

DRBC Statement regarding proposals to revise water quality standards in the Delaware River Estuary

September 7, 2023

For over 60 years, the Delaware River Basin Commission (DRBC or Commission) has worked to protect and improve water quality throughout the Delaware River Basin. The DRBC supports the “fishable” goals of the Clean Water Act and has taken numerous priority actions to advance these goals in the Estuary, the tidal reach of the Delaware River. Most recently, the DRBC developed major [science, engineering, and socioeconomic studies](#) that lay a foundation for revised aquatic life water quality standards for the Estuary and rulemaking to adopt these standards. The Commission has consistently engaged stakeholders and the public on these issues through an open and transparent process.

The DRBC supports the adoption of revised water quality standards that protect fish propagation throughout the Estuary. By a [Resolution for the Minutes dated September 7, 2023](#), the Commission has deferred its planned rulemaking on new standards, pending completion of a separate, federal rulemaking [announced](#) by the U.S. Environmental Protection Agency on December 1, 2022. The decision to defer DRBC rulemaking is being taken to support regulatory efficiency and intergovernmental coordination. DRBC’s action will avoid concurrent notice and comment rulemaking processes to revise standards for the same water body. DRBC staff will continue to work closely with EPA and the Estuary state environmental protection agencies in Delaware, New Jersey and Pennsylvania to support vital water quality improvements.

The EPA is expected to propose a rule revising the designated uses and the water quality criteria required to protect those uses, in portions of the Estuary. The DRBC’s scientists and engineers will continue to focus on strategies for implementing the new standards to achieve the measurable water quality improvements the standards are designed to support. The Commission’s work will include identifying affected dischargers, developing wasteload allocations and effluent limitations, and considering capital improvement schedules and potential variances. The DRBC will conduct its work in close cooperation with the EPA and Estuary state co-regulators. Importantly, the DRBC will continue to engage stakeholders in the development of strategies, plans, analyses, and, if appropriate, regulations for the implementation of the new aquatic life uses and criteria, primarily through the Commission’s long-standing [Water Quality Advisory Committee](#).

The Commission will continue to support and provide resources to the EPA and the Estuary states to meet the shared goal of updated water quality standards that improve protections for aquatic life. The agencies will work together and with stakeholders to implement the improvements we collectively envision. A single, EPA-led rulemaking process will allow for focused engagement by Estuary communities, advocates and regulated entities.

Further questions about the EPA rulemaking process to revise the aquatic life water quality standards for the Delaware River Estuary should be directed to the EPA.