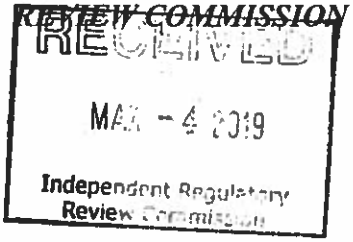
REVISED 12/16

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

INDEPENDENT REGULATORY REVIEW COMMISSION



(1) **Agency**
Environmental Protection

(2) **Agency Number**: 7
Identification Number: 548

IRRC Number: 3226

(3) **PA Code Cite**: 25 Pa. Code Chapter 93

(4) **Short Title:**

Water Quality Standards – Class A Stream Redesignations

(5) **Agency Contacts (List Telephone Number and Email Address):**

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(6) **Type of Rulemaking (check applicable box):**

- ☒ Proposed Regulation
- ☐ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation
  - ☐ Certification by the Governor
  - ☐ Certification by the Attorney General

(7) **Briefly explain the regulation in clear and nontechnical language. (100 words or less)**

The amendments to Chapter 93 reflect the list of recommended redesignations of streams as embedded in the attached Water Quality Standards Review Stream Redesignation Evaluation Report. The proposed regulation will update and revise stream use designations in 25 Pa. Code §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r, and 93.9t. These changes will not impose any new operating requirements on existing wastewater discharges or other existing activities regulated by the Department under existing permits or approvals. If a new, increased or additional discharge is proposed by a permit applicant, more stringent treatment requirements and enhanced best management practices (BMPs) may be necessary to maintain and protect the existing quality of those waters.

(8) **State the statutory authority for the regulation. Include specific statutory citation.**

Sections 5(b)(1) and 402 of the Pennsylvania Clean Streams Law, Act of June 22, 1937 (P.L. 1987, No. 394) as amended, 35 P.S. §§ 691.5(b)(1) and 691.402.

Section 1920-A of The Administrative Code of 1929, as amended, 71 P.S. § 510-20.

Section 303(c) of the Federal Clean Water Act, 33 U.S.C.A. § 1313(c).

(9) **Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.**

Water quality standards must be reviewed and approved by the U.S. Environmental Protection Agency for consistency with the mandates under the Federal Clean Water Act. Section 101(a)(2), 33 U.S.C.A. § 1251(a)(2) of the Act establishes the national goal that wherever attainable, water quality should provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Section 303(c)(2)(A), 33 U.S.C.A. § 1313(c)(2)(A), requires water quality standards to include designated uses of waters, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other purposes. Section 303(d)(4)(B), 33 U.S.C.A. § 1313(d)(4)(B), establishes an antidegradation policy for waters where the quality of the water equals or exceeds levels necessary to protect the designated uses for such waters. The designated uses proposed in this rulemaking are consistent with these mandates.

(10) **State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.**

The purpose of developing the water quality standards is to protect Pennsylvania's surface waters. Pennsylvania's surface waters, through the water quality standards program, are protected for a variety of uses including: drinking water supplies for humans, livestock and wildlife; fish consumption; irrigation for crops; aquatic life uses; recreation; and industrial water supplies.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all citizens of the Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking water illnesses. Clean surface waters also benefit the Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries. This proposed regulation benefits not only local residents but those from outside the area who come to enjoy the benefits and aesthetics of outdoor recreation.

(11) **Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.**

No. The proposed regulations are not more stringent than federal standards.

(12) **How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?**

Other states are also required to maintain water quality standards, based on the federal mandate at section 303(c) of the Clean Water Act, 33 U.S.C.A. § 1313(c), and 40 CFR Subpart B.

The proposed amendments will therefore not put Pennsylvania at a competitive disadvantage to other states.

(13) **Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

No other regulations are affected by this proposal.

(14) **Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)**

These amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements). In this proposed rulemaking, redesignations rely on 25 Pa. Code § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the PFBC approved these waters after public notice and comment. Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for the streams proposed for redesignation. This review was conducted to ensure that the HQ criteria were met.

The Department offered opportunities for the public to provide data and information during the review of the uses of the streams. First, the Department provided public notice of its intent to assess the Class A wild trout stream data. The Department's notices requesting additional water quality data for the streams were published in the *Pennsylvania Bulletin* on January 23, 2016 (46 Pa.B. 503); March 5, 2016 (46 Pa.B. 1287); and June 25, 2016 (46 Pa.B. 3328). Additionally, the notices were posted on the Department's website. No water quality data were received. The Department directly notified all affected municipalities, county planning commissions, conservation districts, and Commonwealth agencies of these redesignation evaluations in letters dated January 5, May 27 and July 8, 2016. No data or comments were received in response to these notices.

Once the data solicitation was completed, the Department prepared a draft streams evaluation report and made it available to all affected municipalities, county planning commissions, county conservation districts and other Commonwealth agencies on April 26, 2017. This draft report was mailed to these same entities and posted on the Department's website, for a 45-day public comment period. Two letters of support were received. The Department considered these comments in drafting the final Class A Wild Trout Streams Evaluation Report. A copy of the stream evaluation report for these waterbodies is available on the Department's website or from the contact persons listed in Section B of the Preamble. Copies of the PFBC fisheries management reports for these streams and the PFBC's sampling protocols for wadeable streams are available on the Department's website or from Thomas Barron, whose address and telephone number are listed in Section B of the Preamble. The data and information collected on these waterbodies support the Board's proposed rulemaking as set forth in Annex A.

