



DRBC Water Quality Criteria Updates - *Toxics*



Toxics Advisory Committee



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DRBC Water Quality Criteria 101

- DRBC has a water quality mission from our Compact
 - DRBC Stream Quality Objectives (Criteria) originated independently of the Clean Water Act
 - DRBC supports the Clean Water Act, but does not perform triennial review
- DRBC Toxics criteria are nuanced
 - Applicable in Mainstem Zones 2-6
 - Do not apply to Zone 1 (Trenton to the headwaters).
 - Therefore, DRBC toxics criteria do not apply to all states
- States go first approach

Issues

- DRBC surface water quality standards for toxics are out of step with EPA nationally recommended criteria and State criteria
 - DRBC criteria for many pollutants differ from EPA/Basin States
 - DRBC does not have criteria for some pollutants with EPA-recommended criteria that have been adopted by the relevant basin states
- DRBC Human Health Water Quality Criteria are structured differently the States/EPA
- No obvious sustainable path toward getting & *staying* current

Draft Path Forward

- Multiple meetings with co-Regulators to pitch and discuss ways to catch up
 - Conclusion: Phased approach with Phase 1 to focus updates on criteria where the relevant basin states have adopted the EPA-recommended criteria
 - Where all relevant states have adopted the EPA-recommended criteria, and DRBC has different criteria, DRBC will modify (decrease or increase) its criteria values to match the USEPA-recommended criteria values.
 - Where all relevant states have adopted the EPA-recommended criteria, and DRBC does not have criteria, DRBC will add the EPA-recommended criteria for that pollutant.
 - The exception is for PCB Human Health criteria, which will not change.
 - Pertains to DRBC Water Code Tables 5 (Aquatic Life) as well as 6 and 7 (Human Health)
 - Aquatic Life Draft Updates are relatively minor and include the addition of 5 criteria in the Marine Chronic category for pesticides
 - Human Health updates are more substantial

Draft Human Health Criteria Updates

- Current: 2 tables

TABLE 6: STREAM QUALITY OBJECTIVES FOR CARCINOGENS FOR THE DELAWARE RIVER ESTUARY AND BAY.

PARAMETER	FRESHWATER OBJECTIVES ($\mu\text{g/l}$)		MARINE OBJECTIVES ($\mu\text{g/l}$)
	FISH & WATER INGESTION	FISH INGESTION ONLY	

TABLE 7: STREAM QUALITY OBJECTIVES FOR SYSTEMIC TOXICANTS FOR THE DELAWARE RIVER ESTUARY AND BAY.

PARAMETER	FRESHWATER OBJECTIVES ($\mu\text{g/l}$)		MARINE OBJECTIVES ($\mu\text{g/l}$)
	FISH & WATER INGESTION	FISH INGESTION ONLY	

- Draft: Reorganization into 1 table to align with EPA and states

Pollutant	CAS#	Water & Organism	Organism Only
		$\mu\text{g/L}$	$\mu\text{g/L}$

Draft Human Health Criteria Updates

		Water & Organism	Organism Only	
		Number of Pollutants		
	Currently Aligning or More Stringent than EPA Criteria	35	23	
Phase 1	Criteria Value Decrease	42	40	
	Criteria Value Increase	6	13	
	New pollutant criteria	6	4	
Next Phases	Potential Criteria Needing Adjustments	25	26	
	Potential Criteria Additions	10	8	
	Total Criteria After Phase 1	114	106	

Next Steps

- DRBC member agencies review draft Notice of Proposed Rulemaking (NPRM) and propose any revisions.
- NPRM is posted on the Commission's website and filed for publication in state registers and Federal Register
 - 45-day notice of public hearing; written comment accepted 45-60 days)
- Staff, in consultation with Commissioners, review comments and prepare comment and response document.
- By resolution at a public meeting, Commission adopts Final Rule.
- Final Rule is published in state registers and Federal Register (FR). Effective date is typically 30 days after publication in the FR.



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