



Delaware River Basin Commission

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Comment on Proposed Rule “Water Quality Standards to Protect Aquatic Life in the Delaware River” Docket ID No. EPA-HQ-OW-2023-0222

Comments delivered by Steve Tambini, Executive Director EPA Public Hearing 1 February 6, 2024

My name is Steve Tambini, and I am the Executive Director of the [Delaware River Basin Commission](http://www.drbc.net). The DRBC is an interstate-federal compact resource management agency whose members are Pennsylvania, New Jersey, New York, Delaware and the United States. In addition to my comments today, we will be submitting written technical comments.

The DRBC supports adoption of revised water quality standards for the Delaware River Estuary. The EPA proposal reflects the shared goals of the federal Clean Water Act and the Delaware River Basin Compact. We encourage stakeholders to support the proposed designated use and the application of science-based water quality criteria to protect all stages of aquatic life.

The Estuary became severely polluted when earlier in our country’s history, industry and population expanded in the absence of environmental understanding and management. Since DRBC established its first water quality standards and a plan to improve dissolved oxygen (or “DO”) in the 1960s, the urbanized Estuary has seen focused restoration efforts, resulting in extraordinary water quality improvements. The number and variety of fish in the Estuary have grown, and people once again see the waterfronts of Philadelphia, Camden, Wilmington and Chester as places to live, work and play.

Restoring a waterbody shared by millions of people in three states is, of necessity, a collaborative effort. Our engaged Basin communities have brought the Delaware River Estuary back from a condition of chronic dead zones and low dissolved oxygen to one of vastly improved ecosystem health. Still, more work is needed.

Human activity in our population centers continues to create domestic waste in the form of ammonia nitrogen that some conventional wastewater treatment plants cannot effectively remove. Ammonia

discharged to the river consumes oxygen, causing DO to “sag” during the summer months, which can negatively impact DO sensitive species, including the endangered Atlantic Sturgeon.

In 2017, the five DRBC Commissioners [unanimously directed](#) the DRBC staff to **first** evaluate the attainability of an [improved aquatic life designated use](#) and **second**, begin rulemaking to adopt the new use together with supporting criteria.

The Commission’s directive emphasized the importance of a collaborative process informed by technical studies and specialized scientific and engineering expertise. DRBC staff also drew on the expertise of the Commission’s federal and state member agencies and the basin community through our [Water Quality Advisory Committee](#), comprised of representatives from state and federal agencies, including EPA, industrial and municipal dischargers, environmental groups, local watershed organizations, and academia.

DRBC staff conducted five years of intensive study across science and engineering disciplines to reach important conclusions, laid out in a series of [2022 technical reports](#). These reports collectively illuminate the path forward to an Estuary that supports all life stages and species of resident and migratory fish native to this river.

The DRBC was poised to begin rulemaking to establish new water quality standards when, in December 2022, in response to a petition from a group of NGOs, EPA formally determined that, “revised standards ... [were] necessary to satisfy the requirements of the Clean Water Act.” With this decision, by law, EPA must itself prepare and publish proposed regulations setting forth new or revised Water Quality Standards.

We commend EPA for delivering proposed rules within the scheduled timeline. We also appreciate [that EPA’s detailed rulemaking notice](#) and its supporting technical and [environmental justice](#) reports extensively cite the DRBC’s technical studies.

This EPA action will directly impact over 3 million people, including multiple, diverse and distinct overburdened communities in three states. As stated in EPA’s proposed update of its own [Meaningful Involvement Policy](#), all people should “have an opportunity to participate in decisions about activities that may affect their environment and/or health.”

To support meaningful involvement, and in response to expressions of interest and concern by stakeholders about this rulemaking, DRBC has provided supplemental outreach through its website, listservs, advisory committees, and social media channels, and has conducted direct outreach to community organizations and elected officials in communities that may be affected by the proposed rules.

The Delaware River provides life-sustaining water resources for our environment and our economy. The EPA's proposal to revise the water quality standards in the Delaware River Estuary presents a significant opportunity for achieving shared water quality goals under the Clean Water Act. We encourage the full and meaningful involvement of the basin community and request the support of all basin stakeholders for this milestone proposal to revise and protect aquatic life uses.

Thank you.

Please Note: These comments were delivered at a live, public hearing hosted by the U.S. Environmental Protection Agency (EPA) on Feb. 6, 2024. In the event of discrepancies between this written version and EPA's hearing transcript, the transcript is considered the official record for administrative purposes.