The public will be afforded the opportunity to comment on this proposed regulation, which will include a public hearing during a 45-day public comment period.

The Department presented a summary of the details of this proposed rulemaking package at the August 16, 2018 Joint Meeting of the Department's Agriculture Advisory Board and the State Conservation Commission's Nutrient Management Advisory Board (under the Department of Agriculture).

The Department is coordinating with the Small Business Ombudsman to ensure the small business community will be notified of their opportunity to submit comments on this proposed rulemaking during the 45-day public comment period following publication in the *Pennsylvania Bulletin*.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are approximately 10,300 facilities across the Commonwealth that hold permits issued pursuant to 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System (NPDES) permitting, monitoring and compliance). This statewide number of approximately 10,300 includes NPDES permits for Concentrated Animal Feeding Operations, industrial waste, municipal separate storm sewer systems, sewage, and industrial storm water. Out of this statewide total of approximately 10,300 permits, only 19 facilities are known to hold NPDES permits within the boundaries of the watersheds of the stream segments being considered for redesignation in this proposed rulemaking. The types of NPDES discharges identified that have watershed involvement in this proposed rulemaking include industrial waste, sewage, municipal stormwater, and industrial stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on the existing discharges from these 19 NPDES permitted entities. However, discharge activities to special protection streams do not qualify for NPDES general permits, based on 25 Pa. Code § 92a.54(a)(8) (relating to general permits), and therefore, will require individual permits. The individual permits are necessary to track any additional or increased discharges to a special protection water.

There are thousands of general and individual NPDES permits for Stormwater Discharges Associated With Construction Activities issued under 25 Pa. Code Chapter 102 (relating to erosion and sediment control) that were not included in the statewide total of NPDES permits. These construction permits were not included in the permit counts because of their temporary nature. However, if the construction permit was issued as a general permit, and if the permitted activity is not completed by the expiration date on the permit and the permittee seeks to renew the permit, must be renewed as an individual permit. Additionally, when earth disturbance activities occur within the basins of the stream segments proposed to be redesignated in this rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102.

Any person proposing a new, additional, or increased point source discharge would need to satisfy the antidegradation requirements found at 25 Pa. Code § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and the applicant must use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies. The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these non-

degrading discharge requirements, the applicant proposing a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported.

Where on-lot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 (relating to the administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for on-lot sewage treatment facilities) will continue to satisfy 25 Pa. Code § 93.4c (relating to the implementation of antidegradation requirements) in these waters that are being considered for redesignation to HQ. Permit applicants of sewage facilities in HQ waters who demonstrate SEJ at the sewage facilities planning stage need not redemonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants.

The Department cannot accurately estimate who will be affected by these proposed stream redesignations because: (1) a discharger will not be impacted until a future activity requires a new or modified NPDES permit; (2) effluent discharge and receiving stream characteristics are unique; (3) social and economic justification may be available to modify the requirement; and (4) generic technology or cost equations are not available for purposes of comparing the costs and/or savings for local governments that are responsible for discharges.

The Department identified eleven public water supply facilities with raw water intakes within 30 stream miles downstream of the candidate stream sections for redesignation in this proposed rulemaking package. These eleven public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking package because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water will be less costly to customers if less treatment is needed due to the high quality of the water in the stream.

Small businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A Wild Trout fisheries.

(16) **List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.**

There are approximately 10,300 facilities across the Commonwealth that hold permits issued pursuant to 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System (NPDES) permitting, monitoring and compliance). This statewide number of approximately 10,300 includes NPDES permits for Concentrated Animal Feeding Operations, industrial waste, municipal separate storm sewer systems, sewage, and industrial storm water. Out of this statewide total of approximately 10,300 permits, only 19 facilities are known to hold NPDES permits within the boundaries of the watersheds of the stream segments being considered for redesignation in this proposed rulemaking. The types of NPDES discharges identified that have watershed involvement in this proposed rulemaking include industrial waste, sewage, municipal stormwater, and industrial stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any

immediate, additional special treatment requirements on the existing discharges from these 19 NPDES permitted entities. A person who applies for a new, additional or increased point source discharge to a special protection water must comply with this regulation and must satisfy the requirements of the antidegradation regulation at 25 Pa. Code § 93.4c(b)(1).

There are thousands of general and individual NPDES permits for Stormwater Discharges Associated With Construction Activities issued under 25 Pa. Code Chapter 102 that were not included in the statewide total of NPDES permits. These construction permits were not included in the permit counts because of their temporary nature. However, if the construction permit was issued as a general permit, and if the permitted activity is not completed by the expiration date on the permit and the permittee seeks to renew the permit, it must be renewed as an individual permit. Additionally, when earth disturbance activities occur within the basins of the stream segments proposed to be redesignated in this rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102.

Since a person will not be required to comply with this proposed regulation until a future activity requiring a new, additional or increased point source discharge, or new earth disturbance activities, any approximation of the number of those affected, and who would need to comply is speculative. Based on current information, the regulation might affect 19 discharge permits if expansions to these facilities are proposed.

