



Water

State Water Quality Standards Summary: Delaware



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The reader should consult the water quality standards of a particular State for exact regulatory language applicable to that State. Copies of State water quality standards may be obtained from the State's Water Pollution Control Agency or its equivalent.

Additional information may also be obtained from the:

Standards Branch
Criteria and Standards Division (WH-585)
Office of Water Regulations and Standards
U.S. Environmental Protection Agency
Washington, D.C. 20460
202-475-7315

This document may be obtained only from the National Technical Information Service (NTIS) at the following address:

National Technical Information Service
5285 Front Royal Road
Springfield, Virginia 22161
703-487-4650

The NTIS order number is: PB89-141741.

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Responsible Agency:

Dept. of Natural Resources & Environmental Control
Division of Environmental Control
Water Resources Management
Tatnall Building P.O. Box 1401
Dover 19901
302-736-4761

State Contact:

Mr. Mark Blosser

Department of Natural Resources and
Environmental Control
89 Kings Highway P.O. Box 1401
Dover 19901 302-736-4590

Standards Available From:

Mr. Mark Blosser
Department of Natural Resources and
Environmental Control
89 Kings Highway P.O. Box 1401
Dover 19901
302-736-4590 Fee: none Mailing List: yes

State Contact:

State Narrative Language For: Antidegradation

1. Delaware stream water quality shall be maintained or enhanced so that existing beneficial uses are protected and to allow for other beneficial uses.
2. Where the quality of the waters exceed levels necessary to support (a) propagation to fish, shellfish, and other aquatic life, and (b) recreation in and on the water, or in the case of waters of exceptional recreational or ecological significance, existing quality shall be maintained or enhanced. Limited degradation may be allowed if the Department finds, after full satisfaction of the public participation provisions of the Delaware Environmental Protection Act, that allowing lower water quality is necessary to accommodate important economic development in the area in which the waters are located. Further, the Dept. shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources, and all cost-effective and reasonable best management practices for non-point sources.
3. Degradation of water quality in such a manner that results in diminution of designated uses or violation of water quality standards shall be prohibited.
4. Any person who shall apply for permit to discharge to the waters of the State, excepting application for renewal without modification, must demonstrate to the satisfaction of the Dept. that said discharge will not result in violation of the receiving stream's standards and will not result in diminution of uses. A public hearing, pursuant to 7 Del. C., Subsection 6004 and 6006, may be held to gather public comment on any such application.
5. The hearing requirement imposed by Subsection 2.4 above shall not be construed to impose a requirement for an additional public hearing where such a hearing is otherwise held pursuant to law, provided the requirements of this section are hereby met.

State Narrative Language For: Toxics

All surface waters of the State shall be free from substances attributable to wastes of industrial, municipal, agricultural or other anthropogenic origin, such as any pollutants, including those of a toxic nature, that may interfere with attainment of designated uses of the water, impart undesirable odors, tastes or colors to the water or to aquatic life found therein, endanger public health, or result in dominance of nuisance species. The following EPA publications, or any other sources deemed acceptable by the Department, may be used as guidelines for applying these Standards to discharges in the State:

- (1) Water Quality Criteria 1972 (March, 1973),
 - (2) Quality Criteria For Water (July, 1976),
 - (3) Water Quality Criteria Documents, (EPA-440/5-80-015 through 5-80-079), published in 1980,
 - (4) Water Quality Criteria Documents, (EPA-440/5-84-028 through 5-84-033, and 5-85-001), published in 1985.
- Toxic substances shall not exceed natural levels in ERES (Exceptional Recreational or Ecological Significance) waters.

State Narrative Language For: Free From

Waters shall be free from substances attributable to wastes of industrial, municipal, agricultural or other anthropogenic origin, such as:

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- (i) Floating debris, oil, grease, scum, foam, or other materials on the water surface that create a nuisance condition, or in any way interfere with attainment of designated uses of the water,
- (ii) Settleable solids, sediments, sludge deposits, or suspended particles that may coat or cover submerged surfaces and create a nuisance condition, or in any way interfere with attainment of designated uses of water,
- (iii) Any pollutants, including those of a thermal, toxic, corrosive, bacteriological, radiological, or other nature, that may interfere with attainment of designated uses of the water, impart undesirable odors, tastes, or colors to the water or to aquatic life found therein, endanger public health, or result in dominance of nuisance species.

