



FACT SHEET

WATER QUALITY STANDARDS FOR PENNSYLVANIA

Abstract

The U.S. Environmental Protection Agency (EPA) is establishing new water quality standards that are applicable to all surface waters of the United States, including wetlands, within the Commonwealth of Pennsylvania. EPA is establishing the standards to comply with a federal court order. By taking this action, EPA is promulgating an antidegradation policy consistent with Federal requirements. The rule will afford the citizens of Pennsylvania the opportunity to designate waters of the Commonwealth into categories which will receive enhanced protection. The rule will also set the "floor" of water quality protection in the Commonwealth.

Federal Authority

Under the Federal Clean Water Act (CWA), States have the primary responsibility for developing and implementing water quality standards for surface waters within their boundaries. This legislation requires EPA to review and approve or disapprove State-adopted standards and to promulgate standards for States if they do not adopt acceptable water quality standards.

Background

In June 1994, EPA disapproved several aspects of the Pennsylvania's water quality standards. While the State continued to work toward the adoption of approvable water quality standards within a regulatory-negotiation process, EPA was sued by the Raymond Proffitt Foundation to promptly propose Federal replacement standards for Pennsylvania, as required by the CWA. In April 1996, the Federal District Court ordered EPA to satisfy the requirements of the CWA and to promptly establish standards for Pennsylvania. EPA proposed the rule in the Federal Register on August 27, 1996, and held a public meeting and accepted public comment until October 16, 1996. Under CWA, EPA must promulgate the final rule within ninety days of proposal, or in this case November 27, 1996.

Pennsylvania is currently working to amend its antidegradation program—maintaining the best features of its current program and improving areas that EPA disapproved. However, given the Commonwealth's regulatory process, it will take from 9 to 18 months to have a final rule. EPA has worked with the Commonwealth in preparing the federal rule and will continue to work with them in developing their amended rule to ensure it meets CWA requirements. Once Pennsylvania completes this process, EPA will withdraw the federal rule.

EPA's Action

In accordance with the court order, EPA is promulgating new water quality standards for Pennsylvania in the Federal Register. Pennsylvania protects its surface waters through its Special Protection Waters Program. EPA's rule ensures that Pennsylvania's program fully meets Federal requirements. Specifically, this rule establishes a three-tiered antidegradation policy consistent with Federal minimum requirements for State water quality standards. The antidegradation policy will ensure that:

- existing instream uses and the level of water quality necessary to maintain those uses are protected;
- high quality waters are afforded adequate consideration before lowering of water quality is allowed; and
- the citizens of the Commonwealth have the opportunity to protect Outstanding National Resource Waters.

Additional Information

For additional information, you may contact Mrs. Evelyn S. MacKnight PA/DE Branch, Office of Watersheds, Water Protection Division, U. S. Environmental Protection Agency, Region 3 Office, 841 Chestnut Building, Philadelphia, PA 19107 (215) 566-5717.

The entire Federal Register notice may be viewed on the Internet, as follows:
<http://www.epa.gov/EPA-WATER>.

