



December 6, 2017

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Bureau of Regulatory Counsel
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Rachel Carson State Office Building
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Also submitted on the portal: RegComments@pa.gov
mmoses@pa.gov

**Re: Extension of comment and hearing requested for the Delaware River Basin –
Triennial Review**

Dear Ms. Moses,

Delaware Riverkeeper Network is writing to request an extension of DEP's triennial review process to allow for more time for the public to participate in this important process that comes about once every 3 years or more. The last Triennial review for Pennsylvania occurred in 2013. The Triennial review was noted in the October 21, 2017 PA Bulletin with a comment deadline of Dec 29, 2017. We believe providing at least an additional 30 days beyond the Dec 29, 2017 deadline and after the holiday season and new year have passed, DEP will improve public participation and ensure the meaningful time needed to fully and fairly review and comment on the proposed standards or standards that may be missing but that are needed.

Below are just some of the reasons Delaware Riverkeeper Network believes and extension is warranted as we begin to examine the proposed regulation. For example,

→ DEP is requesting input for conservation easements and the kinds and types that can be used to qualify streams for special protection/Exceptional Value – with a wealth of private conservation trusts and land groups in the state that work to preserve land, we believe DEP would benefit from land and conservancy groups taking part in the public process, but for whom consideration of water quality standards may be a new concept and so will need more time to properly understand and engage in this important process linking water and land protection together. This seems especially critical since it would appear that DEP examines easements very narrowly even with strong protection measures in place by the land trusts.

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→ Delaware Riverkeeper Network is concerned that DEP is **not** proposing to adopt PFA standards (Perfluoroalkyl and Polyfluoroalkyl substances) to protect drinking water even though these toxins have been found in many drinking water supplies in parts of the Delaware River Basin. New Jersey is currently advancing a science panel's recommendation to adopt a standard of 14 parts per trillion – the most protective standard in the nation. PADEP adopting the same protective standard would greatly protect and not undermine the strides New Jersey is making on the other side of the Delaware River Watershed, while also ensuring that Pennsylvania communities are given the higher level of protection warranted by the science.

→ PA DEP is seeking information about fish in the lower Delaware and in the estuary. Fish propagation is not a designated use in this part of the Delaware River and the state is required to review the reasons behind rejection of those uses. The DRBC found that for all nine fish species evaluated (Atlantic Sturgeon, American Shad, Striped Bass, White Perch, Bay Anchovy, Atlantic Silverside, Alewife, Blueback Herring, and Atlantic Menhaden) successful reproduction was clearly demonstrated in one or more of the compromised estuary zones. Furthermore, Delaware Riverkeeper Network submitted a petition to DRBC for dissolved oxygen (DO) criteria to be strengthened to meet the existing use of the main stem Delaware River as DO levels far exceed the current standards.

→ Delaware Riverkeeper Network is concerned that DEP continues to not establish chloride standards, a very real threat in the Delaware Watershed especially in our sensitive headwaters tributaries and the main stem, Delaware River. An interim criterion for chloride to begin protecting Pennsylvania streams from brine wastewater from gas drilling and road salt applications is a critical step by the state that is overdue and needed and the science conducted by the state would support establishment of this chloride criterion at this critical time.

Since many of these issues being taken up in the Triennial review greatly impact the Delaware River watershed, we would request that a hearing be held in the watershed well after the new year to allow for more participation by the public in the southeast corner of the state. By holding only three hearings on December 8, 12, and 14th with none of the hearings located in the Delaware River watershed, people from the southern part of the watershed would have to travel over two hours to get to one of the hearings. We believe there is a lot of interest in the watershed for the above proposals and much more.

We kindly request that if an extension is granted that we are made aware of it and it be announced at the first public hearing on December 8th or as soon as possible so that the public can plan accordingly. Thank you for your time and consideration.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network

Cc: Thomas Barron, Bureau of Clean Water, tbarron@pa.gov