(17) **Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.**

Financial and Economic Impacts: The stream redesignations in this proposed regulation will not have any financial or economic impact on those currently engaged in an activity regulated by the Department. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, they are considered to satisfy the antidegradation requirements as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not automatically impose any additional new treatment requirements or financial impacts on NPDES permitted entities and other existing entities.

The antidegradation analysis requires any individuals, small businesses, businesses and labor communities and other public and private organizations proposing a new, additional, or increased point source discharge to satisfy the requirements found at 25 Pa. Code § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and the applicant must use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies. The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to special protection streams do not qualify for NPDES general permits, based on 25 Pa. Code § 92a.54(a)(8), and therefore, will require individual permits.

Where on lot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 will continue to satisfy 25 Pa. Code § 93.4c in these waters that are candidates for redesignation to HQ. Permit applicants of sewage facilities in HQ waters who demonstrate SEJ at the sewage facilities planning stage need not redemonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants.

When earth disturbance activities occur within the basins of the stream segments that are proposed to be redesignated in this rulemaking, additional BMPs may be necessary to protect water quality under 25 Pa. Code Chapter 102.

Social Impacts and Economic and Social Benefits:

Overall, the Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply. Water uses in the Commonwealth include water supplies for human consumption, wildlife, irrigation, and industrial use; recreational opportunities such as fishing (also for consumption); water contact sports and boating; and aquatic life and special protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

Increased property values are an economic and social benefit of clean water protected by this proposed regulation.

A reduction in toxics found in Pennsylvania's waterways may lead to increased property values for properties located near rivers or lakes. The study, *The Effect of Water Quality on Rural Nonfarm Residential Property Values*, (Epp and Al-Ani, American Journal of Agricultural Economics, Vol 61, No. 3 (Aug. 1979), pp. 529-534 (https://www.jstor.org/stable/1239441), used real estate prices to determine the value of improvements in water quality in small rivers and streams in Pennsylvania. Water quality, whether measured in pH or by the owner's perception, has a significant effect on the price of adjacent property. Their analysis showed a positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2006 study from the Great Lakes region estimated that property values were significantly depressed in two regions associated with toxic contaminants (PAHs, PCBs, and heavy metals). The study showed that a portion of the Buffalo River region (approx. 6 miles long) had depressed property values of between $83 million and $118 million for single-family homes, and between $57 million and $80 million for multi-family homes as a result of toxic sediments. The same study estimated that a portion of the Sheboygan River (approx. 14 miles long) had depressed property values of between $80 million and $120 million as the result of toxics. "*Economic Benefits of Sediment Remediation in the Buffalo River AOC and Sheboygan Rice AOC: Final Project Report,*"(http://www.nemw.org/Econ). While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in Pennsylvania. A reduction in toxic pollution in Pennsylvania's waters has a substantial economic benefit to property values in close proximity to waterways.

Maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation are social and economic benefits of clean water protected by this proposed regulation.

Businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries. Because the focus of this proposal relates directly to the protection of fisheries, sportsmen in Pennsylvania will benefit by the preservation of the existing Class A fisheries. Class A wild trout streams should be protected so that they can continue to be a self-sustaining angling opportunity as compared to the cost-intensive alternative of raising and stocking fish. The purpose of these proposed stream redesignations is to preserve this resource for current and future sportsmen so that the social and economic benefits are maintained in the local area. As recreation demands increase in the future, the preservation of unique resources such as Class A wild trout waters will no doubt add economic value to the local areas and, importantly, provide a valuable social function for outdoor recreation. Specific revenue-related benefits associated with outdoor trout fishing in Pennsylvania are outlined below.

The Center for Rural Pennsylvania prepared a report titled "Economic Values and Impacts of Sport Fishing, Hunting and Trapping Activities in Pennsylvania," (http://www.rural.palegislature.us/documents/reports/hunting.pdf) that examined such economic values and impacts between the years 1995 to 1997. The report provides a snapshot of how much money these sporting activities bring to the state and how they affect employment in rural areas. A major finding of that report is the total annual value of $3.7 billion for sport fishing was almost three times the $1.26 billion spent in travel costs to use fishing resources during the same 12-month period of time. The total net annual benefit to anglers was $2.49 billion.

According to the "Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania," (R. Greene, et al. 2005) (http://www.fishandboat.com/Fish/Fisheries/TroutPlan/Documents/WildTroutStreamAnglerUseCatchEconomicContribution.pdf), the PFBC collected information to assess the economic impact of wild trout angling in Pennsylvania, during the 2004 regular trout season, April 17 through September 3, 2004. PFBC found, based on the results of this study, that angling on wild trout streams contributed over 7.16 million dollars to Pennsylvania's economy during the regular trout season in 2004."

According to the "2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" (https://www.census.gov/prod/2012pubs/fhw11-nat.pdf) for Pennsylvania, prepared by the U.S. Fish and Wildlife Service, approximately 1,101,000 anglers, participated in fishing and 3,598,000 persons participated in wildlife watching in the year 2011. In addition, all fishing-related expenditures in Pennsylvania totaled $485 million in 2011. Such expenditures include food and lodging, transportation and other expenses (equipment rental, bait and cooking fuel). In 2011, wildlife watchers spent $1.3 billion on activities in Pennsylvania. Expenditures include trips-related costs and equipment.

