

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective July 1, 2013.

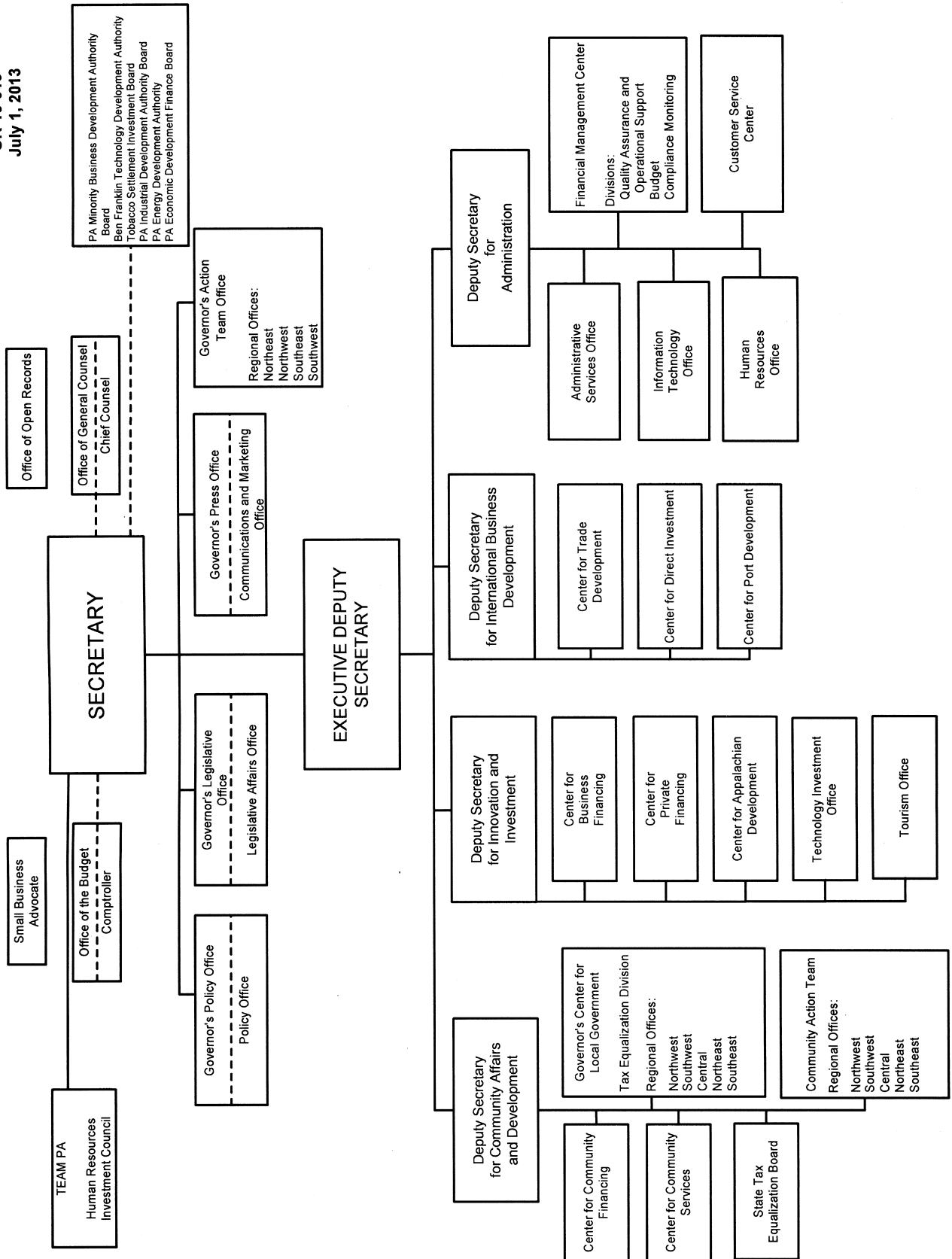
The organization chart at 43 Pa.B. 4102 (July 20, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-1329. Filed for public inspection July 19, 2013, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT

OR-13-015
July 1, 2013



Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy—Statement of Policy

The Department of Environmental Protection (Department) is amending Chapter 16 (relating to water quality toxics management strategy—statement of policy). These amendments complement the triennial review and revision of Chapter 93 (relating to water quality standards). See 43 Pa.B. 4080 (July 20, 2013) for the final-form rulemaking.

A. *Effective Date*

This final statement of policy will be effective on July 20, 2013.

