to provide EPA's comments on the proposed changes. Please note that the comments and recommendations contained in this letter are strictly for the Commonwealth's consideration and do not constitute approval or disapproval decisions under Section 303(c) of the Clean Water Act (CWA or the Act). The comments contained herein are also not to be considered a determination by the EPA Administrator under CWA Section 303(c)(4)(B) that revised or new standards are necessary to meet the requirements of the Act.

Under CWA Section 303(c), it is the responsibility of the Pennsylvania Department of Environmental Protection (PADEP) to protect the existing and designated uses of the surface waters of the Commonwealth by establishing water quality standards. In accordance with federal regulation at 40 CFR 131.11, states must adopt water quality criteria based on a sound scientific rationale and these criteria must contain sufficient parameters or constituents to protect the designated use. States can adopt numerical criteria based on EPA's national CWA 304(a) recommendations, EPA's national recommendations modified to reflect site-specific conditions, or other scientifically defensible methods.



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EPA recognizes that Pennsylvania has developed a manganese water quality standards criterion for the protection of human health which follows EPA's *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004, October 2000), and is supportive of this effort. In order to support a CWA 303(c) approval, EPA will need to document that Pennsylvania has met the requirements of 40 CFR 131. To that end, please consider the following questions and comments based on EPA's review of the proposed amendments:

- EPA requests that Pennsylvania clarify why a bioaccumulation factor of 1 was used in the calculation of the ambient water quality criterion for manganese.
- If Pennsylvania establishes the point of compliance at the drinking water intake, EPA understands that Pennsylvania will ensure that the revised manganese criterion will be met at the point of all existing or planned surface potable water supply withdrawals to protect designated uses and ensure the protection of threatened and endangered species and their critical habitat.
- If the point of compliance is established at the drinking water intake, EPA notes that Pennsylvania's narrative criteria at §93.6, which applies to all waterbodies of the State, would apply where the numeric criteria for manganese do not and anticipates that the Commonwealth will rely on the narrative criteria where numeric criteria do not apply to ensure full protection of all designated uses.

Thank you for this opportunity to provide comments on Pennsylvania's water quality standard for manganese and implementation of the water quality standard. EPA looks forward to reviewing Pennsylvania's water quality standard for manganese and implementation rulemaking when it is finalized, which would include a consideration of Pennsylvania's implementation protocol as it relates to the scientific defensibility of the criteria and protectiveness of designated uses. If you have any questions concerning this letter, please contact me at 215-814-5737, or have you staff contact Katherine Bentley at 215-814-5762.

Sincerely,

GREGORY VOIGT

Digitally signed by GREGORY
VOIGT
Date: 2020.09.17 13:41:26 -04'00'

Gregory Voigt, Section Chief
Standards and TMDLs Section
Water Division

cc: Gary Walters (PADEP)
Thomas Barron (PADEP)