According to the Outdoor Recreation Industry Association, Pennsylvania's outdoor recreation generates 251,000 direct Pennsylvania jobs, $8.6 billion in wages and salaries, and $1.9 billion in state and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. The association reports that 56% of Pennsylvania residents participate in outdoor recreation each year. (See Outdoor Industry Association (2017), "The Outdoor Economy: Take it Outside for American Jobs and a Strong Economy," (https://outdoorindustry.org/resource/pennsylvania-outdoor-recreation-economy-report/)

Savings in water filtration for downstream communities that rely on surface waters for water supplies and availability of unpolluted water for domestic, agricultural and industrial uses are benefits of clean water protected by this proposed regulation.

The Department identified eleven public water supply facilities with raw water intakes that are no further downstream than 30 stream miles of the candidate stream sections for redesignation in this proposed rulemaking package. These eleven public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream. By maintaining cleaner water, public water suppliers will incur the benefits of lower water treatment costs. In addition, cleaner intake water will reduce consumer costs for purchasing clean drinking water.

(18) **Explain how the benefits of the regulation outweigh any cost and adverse effects.**

Protection of HQ waters does not automatically impose any additional special treatment requirements on NPDES permittees because their existing discharges are factored into these proposed redesignations. Prior to rulemaking, the Department has an obligation to provide existing uses protection when data indicates that a surface water attains or has attained an existing use. Information regarding the HQ waters identified in this proposal have been compiled for use in Department permit or approval actions. Notice of the availability of this data is posted on the Agency's Existing Uses List Summary Table found at: http://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/StreamRedesignations/Pages/Statewide-Existing-Use-Classifications.aspx.)

Only when an NPDES permittee proposes a new, additional, or increased discharge would it be necessary to satisfy the requirements of the antidegradation regulation at 25 Pa. Code § 93.4c(b)(1) and (2). Special protection designations do require additional permit application evaluations and considerations and may require the use of additional technologies or BMPs to address pollution that was not present at the time of the stream redesignation. Presently, 19 NPDES discharges are located on waters identified in this proposed rulemaking. The Board does not know whether these facilities will expand, or whether a new application for a discharge permit will be filed with the Department, possibly triggering compliance with the antidegradation regulation.

Discharge permits to HQ or EV waters may be issued if a permit applicant can sufficiently demonstrate to the Department that the activity will protect existing water quality. Compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 will continue to satisfy 25 Pa. Code § 93.4c in these recommended HQ Waters. This proposed rulemaking will not increase costs or trigger adverse effects on existing or planned on-lot sewage systems.

When earth disturbance activities occur within the basins of the stream segments proposed for redesignation in this rulemaking, additional BMPs may be necessary to protect water quality under 25 Pa. Code Chapter 102. The Board does not know if any new activities will be proposed that would require an earth disturbance permit or other approval from the Department.

Several examples of benefits to be gained by the stream redesignations include property value increases, lower treatment costs and customer delivery costs for drinking water and maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation. Benefits are described in Question #17, above.

Any evaluation of adverse effects on dischargers would be speculative at this time since: (1) a discharger will not be impacted until a future activity requires a new or modified NPDES permit; (2) effluent discharge and receiving stream characteristics are unique; (3) social and economic justification may be available to modify the requirement; and (4) generic technology or cost equations are not available for purposes of comparing the costs and/or savings for local governments that are responsible for discharges.

The proposed stream redesignations will benefit all citizens of the Commonwealth, both present and future, by maintaining and protecting water.

On balance, the certain benefits outweigh any potential costs and potential adverse impacts.

(19) **Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.**

Please refer to the response to Question #17 for more detailed economic information.

In general, if a person has a NPDES permit to discharge pollutants into waters of the Commonwealth, the existing permit will not be affected by the stream redesignations, and no new costs will be incurred. If, however, the discharge changes in quality or quantity after a stream is redesignated, any subsequent permit action will take the redesignation into account when establishing permit conditions.

Costs associated with new, increased or additional discharges would include consulting to complete a new portion of a permit application that addresses antidegradation of surface waters. The application requires the permittee to select the various treatment technologies or BMPs that will maintain the existing water quality of the stream. An affordability analysis of the alternatives is also performed to select the best option. Additionally, if an applicant cannot meet the non-degrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to HQ streams do not qualify for NPDES general permits and will require individual permits to allow for this customized review.

While a discharge to a HQ water does require these additional evaluations, and may require the use of additional treatment technologies or BMPs, it does not prohibit activities. Any discharge may occur to HQ waters if the activity will protect existing water quality.

Any evaluation of adverse effects on dischargers would be speculative at this time since: (1) a discharger will not be impacted until a future activity requires a new or modified NPDES permit; (2) effluent discharge and receiving stream characteristics are unique; (3) social and economic justification may be available to modify the requirement; and (4) generic technology or cost equations are not available for purposes of comparing the costs and/or savings for local governments that are responsible for discharges.

