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State of Delaware:

County of Kent:

Before me, a Notary Public, for the County and State aforesaid. Darel LaPrade, known to me to be such, who being sworn according to law deposed and says that he is the Publisher of **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of 03/09/22.

Darel LaPrade

Publisher
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 9th Day of March, A.D., 2022



Roxanne Brooks

Notary Public



DNREC - DIVISION OF WATERSHED STEWARDSHIP

LEGAL NOTICE Notice of Public Hearing

The Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship, will conduct a virtual public hearing (Hearing Docket No. 2021-R-WS-0015) on Wednesday, April 20, 2022, beginning at 6:00 p.m., to consider comments from the public on the proposed revisions to Delaware's Surface Water Quality Standards (7 DE Admin. Code 7401).

The objectives of revising 7 DE Admin. Code 7401 are to complete a Triennial Review of Water Quality Standards as required under the Clean Water Act, clarify existing regulatory language, add clarifying language, and to correct typographical and grammatical errors. The Clean Water Act requires that all States review their surface water quality standards every three years and adopt revised standards to comply with requirements of the federal Clean Water Act.

Department staff reviewed Environmental Protection Agency (EPA) documents and staff recommendations. Staff review showed that EPA extensively revised their National Recommended Water Quality Criteria for human health recommendations in 2015 based on the latest science and information. The Department's proposed changes would incorporate most of EPA's recommendations. Because of the extensive changes to EPA recommendations for human health criteria in the current regulations staff have proposed the current table be stricken in its entirety. A simpler new table of 116 pollutants based on EPA latest guidance is offered in its place. 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 for human health criteria.

To align Delaware's criteria more closely with EPA guidance, the proposed regulation drops some criteria and substitutes new related criteria in their place. Delaware's current criteria have eight criteria with pollutant names that are synonyms for the same pollutant in EPA's guidance. This updated regulation changes the names to be consistent with EPA guidance. Because there is no EPA guidance for human health criteria for Fluoride, Lead, Silver or Total Trihalomethanes, this regulation removes them from Delaware's Human Health Criteria. There are applicable Aquatic Life Criteria for Lead and Silver that are more stringent than the current human health criteria and they would remain in place. For Aquatic Life Criteria, EPA has updated its recommendations for Aluminum, Ammonia, Cadmium, Nonlyphenol and Selenium. This regulation adopts these recommendations, with the exception of Aluminum and Selenium as EPA has not completed their implementation guidance for these two pollutants.

In the past, the Department used Fish Consumption advisories in assessments of the Aquatic Life Use. Some other states and jurisdictions have a Fish Consumption designated use and the EPA ATTAINS database is structured to separate fish consumption uses from the aquatic life use. Department and EPA staff believe that adding the Fish Consumption designated use will bring better clarity to assessments and management actions and better fit the ATTAINS database than the past practice. Thus, the proposed regulation adds the Fish Consumption designated use for all waters of the State.

To ensure compliance with the Clean Water Act and EPA regulations, the State of Delaware, in accordance with 7 Del.C. §6010, will amend the State of Delaware Surface Water Quality Standards. The proposed amendments may be inspected online at http://regulations.delaware.gov/services/current_issue.shtml or in-person, by appointment only, by contacting David Wolanski by phone at 302-739-9939 or by email at David.Wolanski@delaware.gov.

Virtual Meeting Information

The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use RegAmend7401. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 2332 836 9040. Closed captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The Department will accept public comment through the close of business on Thursday, May 5, 2022. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR
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