

A RESOLUTION to amend the Water Code, Water Quality Regulations, and Comprehensive Plan to update the Commission's stream quality objectives for pH for the non-tidal Delaware River, the Delaware River Estuary and Delaware Bay.

WHEREAS, by Resolutions 67-2 and 67-7 in 1967 the Commission adopted water quality standards, including stream quality objectives, for the non-tidal Delaware River, the Delaware Estuary and Delaware Bay; and

WHEREAS, the Commission's stream quality objectives for pH adopted in 1967 remain unchanged, while state criteria and federal recommendations have evolved over the past nearly five decades; and

WHEREAS, as a consequence, the Commission's stream quality objectives for pH provide no recognition of natural pH excursions outside the established range and are inconsistent with current state criteria and federal recommendations for pH; and

WHEREAS, in 2009 the Commission's Water Quality Advisory Committee unanimously recommended that the pH stream quality objectives be updated to minimize inconsistencies with state criteria and to recognize natural pH fluctuations; and

WHEREAS, the proposed amendments were published in the *Federal Register* and state registers between September 25 and October 12, 2013; a public hearing on the proposed amendments was held on October 24, 2013; and the period for written comment remained open through November 21, 2013; and

WHEREAS, the Commission received no public comment on the proposal; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The water quality criteria for pH as set forth in the Commission's Water Code and Water Quality Regulations and incorporated into the Comprehensive Plan are hereby amended in accordance with the text and instructions set forth below.
2. These amendments shall become effective 30 days following the last date of publication in the *Federal Register* and member state registers, provided, however that:
3. The effective date may be postponed at the discretion of a member state and the Commission as to (a) any applications pending before the Commission and signatory parties on the date of adoption set forth below; and (b) any approval previously issued by an agency of a signatory party or by the Commission that has not expired by the date of adoption set forth below.

/s/ Angus Eaton

Angus Eaton, Acting Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, J.D., M.R.P., Commission Secretary

ADOPTED: December 4, 2013

In accordance with the foregoing:

The pH criteria for Water Quality Zones 1A through 1E (non-tidal main stem) and 2 through 6 (tidal main stem, including tidal portions of tributaries and Delaware Bay) are hereby amended to read, “Between 6.5 and 8.5 inclusive, unless outside this range due to natural conditions.”

The affected sections of the Commission’s *Water Code* and *Water Quality Regulations*, 18 CFR 410, consist of subsection C.3 of each of sections 3.20.2 through 3.20.6*, respectively, for Water Quality Zones 1A through 1E (non-tidal main stem); and sections 3.30.2 through 3.30.6, respectively, for Water Quality Zones 2 through 6 (tidal main stem, including tidal portions of tributaries and Delaware Bay).

* The version of this Resolution posted in December 2013 erroneously referenced the amended sections as “2.20.2 through 2.20.6.” Sections 2.20.2 through 2.20.6 of the *Water Code* are part of an unrelated article; no sections numbered 2.20.2 through 2.20.6 exist in the *Water Quality Regulations*. The correct reference is to sections 3.20.2 through 3.20.6.