(20) **Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.**

Local governments will most likely have additional costs associated with municipal separate storm sewer system (MS4) permitting requirements. A permittee that discharges to an HQ water will be required to obtain an individual permit when the permit is up for renewal. Any new first-time MS4 permits in these waters will be required to obtain individual permits. The cost of a new first-time individual permit is $5,000 compared to $500 for a general permit. There is a difference in cost between the initial issuance of an individual permit and a general permit due to increased staff time needed to review permit applications and implementation oversight that is associated with individual permits. An individual permit allows for the tailoring of a municipality's stormwater management program and its implementation of the minimum control measures. If there is an existing permit (whether it is currently a general permit or an individual permit) on a water that has been redesignated to special protection, the fee to renew it to an individual permit is $2500. The annual fee is the same for a general permit and an individual permit ($500). Individual permits will require an application and general permits will no longer be required to submit a Notice of Intent (NOI) as the annual report submittal and annual fee payment will serve the purpose of past NOIs. In general, there are no special consulting services fees that are needed for a new permittee when applying for the individual permit.

In general, if a municipality has an NPDES permit to discharge pollutants into waters of the Commonwealth, the existing permit will not be affected by the stream redesignations, and no new costs will be incurred. If, however, the discharge changes in quality or quantity after a stream is redesignated, any permit action will take the redesignation into account when establishing permit conditions.

Costs associated with new, increased or additional discharges, associated with publicly owned treatment works, would include consulting to complete a new portion of a permit application that addresses antidegradation of surface waters. The application requires the permittee to evaluate environmentally sound and cost-effective nondischarge alternatives. If none are available, the applicant evaluates the various treatment technologies or BMPs that will maintain the existing water quality of the stream. An affordability analysis of the alternatives is also performed to select the best option. Additionally, if an applicant cannot meet the non-degrading discharge requirements, a municipality who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to HQ streams do not qualify for NPDES general permits and will require individual permits to allow for this customized review.

While a discharge to a HQ water does require these additional evaluations, and may require the use of additional treatment technologies or BMPs, no activities are prohibited. Any discharge may occur to HQ waters if the activity will protect existing water quality.

Any evaluation of adverse effects on dischargers would be speculative at this time since: (1) a discharger will not be impacted until a future activity requires a new or modified NPDES permit; (2) effluent discharge and receiving stream characteristics are unique; (3) social and economic justification may be available to modify the requirement; and (4) generic technology or cost equations are not available for purposes of comparing the costs and/or savings for local governments that are responsible for discharges.

Local governments may gain an income stream from the redesignations due to potential tourism and recreational revenue. For those local governments that receive income from the tourism industry, the redesignations will help maintain the local revenue and employment. In addition, local land values may increase in the future as homes that are near areas of clean water and protected resources such as the trout fishery become more desirable places to live. Local governments that use these waters as a public water supply may also gain an economic benefit by reduced source water treatment requirements.

(21) **Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.**

In general, if a Commonwealth agency has a NPDES permit to discharge pollutants into waters of the Commonwealth, the costs and savings would be the same as those described in Question #20 for local government.

No other costs will be imposed directly upon Commonwealth government by this proposed regulation. This proposed regulation will be implemented through existing Department programs, procedures and policies.

One permit has been issued to a Commonwealth Agency that discharges to one of the streams that is proposed for redesignation in this rulemaking.

(22) **For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.**

Existing Department paperwork, procedures and guidance will be used to implement antidegradation requirements for discharges to the HQ streams. No new forms, reports, or implementation procedures are necessary. A permit applicant who proposes to discharge new, additional or increased pollutants might need the assistance of a consultant to evaluate certain elements of the antidegradation requirements such as nondischarge and nondegrading treatment options or BMPs. A permit applicant for a new or renewed permit must apply for an individual permit; however, a permit renewal does not trigger antidegradation review until new, additional or increased pollutants are proposed in the permit application.

(22a) **Are forms required for implementation of the regulation?**

For a permit applicant who proposes to discharge new, additional or increased pollutants, the appropriate permit applications are needed when applying for a permit. The permit application should include an antidegradation module corresponding to the appropriate Department permitting program.
Permit application modules for discharges to special protection waters can be found at the links listed below in (22b).

(22b) **If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The following are links to existing antidegradation permit application modules or forms that include antidegradation requirements:

Antidegradation Supplement for Mining Permits
http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3713

Mining SEJ module
http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3872

Oil and Gas Program Erosion and Sediment (E&S) Control General Permit
http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=11501&DocName=8000-PM-OOGM0005 NOI Intent.pdf

Industrial Waste Antidegradation Module (including Industrial Waste (IW) Stormwater Only Discharges)
http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=11982&DocName=3800-PM-BCW0008g Module 4 and Module 4 Instructions.pdf

Act 537 Planning Checklist
http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=8431&DocName=3850-FM-BCW0003.pdf

Pesticides Permit Antidegradation Module
http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3675

E&S Control Individual Permit
http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3678

(23) **In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.**

	Current FY 2018/19	FY +1 2019/20	FY +2 2020/21	FY +3 2021/22	FY +4 2022/23	FY +5 2023/24
SAVINGS:	$	$	$	$	$	$
Regulated Community	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable
Local Government	"	"	"	"	"	"
State Government	"	"	"	"	"	"
Total Savings	"	"	"	"	"	"
COSTS:						
Regulated Community	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable
Local Government	"	"	"	"	"	"
State Government	"	"	"	"	"	"
Total Costs	"	"	"	"	"	"
REVENUE LOSSES:						
Regulated Community	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable	Not Measurable
Local Government	"	"	"	"	"	"
State Government	"	"	"	"	"	"
Total Revenue Losses	"	"	"	"	"	"

(23a) **Provide the past three-year expenditure history for programs affected by the regulation.**

Program	FY -3 (2015/16)	FY -2 (2016/17)	FY -1 (2017/18)	Current FY (2018/19)
160-10381 Enviro Protection Operations	$87,172,000	$86,462,000	$86,910,000	$93,190,000
161-10382 Enviro Program Management	$28,277,000	$26,885,000	$29,413,000	$30,932,000

(24) **For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:**

(a) An identification and estimate of the number of small businesses subject to the regulation.

