



Sent by email to ReqComments@pa.gov

September 25, 2020

To the Members of the Environmental Quality Board,

Please accept these comments on the proposed Water Quality Standards for manganese. I am writing on behalf of the over 80,000 members of Clean Water Action residing in Pennsylvania. Clean Water Action supports the proposed rule to make the manganese water quality standard stricter, reducing it from 1.0 mg/L to 0.3 mg/L based on the most recent science on toxicity, the first revision since 1967. This is important to Pennsylvania's water resources as manganese is discharged by a number of industries, including coal mining.

DEP is proposing two alternatives for how to implement this standard - to apply it at the point of discharge into a stream, or to apply it at the point at which a public water supply has a drinking water intake. We strongly urge DEP to apply this standard at the point of discharge, making the companies releasing manganese into our water supplies responsible for treatment prior to potentially hazardous discharge.

If DEP applies the manganese standard at the point of water withdrawal, the burden for treating manganese would pass to water utilities, and ultimately this cost will be borne by Pennsylvania residents and ratepayers. Further, the overall cost of addressing this contamination of Pennsylvania water resources is multiplied through the need for treatment systems at each downstream water withdrawal. It is far more efficient and lower in overall cost to require companies discharging manganese to properly treat their wastewater.

Additionally, setting a standard of 0.3 mg/L at the point of water supply withdrawal, could result in violations of state and federal drinking water standards, which is set at 0.05 mg/L. DEP should not set a standard that will result in violations that water utilities will be legally require to address. Any standard set at the point of a water withdrawal must minimally meet any federal or state MCL set for that contaminant.

The exception to meeting water quality criteria described in 25 Pa. Code § 96.3(d) only exists for "designated surface water uses" since water quality criteria are developed for the purpose of meeting those uses. Existing uses are not associated with water quality criteria. Instead, those uses are associated with the Commonwealth's Antidegradation Policy. Measuring for compliance with existing use requirements in the antidegradation policy as described in 25 Pa. Code § 94.4a, whether the water

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segment is subject to mere existing use protection, protection for high quality waters, or protection for exceptional value waters, must be met at all locations within the water body segment. Creating an exception for manganese (much like the current exceptions for TDS, nitrite-nitrate nitrogen, phenolics, chloride, sulfate and fluoride) presents a scenario where a permittee can be in compliance with a designated use water quality criterion and subject to governmental and citizen suit enforcement for violating the antidegradation policy's protection of existing uses, high quality waters and exceptional value waters. The Department should not create such confusion for the public or industry in its implementation of water quality standards.

We hope that the Board finds these comments useful in their deliberations and we look forward to a reply. Please direct any correspondence to my email below, or to the address of our Pittsburgh office found below.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Myron Arnowitt".

Myron Arnowitt
Pennsylvania Director
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