



Withdrawal of Federal Antidegradation Policy for Pennsylvania

Summary

The U.S. Environmental Protection Agency (EPA) is taking final action to withdraw the federal antidegradation policy for the Commonwealth of Pennsylvania. The Clean Water Act (CWA) requires that all States, Territories, and authorized Tribes develop water quality standards that include the designated use or uses of the water, water quality criteria to protect those uses, and an antidegradation policy. An antidegradation policy maintains and protects existing uses, high quality waters, and outstanding national resource waters. The Clean Water Act authorizes EPA to promulgate water quality standards for a State when EPA disapproves the State's new or revised water quality standards.

Background

On June 6, 1994, EPA disapproved portions of Pennsylvania's antidegradation policy that were not consistent with federal antidegradation requirements. When Pennsylvania did not fix the disapproved portions of its antidegradation policy in a timely manner, EPA promulgated a federal antidegradation policy for Pennsylvania on December 9, 1996. In August 1999, Pennsylvania modified its antidegradation policy. EPA subsequently approved the majority of these revisions on March 17, 2000, but withheld action on the portion of Pennsylvania's antidegradation policy relating to Exceptional Value or Tier 3 waters because it was not consistent with federal antidegradation regulations.

In 2003, Pennsylvania published "Water Quality Antidegradation Implementation Guidance", which provides guidance on implementing its antidegradation policy and identifies the requirements for protecting Exceptional Value waters. EPA reviewed Pennsylvania's Tier 3

antidegradation regulation in combination with the Guidance and determined Pennsylvania's antidegradation policy is consistent with federal antidegradation regulations. EPA approved Pennsylvania's Tier 3 regulation on March 7, 2007. Thus, Pennsylvania had a fully-approved antidegradation policy, making the federally-promulgated antidegradation policy duplicative.

In September 2008, EPA published a Direct Final Rule with a Parallel Proposed Rule to withdraw the federal antidegradation policy for the Commonwealth of Pennsylvania. In November 2008, EPA withdrew the Direct Final Rule and reopened the public comment period for the action. EPA received one set of comments on the action in December 2008, which was considered in this action.

Impact of this Action

Pennsylvania currently has two antidegradation policies: the federally promulgated policy and Pennsylvania's EPA-approved policy. This action will withdraw the federally promulgated policy since Pennsylvania's policy is as protective as the federal policy, leaving Pennsylvania's antidegradation policy in place.

For More Information

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