According to the Regulatory Review Act, small businesses are defined in accordance with the size standards described by the United States Small Business Administration's Small Business Size Regulations under 13 CFR Ch. 1 Part 121 (relating to Small Business Size Regulations). The US Small Business Administration defines a small business as less than 500 employees. Persons who propose to discharge new, additional or increased pollutants into surface waters of the Commonwealth must comply with the regulation. Also, please see response under Question #15. When this proposed regulation goes into effect, no existing discharges will be affected. There are approximately 2 small businesses that currently possess NPDES permits to discharge into waters that are being considered for redesignation in this proposed rulemaking.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

Existing Department paperwork procedures and guidance will be used to implement the antidegradation requirements that apply to discharges to the HQ streams. No new forms, reports, or implementation procedures are necessary. NPDES permit application modules for discharges to HQ waters can be found at the links listed in (22b). A permit applicant who proposes to discharge new, additional or increased pollutants might need the assistance of a consultant to evaluate certain elements of the antidegradation requirements such as nondischarge and nondegrading treatment options or BMPs.

(c) A statement of probable effect on impacted small businesses.

In general, if a person has a NPDES permit to discharge pollutants into waters of the Commonwealth, the existing permit limits will not be affected by the stream redesignations, and no new costs will be incurred. If, however, the discharge changes in quality or quantity after a stream is redesignated, any subsequent permit action will take the redesignation into account when establishing permit conditions.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The regulations in 25 Pa. Code Chapter 93 provide the opportunity for examination of the least costly alternative treatment method for a person or entity seeking a new, additional, or increased discharge of pollutants through the permit application process. This examination is performed when an applicant evaluates whether nondischarge alternatives (to the discharge) exist that are cost effective and environmentally sound; and, if not, whether a nondegrading discharge is possible. Since the proposed regulations involve designations of High Quality-Cold Water Fishes, Chapter 93 allows a reduction of water quality if lowering water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

(25) **List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.**

While no special provisions are included in this proposed rulemaking, it is important to note that this proposal will afford the protection of water quality necessary to ensure clean water for all citizens of this Commonwealth.

(26) **Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.**

This proposed regulation will meet the Commonwealth's obligations under The Clean Streams Law and the Clean Water Act to protect water uses. The proposed regulations reflect the results of a scientific evaluation of regulatory criteria. No alternative regulatory schemes are available to achieve the correct level of protection for the waters of the Commonwealth.

(27) **In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including**:

a) **The establishment of less stringent compliance or reporting requirements for small businesses;**

This proposed regulation does not establish or revise compliance or reporting requirements for small businesses. Those requirements would be addressed through the applicable permitting program. No alternative regulatory schemes are available to achieve the correct level of protection for the waters of the Commonwealth. The proposed regulations reflect the results of a scientific evaluation of regulatory criteria.

b) **The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;**

This proposed regulation does not establish or revise schedules or deadlines for compliance or reporting requirements for small businesses. Schedules of compliance and reporting requirements are considered when permit or approval actions are taken, in accordance with 25 Pa. Code Chapter 92a or other applicable permitting programs.

c) **The consolidation or simplification of compliance or reporting requirements for small businesses;**

This proposed regulation does not establish or revise compliance or reporting requirements for small businesses. Compliance and reporting requirements are considered when permit or approval actions are taken, in accordance with 25 Pa. Code Chapter 92a or other applicable permitting programs.

d) **The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and**

Any evaluation of treatment technologies or BMPs for persons who discharge pollutants to HQ streams would be speculative at this time since (1) a discharger will not be impacted until a future activity requiring a new or modified NPDES permit is proposed, (2) effluent discharge and receiving stream characteristics are unique, and (3) social and economic justification may be available to modify the compliance requirement.

c) The exemption of small businesses from all or any part of the requirements contained in the regulation.

No such exemptions of small businesses are available in this case.

(28) **If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.**

These amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the PFBC under § 93.4c (relating to implementation of antidegradation requirements). In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for HQ designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the PFBC approved these waters after public notice and comment. Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for the streams proposed for redesignation. This review was conducted to ensure that the HQ criteria were met.

The results of the Department's review of the PFBC fisheries management reports are included in the Department's Stream Evaluation Report available at http://files.dep.state.pa.us/Water/Drinking%20Water%20and%20Facility%20Regulation/WaterQualityPortalFiles/Stream_Packages/ClassA3_Draft_Streams_Report.pdf.

In addition, links to all of the PFBC fisheries management reports are included in the Department's Stream Evaluation Report at the previous link, and the PFBC's sampling protocols for wadeable streams are available at http://files.dep.state.pa.us/Water/Drinking%20Water%20and%20Facility%20Regulation/WaterQualityPortalFiles/SamplingProtocols_WadeableStreams_Final.pdf .

Department staff reviewed the protocols and stream reports and found them to be scientifically sound. An addendum to the Department's Stream Evaluation Report has been created that includes basin maps of the candidate watersheds.