B. *Contact Persons*

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This statement of policy is available on the Department's web site at <http://www.dep.state.pa.us>.

C. *Background and Summary*

The Commonwealth's water quality standards in Chapters 16 and 93 and Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) implement sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the uses of the surface waters of the Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances and lists site-specific water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

The amendments update Chapter 16 to be consistent with the amendments to Chapter 93, as related to the Commonwealth's triennial review of water quality standards. The amendments also update and correct approved analytical methods in Tables 2A and 2B (relating to approved EPA and DEP accredited analytical methods and detection limits: inorganics; and approved EPA and

DEP accredited analytical methods and detection limits: organics). The titles of these tables are also corrected to reflect that several analytical methods listed are Department accredited. This statement of policy may affect persons who discharge wastewater into surface waters of the Commonwealth or otherwise conduct activities which may impact these waters.

The Department discussed the triennial review with the Water Resources Advisory Committee (WRAC) five times in 2011, at the April, June, July October and December meetings. On January 11 2012, WRAC voted to have the Department present the rulemaking package to the Environmental Quality Board (EQB). The Agricultural Advisory Board declined the need for their consideration on the triennial review of water quality standards that was scheduled for their regular October 19, 2011, meeting.

The amendments were shared with the EQB as a companion to the triennial review of water quality standards rulemaking, although the EQB is not required to act on the revisions to the Department's statement of policy for toxic substances. The proposed statement of policy was published at 42 Pa.B. 4187 (July 7, 2012) with a 45-day public comment period that ended August 21, 2012. The Department held a public meeting and hearing for the purpose of accepting comments on the proposed statement of policy on August 8, 2012, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Department did not receive comments pertaining to the proposed statement of policy.

The draft final statement of policy was discussed with and approved by WRAC at its November 28, 2012, meeting. Comments received on the Chapter 93 rulemaking resulted in related changes to this final statement of policy. The changes to the proposed statement of policy are summarized in Section D.

D. *Summary of the Change to the Proposed Amendment Appendix A. Table 1A. Site-specific water quality criteria for toxic substances*

1,4-Dioxane—Based on comments to the proposed amendments to Chapter 93 received by the EQB, the proposed Statewide criterion for 1,4-dioxane was withdrawn from this final statement of policy, but retained as a site-specific criterion (3 µg/L) in Table 1A.

A copy of the final amendments is available from the Division of Water Quality Standards at the address provided in Section B.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

(Editor's Note: Title 25 of the Pennsylvania Code is amended by amending a statement of policy in Chapter 16, Appendix A, Tables 1A, 2A and 2B to read as set forth in Annex A, with ellipses referring to the existing text of the tables.)

(Editor's Note: For a final-form rulemaking relating to this statement of policy, see 43 Pa.B. 4080 (July 20, 2013).

Fiscal Note: Fiscal Note 7-514 remains valid for the final adoption of the subject regulations.

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Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart A. PRELIMINARY PROVISIONS

ARTICLE II. STATEMENTS OF POLICY

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY

APPENDIX A

TABLE 1A

SITE-SPECIFIC WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

The following table contains water quality criteria that were developed based on a need for a site-specific water quality criterion, and according to the guidelines for criteria development, as contained in this chapter. The sources the Department of Environmental Protection (Department) uses to obtain relevant risk assessment values for these criteria include, but are not limited to, United States Environmental Protection Agency agency-wide supported data systems such as Integrated Risk Information System (IRIS) and ECOTOX; the Great Lakes' Tier II aquatic life criteria guidelines; and other Nationally developed criteria as reviewed and approved by the Department for Statewide use. A criterion placed in this table will remain a site-specific criterion as originally developed and be incorporated into the appropriate portion of §§ 93.9a—93.9z that relates to “exceptions to specific criteria” unless, during rulemaking, it is determined that the same criteria has general Statewide applicability.

