

EQB Withdraws Proposed Water Quality Standard for Manganese

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On November 18, 2022, the Pennsylvania Environmental Quality Board (EQB) notified Pennsylvania's Independent Regulatory Review Commission (IRRC) that it was formally withdrawing its widely-opposed proposed rulemaking to change the water quality criterion for manganese in the commonwealth. See Letter from Laura Griffin, Regulatory Coordinator, EQB, to David Summer, Exec. Dir., IRRC (Nov. 18, 2022); see also Proposed Rulemaking Preamble, "Water Quality Standard for Manganese and Implementation" (Dec. 17, 2019). The manganese rule would have added a numeric water quality criterion for manganese of 0.3 mg/L to Table 5 at 25 Pa. Code § 93.8c and deleted the existing water quality criterion of 1.0 mg/L from 25 Pa. Code § 93.7. See Executive Summary at 1, "Final-Form Rulemaking: Water Quality Standards and Implementation—Manganese" (Aug. 9, 2022). In its rule proposal, the EQB and the Pennsylvania Department of Environmental Protection identified the parties affected by the manganese rule to be "[a]ll persons, groups, or entities with proposed or existing point source discharges of manganese into surface waters of the Commonwealth," but specifically identified "[p]ersons who discharge wastewater containing manganese from mining activities" as affected parties, and expected that mining operators would need to perform additional treatment to meet this criterion. *Id.* at 3.

The EQB's withdrawal of the rule follows the November 2022 disapproval of the rulemaking by the IRRC and the Pennsylvania House and Senate Environmental Resources and Energy standing committees. See Vol. 39, No. 4 (2022) of this *Newsletter*.

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