The addendum is located at http://files.dep.state.pa.us/Water/Drinking%20Water%20and%20Facility%20Regulation/WaterQualityPortalFiles/Stream_Packages/ClassA3_ADDENDUM.pdf.

(29) **Include a schedule for review of the regulation including:**

A. The length of the public comment period: 45 days

B. The date or dates on which any public meetings or hearings will be held: April 26, 2019

C. The expected date of delivery of the final-form regulation: Quarter 2, 2019

D. The expected effective date of the final-form regulation: Upon publication of the final-form rulemaking.

E. The expected date by which compliance with the final-form regulation will be required: Upon publication of the final-form rulemaking

F. The expected date by which required permits, licenses or other approvals must be obtained: No expectation that a permit must be obtained. New, additional, or increased discharges will be subject to the regulation that is in effect at the time a permit application is filed and a Department decision is made.

(30) **Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.**

The Board is not proposing to establish a sunset date for these proposed regulations because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these proposed regulations for their effectiveness and recommend updates to the Board as necessary.

Also, since the Federal Clean Water Act requires review and revision of water quality standards as necessary, but at least once every three years, a schedule for review is inherently established.

CLASS A WILD TROUT STREAMS

STATEWIDE

WATER QUALITY STANDARDS REVIEW

STREAM REDESIGNATION EVALUATION

Drainage Lists:
D, F, J, K, L, M, P, Q, R, T

WATER QUALITY MONITORING SECTION (MAB)
DIVISION OF WATER QUALITY STANDARDS
BUREAU OF CLEAN WATER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

2017

INTRODUCTION

The Department of Environmental Protection (Department) is required by regulation, 25 Pa. Code section 93.4b(a)(2)(ii), to consider streams for High Quality (HQ) designation when the Pennsylvania Fish and Boat Commission (PFBC) submits information that a stream is a Class A Wild Trout stream based on wild trout biomass.

The PFBC surveys for trout biomass using their established protocols (Weber, Green, Miko) and compares the results to the Class A Wild Trout Stream criteria listed in Table 1. The PFBC applies the Class A classification following public notice, review of comments, and approval by their Commissioners. The PFBC then submits the reports to the Department where staff conducts an independent review of the trout biomass data in the fisheries management reports for each stream.

All fisheries management reports that support PFBCs final determinations included in this package were reviewed and the streams were found to qualify as HQ streams under 93.4b(a)(2)(ii). There are 42 entries representing 204 stream miles included in the recommendations table. The Department generally followed the PFBC requested stream reach delineations. Adjustments to reaches were made in some instances based on land use, confluence of tributaries, or considerations based on electronic mapping limitations.

PUBLIC RESPONSE AND PARTICIPATION SUMMARY

The procedure by which the PFBC designates stream segments as Class A requires a public notice process where proposed Class A sections are published in the Pennsylvania Bulletin first as proposed and secondly as final, after a review of comments received during the public comment period and approval by the PFBC Commissioners. Once the Class A sections are finalized, the PFBC then submits the fisheries management reports to the Department for its requisite independent review.

As Class A designations may ultimately result in regulatory changes to Pennsylvania's water quality standards, the Department provides public notice of its intent to assess the Class A stream data prior to any resulting redesignation recommendations. The Department's notice requesting additional water quality data was published in the Pennsylvania Bulletin on January 23, 2016 (46 PaB 503); March 5, 2016 (46 PaB 1287); June 25, 2016 (46 PaB 3328) and on the Departments website. No water quality data were received. In addition, all affected Municipalities, County Planning Commissions,

Conservation Districts, and State Agencies were notified of this redesignation evaluation in a letter dated January 5, May 27 and July 8, 2016. No data or comments were received in response to these notices.

Final Draft Notice, Comments and Response. Once the final draft was completed, it was made available to all municipalities, County Planning Commissions, County Conservation Districts and other State Agencies with effected streams on April 26, 2017 with a with an initial public comment period ending 45-days later. Two letters of support were received.

Table 1: PFBC Trout Biomass Estimate Classes and Criteria

Class	Criteria
A (Brook Trout)	a. Total wild brook trout biomass of at least 30 kg/ha (26.7 lbs/acre) b. Total biomass of wild brook trout less than 15 centimeters (cm) or 5.9 inches in total length of at least 0.1 kg/ha (0.089 lbs/acre) c. Wild brook trout biomass must comprise at least 75% of the total wild trout biomass
A (Brown Trout)	a. Total wild brown trout biomass of at least 40 kg/ha (35.6 lbs. acre) b. Total biomass of wild brown trout less than 15 centimeters (cm) or 5.9 inches in total length of at least 0.1 kg/ha (0.089 lbs/acre). c. Wild brown trout biomass must comprise at least 75% of the total wild trout biomass
A (Mixed Brown and Brook)	a. Combined wild brook and wild brown trout biomass of at least 40 kg/ha (35.6 lbs. acre) b. Total biomass of wild brook trout less than 15 centimeters (cm) or 5.9 inches in total length of at least 0.1 kg/ha (0.089 lbs/acre). c. Total biomass of wild brown trout less than 15 centimeters (cm) or 5.9 inches in total length of at least 0.1 kg/ha (0.089 lbs/acre). d. Wild brook trout biomass comprises less than 75% of total trout biomass e. Wild brown trout biomass comprises less than 75% of total trout biomass
A (Rainbow Trout)	Total biomass of wild rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

RECOMMENDATIONS

The Department recommends amending §93.9d, §93.9f, §93.9j-m, §93.9p-r, §93.9t to reflect High Quality designations for the following stream segments.