Fish and Aquatic Life Criteria

| PP NO | Chemical Name | CAS Number | <i>Fish and Aquatic Life Criteria</i> | | Human Health Criteria (µg/L) | Health Effect | Drainage List | Water Body/ County |
|-------|---------------|------------|---|---------------------------------------|------------------------------|---------------|---------------|---|
| | | | Criteria Continuous Concentrations (µg/L) | Criteria Maximum Concentration (µg/L) | | | | |
| - | 1,4 Dioxane | 123911 | 103000 | 515000 | 3.0 | CRL | F | West Branch Perkiomen Creek, Berks County |

Acronyms and Footnotes to Table 1A

CAS—Chemical Abstract Service number

CRL—Cancer risk level at 1 x 10⁻⁶

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln [H]—Natural Logarithm of the Hardness of stream as mg/l CaCO₃

ug/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

TABLE 2A

APPROVED EPA AND DEP ACCREDITED ANALYTICAL METHODS AND DETECTION LIMITS: INORGANICS

| Parameter (CAS) | Method Number (Description) *Source | Detection Limit (MDL) (µg/L) | |
|-----------------|-------------------------------------|------------------------------|------|
| | | | |
| 11M | SILVER (07440224) | 3111 B or C (AA, flame) | 10 |
| | | 3113 B (AA, furnace) | 0.2 |
| | | 200.7 (ICP/AES) | 2 |
| | | 200.8 (ICP/MS) | 0.1 |
| | | 200.9 (STGFAA) | 0.6 |
| | | —* ³ (DCP) | N/A |
| — | STRONTIUM (07440246) | 200.7 (ICP/AES) | 0.01 |
| | | 200.8 (ICP/MS) | 2.0 |
| | | 6010B (ICP/AES) | 0.01 |
| | | 6020(ICP/MS) | 1.0 |
| 12M | THALLIUM (07440280) | 3111 B (AA, flame) | N/A |
| | | 279.2 (AA, furnace) | 1 |
| | | 200.7 (ICP/AES) | 1 |
| | | 200.8 (ICP/MS) | 0.3 |
| | | 200.9 (STGFAA) | 0.7 |

TABLE 2B
APPROVED EPA AND DEP ACCREDITED ANALYTICAL METHODS AND DETECTION LIMITS: ORGANICS

| <i>Parameter (CAS)</i> | <i>Method Number (Description) *Source</i> | <i>Detection Limit (MDL) (µg/L)</i> |
|----------------------------|--|---|
| — | BENZENE METADISULFONIC ACID (00098486) OR 357A Test America, HPLC/UV or LC/MS/MS | 50 |
| — | BENZENE MONOSULFONIC ACID (00098113) OR 357A Test America, HPLC/UV or LC/MS/MS | 50 |
| 1A | 2-CHLOROPHENOL (00095578) 604—GC/FID | 0.31 |
| | 604—GC/ECD | 0.58 |
| | 625—GC/MS | 3.3 |
| | 1625B—GC/MS(isotope) | 10 |
| | * * * * * | |
| 7A | 4-NITROPHENOL (00100027) 604—GC/FID | 2.8 |
| | 604—GC/ECD | 0.70 |
| | 625—GC/MS | 2.4 |
| | 1625B—GC/MS(isotope) | 50 |
| — | NONYLPHENOL (00104405) D7065-06M—GC/MS | 2.0 |
| | D7485-09—LC/LC/TANDEM MS | .033 |
| 8A | p-CHLORO-m-CRESOL (00059507) 604—GC/FID | 0.36 |
| | 604—GC/ECD | 1.8 |
| | 625—GC/MS | 3.0 |
| | 1625B—GC/MS(isotope) | 10 |
| 9A | PENTACHLOROPHENOL (00087865) 604—GC/FID | 7.4 |
| | 604—GC/ECD | 0.59 |
| | 625—GC/MS | 3.6 |
| | 1625B—GC/MS(isotope) | 50 |
| 10A | PHENOL (00108952) 604—GC/FID | 0.14 |
| | 604—GC/ECD | 2.2 |
| | 625—GC/MS | 1.5 |
| | 1625B—GC/MS(isotope) | 10 |
| — | P-PHENOL SULFONIC ACID (00098679) OR 357A Test America, HPLC/UV or LC/MS/MS | 50 |
| — | RESORCINOL (01084603) 8270D—GC/MS | 100 |
| 11A | 2,4,6-TRICHLOROPHENOL (00088062) 604—GC/FID | 0.64 |
| | 604—GC/ECD | 0.58 |
| | 625—GC/MS | 2.7 |
| | 1625B—GC/MS(isotope) | 10 |
| 1V | ACROLEIN ⁽¹⁾ (00107028) 603—GC/FID | 0.7 |
| | 624—GC/MS | N/A |
| | 1624B—GC/MS(isotope) | 50 |
| 2V | ACRYLONITRILE ⁽¹⁾ (00107131) 603—GC/FID | 0.5 |
| | 624—GC/MS | N/A |
| | 1624B—GC/MS(isotope) | 50 |
| 3V | BENZENE (00071432) 602—GC/PID | 0.20 |
| | 624—GC/MS | 4.4 |
| | 1624B—GC/MS(isotope) | 10 |
| — | BENZYL CHLORIDE (00100447) 8021B—GC | 1.0 |
| | 8260B—GC/MS | .005—5.0 |
| 5V | BROMOFORM (00075252) 601—GC/Hal. | 0.20 |
| | 624—GC/MS | 4.7 |
| | 1624B—GC/MS(isotope) | 10 |
| — | 2-BUTOXYETHANOL (00111762) EPA R5/6LC—LC/MS/MS (DIRECT INJECT) | 125 |