State Narrative Language For: Low Flow

In waters which do not meet certain water quality standards or support certain designated uses, the Department may propose that specific standards and/or uses be downgraded. Any such action may be taken only after a public hearing is held pursuant to 7 Del.C, 6006. Justification for such action may include: Natural, ephemeral, intermittent or low flow conditions or water levels inclusive of existing or proposed discharge flows, where lack of water prevents the attainment of the use.

Critical Flows - For the following situations, the numerical and narrative water quality criteria contained in this document (with exceptions noted below) shall not apply:

- (a) For perennial freshwater streams, at those times when the flow in the stream falls below that value that is equal to the flow of seven-day duration with recurrence interval of 10 years (generally known as the 7Q10 or the 87-10).

Exceptions: All waters under (a) above shall be free of the materials and substances as listed in Section 5.5 (a) through (e).

State Narrative Language For: Mixing Zones

The following requirements shall apply to mixing zones:

1. Location: Mixing zones shall not be located in areas of special importance, such as nursery areas for aquatic life or waterfowl, approved shellfish areas, or heavily utilized primary contact recreation areas. Zones shall not be located in such a manner as to disrupt the passage of fishes or other organisms.
2. Size: Size of the zone shall be minimized. No interference with established aquatic communities or diminution of designated uses shall be allowed.
3. Shape: Allowable shapes shall be simple configurations, and shall be determined on a site-specific basis using appropriate scientific methods. Shore-hugging plumes shall be prohibited in all water bodies.
4. Outfalls shall be designed to provide maximum protection to humans, aquatic life and wildlife.
5. All mixing zones shall be free of the following:
 - (a) Materials in concentrations that will cause acute toxicity to aquatic life, or present unacceptable risk to human health,
 - (b) Materials in concentrations that settle to form objectionable deposits,
 - (c) Floating debris, oil, scum, foam, and other matter in concentrations that form nuisances,
 - (d) Substances in concentrations that produce objectionable color, odor, taste or turbidity, and
 - (e) Substances in concentrations which produce undesirable aquatic or marine life, result in a dominance of nuisance species, or affect species diversity.

Note: United States Environmental Protection Agency publications, or other sources deemed acceptable by the Department, may be used, in addition to the above general requirements, as guidelines for determining the specifics of mixing zones.

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Classifications:

Public Water Supply

Industrial
Water Supply

Primary Contact
Recreation

Secondary Contact
Recreation

Fish, Aquatic Life
and Wildlife

Coldwater Fish
(Put-and-Take)

Agricultural
Water Supply

Water of Exceptional
Recreation or Ecological
Significance

Harvestable
Shellfish Waters

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	All Classes	Public Water Su..	Industrial	Primary Contact
Physical				
pH				
Upper Value	8.5			
Lower Value	6.5			
Dissolved Oxygen				
Lower Value	4.0	mg/L		
Temperature				
Upper Value	85	F		
Temperature Change				
Upper Value	5	F		
Secondary Upper Limit	4	F		
Turbidity				
Upper Value	Narr.			
Nutrients				
Toxic Metals				
Pesticides				
Organics				
Phenol				
Upper Value	0.2	mg/L		
Bacteria				
Enterococcus Colonies				
Upper Value	Narr.			
Fecal Coliform				
Upper Value	Narr.	site-spec.		

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Secondary Conta.. Fish, Aquatic L.. Coldwater Fish Agricultural

Physical
 Temperature
 Upper Value

75 F

Nutrients

Toxic Metals

Pesticides

Organics

Bacteria

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Water of Except.. Harvestable

Physical

Nutrients

Toxic Metals

Pesticides

Organics

Bacteria

Total Coliform

Upper Value

Narr.