

**Madison Brame**

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**From:** ecomment@pa.gov  
**Sent:** Wednesday, December 20, 2023 8:32 AM  
**To:** Environment-Committee@pasenate.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; Osenbach, Matt; Glendon King; Franzese, Evan B.; Eyster, Emily; IRRC  
**Cc:** c-jflanagan@pa.gov  
**Subject:** Comment received - Proposed Rulemaking: Water Quality Standards - Site-Specific Water Quality Criteria (#7-571)

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**Re: eComment System****The Environmental Quality Board has received the following comments on Proposed Rulemaking: Water Quality Standards - Site-Specific Water Quality Criteria (#7-571).**

Commenter Information:

Gregory Voigt  
U.S. EPA Region III (voigt.gregory@epa.gov)  
1600 John F Kennedy Blvd Four Penn Center  
Philadelphia, PA 19103 US

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Comments entered:

Attached for your consideration are EPA's comments regarding the Pennsylvania Department of Environmental Protection (PADEP)'s proposed amendments to 25 Pa. Code Section 93.8d, relating to development of site-specific water quality criteria.

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These links provide access to the attachments provided as part of this comment.

Comments Attachment: [7-571 EPA Comments.pdf](#)

Please contact me if you have any questions.

Sincerely,  
Ezra Thrush

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Ezra Thrush  
Director, Office of Policy  
PA Department of Environmental Protection  
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Harrisburg, PA 17105-2063  
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## REGION 3

PHILADELPHIA, PA 19103

December 19, 2023

Environmental Quality Board  
Rachel Carson State Office Building  
16<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17101-2301  
[Regcomments@pa.gov](mailto:Regcomments@pa.gov)

Dear Sir or Madam:

In a November 4, 2023, notice in the *Pennsylvania Bulletin* [53 PA.B. 6854], the Environmental Quality Board (Board) announced the Pennsylvania Department of Environmental Protection (PADEP)'s proposed amendments to 25 Pa. Code Section 93.8d relating to development of site-specific water quality criteria. The proposal also includes the replacement of a total mercury human health water quality criterion for Ebaughs Creek with a site-specific human health water quality criterion for methylmercury.

The U.S. Environmental Protection Agency (EPA), Region III, has reviewed the proposed amendments. EPA is providing the following comments on the proposed amendments:

1. PADEP is proposing to revise 25 Pa. Code Section 93.8d(a)(1) in such a way as to limit the development of site-specific water quality criteria to just aquatic life criteria. If this is the intent, PADEP should indicate whether site-specific human health criteria can be developed pursuant to section 93.8d(a)(1) or under some other authority. EPA notes that the site-specific methylmercury criteria for Ebaughs Creek is developed for the protection of human health.

2. In 25 Pa. Code Section 93.8d(c)(3), PADEP should consider adding clarification that new or updated site-specific criteria for aluminum in freshwater systems may be developed using the multiple linear regression (MLR). More information can be found in EPA's *Final Aquatic Life Ambient Water Quality Criteria for Aluminum 2018* (EPA-822-R-18-001).

3. PADEP is adding 25 Pa. Code Sections 93.8d(c)(5)(c.3), which indicates that site-specific criteria are not effective for Clean Water Act purposes until approved by the EPA. Please provide information on how PADEP intends to meet the public participation requirements of federal regulation at 40 C.F.R. Section 131.20(b) and 40 C.F.R. Part 25.

Please note that these comments and recommendations are strictly for the Board and PADEP's consideration and do not constitute approval or disapproval decisions under CWA Section 303(c), or a determination by the EPA Administrator under CWA Section 303(c)(4)(B) and 40 C.F.R. Section 131.22(b) that revised or new WQS are necessary to meet the requirements of the CWA. EPA appreciates the opportunity to provide comments on this proposed rulemaking and is happy to assist PADEP as necessary to complete this regulation revision. If you have any questions concerning this letter, please contact me at (215) 814-5737 or Voigt.Gregory@epa.gov, or have your staff contact Denise Hakowski at (215) 814-5726 or Hakowski.Denise@epa.gov.

Sincerely,

**Voigt, Gregory** Digitally signed by Voigt, Gregory  
Date: 2023.12.19 11:47:35 -05'00'

Gregory Voigt, Chief  
Standards and TMDLs Section  
Water Division

cc: Michael Lookenbill (PADEP)