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| <i>Parameter (CAS)</i> | <i>Method Number (Description) *Source</i> | <i>Detection Limit (MDL) (µg/L)</i> |
|----------------------------|--|---|
| 6V | CARBON TETRACHLORIDE (00056235) | 601—GC/Hal. 0.12 624—GC/MS 2.8 1624B—GC/MS(isotope) 10 |
| | * * * * * | |
| 26V | 1,2-trans-DICHLOROETHYLENE (00156605) | 601—GC/Hal. 0.10 624—GC/MS 1.6 1624B—GC/MS(isotope) 10 |
| — | 1,2-cis-DICHLOROETHYLENE (00156592) | 601—GC/Hal. 0.10 624—GC/MS 1.6 1624B—GC/MS(isotope) 10 |
| 27V | 1,1,1-TRICHLOROETHANE (00071556) | 601—GC/Hal. 0.03 624—GC/MS 3.8 1624B—GC/MS(isotope) 10 |
| 28V | 1,1,2-TRICHLOROETHANE (00079005) | 601—GC/Hal. 0.02 624—GC/MS 5.0 1624B—GC/MS(isotope) 10 |
| 29V | TRICHLOROETHYLENE (00079016) | 601—GC/Hal. 0.12 624—GC/MS 1.9 1624B—GC/MS(isotope) 10 |
| — | 1,2,4-TRIMETHYLBENZENE (00095636) | 524.2—GC/MS 0.5 624—GC/MS 1.0 8021B—GC 1.0 8260B—GC/MS 2.0 |
| — | 1,3,5-TRIMETHYLBENZENE (00108678) | 524.2—GC/MS 0.5 624—GC/MS 1.0 8021B—GC 1.0 8260B—GC/MS 2.0 |
| 31V | VINYL CHLORIDE (00075014) | 601—GC/Hal 0.18 624—GC/MS N/A 1624B—GC/MS(isotope) 10 |
| 1B | ACENAPHTHENE (00083329) | 610—GC/FID N/A 610—HPLC 1.8 625—GC/MS 1.9 1625B—GC/MS(isotope) 10 |
| 2B | ACENAPHTHYLENE (00208968) | 610—GC/FID N/A 610—HPLC 2.3 625—GC/MS 3.5 1625B—GC/MS(isotope) 10 |
| — | ACRYLAMIDE (00079061) | 8032A (GC) .032 8316 (HPLC) 10 |
| 3B | ANTHRACENE (00120127) | 610—GC/FID N/A 610—HPLC 0.66 625—GC/MS 1.9 1625B—GC/MS(isotope) 10 |
| | * * * * * | |
| 18B | CHRYSENE (00218019) | 610—GC/FID N/A 610—HPLC 0.15 625—GC/MS 2.5 1625B—GC/MS(isotope) 10 |
| — | CYCLOHEXYLAMINE (00108918) | 8270B—GC/MS .01 |

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| <i>Parameter (CAS)</i> | <i>Method Number (Description) *Source</i> | <i>Detection Limit (MDL) (µg/L)</i> |
|----------------------------|--|---|
| 19B | DIBENZO(a,h) ANTHRACENE | N/A |
| | (00053703) | 0.030 |
| | | 2.5 |
| | | 20 |
| | * * * * * | |
| 29B | DI-N-OCTYL PHTHALATE | 3.0 |
| | (00117840) | 2.5 |
| | | 10 |
| — | 1,4-DIOXANE | 1.0 |
| | (00123911) | 5.0 |
| | | 0.1 |
| | | 0.2 |
| 30B | 1,2-DIPHENYLHYDRAZINE | 10 |
| | (00122667) | 20 |
| | | |
| | * * * * * | |

[Pa.B. Doc. No. 13-1330. Filed for public inspection July 19, 2013, 9:00 a.m.]