

# PADEP Water Resources Advisory Committee Updates

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*Pittsburgh, PA and Washington, DC*

*FNREL Water Law Newsletter*

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The Pennsylvania Department of Environment Protection's (PADEP) Water Resources Advisory Committee (WRAC) met on May 16, 2024, to discuss PADEP's proposed rulemaking regarding notification requirements for unauthorized discharges to waters of the commonwealth and the draft final Triennial Review of Water Quality Standards (WQSs). Section 91.33 of Title 25 of the Pennsylvania Code requires immediate notification to PADEP if, because of an accident or other activity or incident, a toxic substance or other substance which would endanger downstream users or otherwise result in pollution reaching the waters of the commonwealth, is discharged into waters of the state. The characteristics of unauthorized discharges, such as spills and leaks, are not known prior to the discharge, and there are many site-specific factors affecting the risk of unauthorized discharge. According to PADEP, the purpose of the proposed regulation is to make the notification requirements for unauthorized discharges as straightforward as possible. The requirements do not expand notification obligations but attempt to clarify which unauthorized discharges need to be reported. In PADEP's presentation to the WRAC, PADEP provided examples of unauthorized discharges that do not need to be reported, discharges that may need to be reported, and discharges that must be reported. For example, releases of materials within secondary containment when there is no possibility of the substance reaching waters of the commonwealth do not need to be reported, spills of non-liquid materials into waters of the commonwealth may not need to be reported, depending on the material, and sanitary sewer overflows that reach waters of the commonwealth must be reported.

WRAC also reviewed the draft final version of the Triennial Review of WQSs regulation. In the regulation, PADEP proposed new or updated WQSs for 17 toxic substances including: acetone, barium, boron, cadmium, carbaryl, chloroform, chlorophenoxy herbicide, 1,4 dioxane, formaldehyde, methyl isobutyl ketone, metolachlor, resorcinol, 1,2,3 trichloropropae, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, and xylene, among others. According to PADEP, there were no changes between the proposed regulation and the final regulation.

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