

# DNREC Virtual Public Hearing

## April 20, 2022

**For 7 DE Admin. Code 7401 Water Quality Standards (Docket #2021-R-WS-0015)**

Welcome. Any visual content that is part of this hearing will appear in this window. You can use your computer audio to listen to this hearing. Use the audio connections menu to turn audio on your computer on or off. Or you can dial-in to the hearing using the following information:

Dial-in Number: 1-408-418-9388

Event Number: 2332 836 9040

Password: RegAmend7401

Verbal and written comments will be accepted during this public hearing. Comments will be accepted through May 5, 2022. Please see [de.gov/dnrehearings](https://de.gov/dnrehearings) for more information on submitting comments.



# Agenda

- Introductions
- Regulation Promulgation Schedule
- Current Water Quality Standards
- Proposed Standards
- Entry of Department Exhibits into the Record
- Public Comments



# Regulation Promulgation Schedule

- Publication of proposed regulation: March 1, 2022
- Legal Notice: March 9, 2022
- Public Hearing: April 20, 2022
- Hearing Record Closes: May 5, 2022
- Publication of final regulations: July 1, 2022  
(Anticipated)
- New regulations take effect: July 11, 2022 (anticipated)



# Current Water Quality Standards

- The Water Quality Standards (7 DE Admin Code 7401) were last updated in 2017.
- Are Established to Restore and Maintain the chemical physical and biological integrity of Delaware's Waters
- Wherever attainable, achieve a level of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water.
- Set Designated Uses for all waters of the State and Criteria Protective of the Designated Uses.
- Include Antidegradation Requirements
- General Polices affecting application and implementation of the Standards



# Proposed Regulation

- Based on EPA Recommendations for Human Health Criteria, a New Table of 116 pollutants is offered to replace the old table. In accordance with EPA's updated guidance, criteria will be lower for 64 pollutants, higher for 13 pollutants and unchanged for 20 pollutants. Ten new pollutants have been added to the proposed regulation.
- Aligns the criteria more closely with EPA recommended criteria by dropping some criteria and replacing them with new related criteria in their place.
- Changes the names from synonyms for the same chemicals to the same names as in EPA recommended criteria
- Drops Human Health criteria in the current standards that do not currently have EPA recommended criteria



# Proposed Regulation

- Proposes to adopt new EPA Recommended Aquatic Life Criteria for Ammonia, Cadmium and Nonyphenol
- There are 7 instances in the proposed regulation referencing section 4.6.3 which should have been referencing section 4.5.9. The final version of the regulation will correct the referenced sections. This presentation noting these changes was updated on the Department's website before this hearing.

# Department Exhibits

The Department is submitting 13 exhibits into the record for these proceedings:

- Exhibit 1: Start Action Notice 2021-07, Amend 7 DE Admin. Code Surface Water Quality Standards, signed on 7-14-2021.
- Exhibit 2: Notice of the Public Hearing scheduled for April 20, 2022, as posted on the Statewide Public Meeting Calendar on March 9, 2022.
- Exhibit 3: Affidavit and Legal Ad published in Delaware State News 9-15-21
- Exhibit 4: Affidavit and Legal Ad published in the News Journal 9-15-21.
- Exhibit 5: Email Sent to Stakeholders 9-17-2022 titled Update on Delaware Triennial Review and 2022 Delaware Integrated Report



# Department Exhibits Continued

- Exhibit 6: Copy of the Register Notice as it appeared in the March 1, 2021, Delaware Register of Regulations, Vol. 25, Issue 9, page 837-839.
- Exhibit 7: Copy of Regulatory Flexibility Analysis and Impact Statement as published March 1, 2022
- Exhibit 8: Copy of the Proposed Updated Regulation with Strikethrough Language as published March 1, 2022
- Exhibit 9: Copy of Stakeholder Guide as published on the Department Public Hearing Website
- Exhibit 10: Copy of EPA National Recommended Water Quality Criteria - Aquatic Life Criteria Table
- Exhibit 11: Copy of EPA National Recommended Water Quality Criteria - Human Health Criteria Table
- Exhibit 12: The Department PowerPoint presentation for the April 20, 2022, public hearing on Surface Water Quality Standards Regulations.





# Department Exhibits Continued

- Exhibit 13: Affidavit and Legal Ad Published in the Delaware State News March 9, 2022



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Thank you for joining us. We will accept comments on this matter through May 5, 2022.

Comments may be submitted in writing via DNREC Comment form <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/> via email- [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov)  
or by USPS mail:

**Lisa Vest, Hearing Officer  
DNREC –Office of the Secretary  
89 Kings Highway, Dover, DE 19901**

The full verbatim transcript will be posted when it becomes available. For more information, find the event page for this hearing on the DNREC Public Hearings page [dnrec.alpha.delaware.gov/public-hearings/](https://dnrec.alpha.delaware.gov/public-hearings/)

