

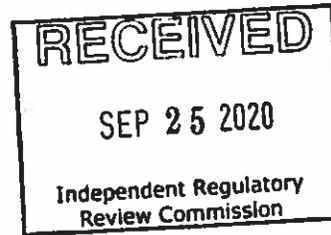


CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

3260

September 25, 2020

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
Sent via Email: RegComments@pa.gov



Re: Proposed Rulemaking for Water Quality Standard for Manganese and Implementation (#7-553)

To Whom It May Concern:

On behalf of the Chesapeake Bay Foundation (CBF), we respectfully submit the following comments on the proposed rulemaking for Water Quality Standard for Manganese and Implementation. This proposed rulemaking seeks to amend Chapters 93 and 96. The proposed amendments delete manganese from Table 3 in section 93.7 and adds manganese to Table 5 in section 93.8c. Additionally, the amendments propose two alternatives for a point of compliance with the manganese water quality standard: the point of all existing or planned surface potable water supply withdrawals; or all surface waters (that is, near the point of discharge).

The Chesapeake Bay Foundation, established in 1967, is the largest nonprofit conservation organization dedicated to the restoration and protection of the Chesapeake Bay and its tributaries. With the support of over 300,000 members and e-subscribers across the country, our staff of scientists, attorneys, educators, and policy experts work to ensure that policy, regulation, and legislation are protective of the quality of the Chesapeake Bay and its watershed. Since 1986, CBF's Pennsylvania Office has worked through education, restoration and collaboration with a broad range of stakeholders - including schools, government officials, businesses, farmers, landowners, and others - to protect and restore the rivers and streams in the Commonwealth that ultimately flow to the Chesapeake Bay.

CBF specifically writes to *support* the proposed water quality standard for manganese of 0.3 mg/l. This more stringent standard is necessary to protect not only human health but the health of our rivers and aquatic life. The current manganese effluent limit in Pennsylvania of 1.0 mg/l was not meant to be protective of human health, aquatic life, or water supply use.

More importantly, CBF also writes to *oppose* the alternative proposal to change the point of compliance from the point of discharge to the point of drinking water intake. This proposed change is most troubling since it would allow for the unregulated discharge of manganese in Commonwealth waters after the point of discharge until it reaches a public water supply intake. The point of compliance for the manganese effluent limit *must* remain where the pollution occurs

– at the point of discharge. This is the only way that Pennsylvania can ensure that our streams and aquatic life – indeed, all uses of the river – are protected.

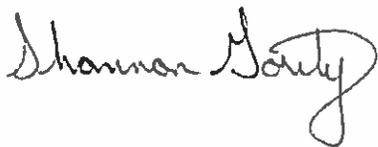
Manganese is a persistent contaminant that can be carried far downstream. Manganese can cause negative impacts to human health and aquatic life, as well as other uses of water such as for agriculture and recreation. Because of these impacts, changing the point of compliance to the intake for potable water supplies would not protect human health *and* the environment throughout our streams. Maintaining the point of discharge compliance ensures that our waters are protected whether or not a public drinking water supply is downstream.

This alternative would also inappropriately place the burden of treating the pollution on the public water systems, rather than with the polluter. The public should not have to be forced to bear the costs of treating this pollution in order to create a windfall for the mining industry. Further, not all drinking water comes from a public source. About, 11% of the Commonwealth’s population is served by individual private drinking water wells.¹ Changing the compliance point to the intake of public water systems would not protect those citizens on private water wells from the dangerous impacts of Manganese.

The Clean Water Act and the Clean Streams Law recognize that the *discharger* must be responsible for limiting the pollution it dumps into PA’s waters. Additionally, requiring the new standard to be met at the discharge point protects not only human health, but *all* the uses of our streams – from aquatic life and recreation to municipal, industrial, and agricultural uses. Changing the long-standing point of compliance from the discharge point to the intake for potable surface water supplies would undermine protections of Pennsylvania’s waterways that have been in place for decades and setting potentially illegal precedent.

In sum, CBF supports the proposed manganese standard of 0.3 mg/l and the point of compliance for this more stringent standard to remain at the discharge point.

Thank you for your consideration of these comments.



Shannon Gority
Pennsylvania Executive Director
Chesapeake Bay Foundation

¹ Pennsylvania Public Water System Compliance Report for 2019.
[http://files.dep.state.pa.us/Water/BSBW/DrinkingWaterManagement/PublicDrinkingWater/PA_DEP_2019_Annual
Compliance_Report.pdf](http://files.dep.state.pa.us/Water/BSBW/DrinkingWaterManagement/PublicDrinkingWater/PA_DEP_2019_Annual_Compliance_Report.pdf)