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
Beaver Run	Lehigh River	Carbon	04093	D	CWF, MF	HQ-CWF, MF	Basin	Mix	123.56	3.1
Wash Creek	Mahoning Creek	Schuylkill	04081	D	CWF, MF	HQ-CWF, MF	Basin	Mix	45.42	4.36
UNT Mahoning Creek	Mahoning Creek	Schuylkill	04074	D	CWF, MF	HQ-CWF, MF	Basin	Brown	42.54	9.22
UNT Lehigh Canal (Weissport)	Lehigh Canal	Carbon	04088	D	CWF, MF	HQ-CWF, MF	Basin, Source to Phifer Ice Dam Inlet	Mix	61.66	1.1
UNT Lehigh River "Nis Hollow"	Lehigh River	Carbon	03913	D	CWF, MF	HQ-CWF, MF	Main Stem, source to UNT 3914 to "Nis Hollow"	Mix	85.1	2.73
Fireline Creek	Lehigh River	Carbon	03906	D	CWF, MF	HQ-CWF, MF	Main Stem, UNT 03907 to Mouth	Mix	56.46	2.63
UNT Little Schuylkill River	Little Schuylkill River	Schuylkill	na	F	CWF, MF	HQ-CWF, MF	Basin	Brook	35.92	1.34

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
UNT Little Schuylkill River "Rabbit Run"	Little Schuylkill River	Schuylkill	02248	F	CWF, MF	HQ-CWF, MF	Basin	Brook	71.54	3.19
UNT Little Schuylkill River	Little Schuylkill River	Schuylkill / Berks	02204	F	CWF, MF	HQ-CWF, MF	Basin	Brook	244.15	1.29
Sixpenny Creek	Schuylkill River	Berks	01765	F	CWF, MF	HQ-CWF, MF	Basin, UNT 64027 at 40° 14' 37.2"N 75° 46' 39.8"W to Mouth	Mix	54.7	2.494
Aylesworth Creek	Lackawanna River	Lackawanna	28566	J	CWF, MF	HQ-CWF, MF	Basin, Source to UNT 28567 at 41° 31' 18.6"N 75° 31' 23.5"W	Brook	41.18	7.13
Brace Brook	Lackawanna River	Susquehanna / Wayne	28604	J	CWF, MF	HQ-CWF, MF	Basin	Brook	101.4	3.89
Glen Brook	East Branch Briar Creek	Columbia	28086	K	CWF, MF	HQ-CWF, MF	Main Stem, UNT 28087 to Foundryville Rd at 41° 4' 44.0"N 76° 14' 7.6"W	Mix	56.66	1.14
Douglas Run	West Branch Susquehanna River	Cambria / Indiana	27241	L	CWF, MF	HQ-CWF, MF	Basin	Mix	45.52	2.8

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
Emeigh Run	West Branch Susquehanna River	Cambria	27235	L	CWF, MF	HQ-CWF, MF	Basin	Brook	43.78	6.81
Beaver Run	West Branch Susquehanna River	Cambria / Clearfield	27172	L	CWF, MF	HQ-CWF, MF	Basin, Source to and including UNT 27182	Brown	68.71	10.5
Patchin Run	West Branch Susquehanna River	Clearfield	27170	L	CWF, MF	HQ-CWF, MF	Basin	Brook	43.24	2.25
North Run	West Branch Susquehanna River	Clearfield	27077	L	CWF, MF	HQ-CWF, MF	Basin	Brook	39.28	1.92
UNT West Branch Susquehanna River	West Branch Susquehanna River	Clearfield	26735	L	CWF, MF	HQ-CWF, MF	Basin	Brook	32.5	0.59
Hogback Run	West Branch Susquehanna River	Clearfield	26645	L	CWF, MF	HQ-CWF, MF	Basin	Brook	43.92	5.99
UNT Bradley Run	Bradley Run	Cambria	26562	L	CWF, MF	HQ-CWF, MF	Basin	Mix	48.63	1.87
Little Dent Run	Bennet Branch Sinnemahoning Creek	Cameron	24514	L	CWF, MF	HQ-CWF, MF	Basin	Brook	43.27	2.2

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
Laurel Run (Port Matilda)	Bald Eagle Creek	Centre	23210	L	CWF, MF	HQ-CWF, MF	Basin, RMI 3.24 at 40° 49' 4.0"N 78° 5' 52.0"W to Mouth	Brown	61.26	3.03
Oliver Run	Laurel Run (Port Matilda)	Centre	23212	L	CWF, MF	HQ-CWF, MF	Basin	Mix	74.62	4.49
Gap Run	Logan Branch	Centre	63794	L	CWF, MF	HQ-CWF, MF	Main Stem, Source to the sinkhole located at 40°51'59.0"N 77°44'4.0"W	Brook	231.45	2.27
Council Run	Beech Creek	Centre	22691	L	CWF, MF	HQ-CWF, MF	Main Stem	Brook	56.34	4.58
Salt Lick Run	Beech Creek	Centre	22642	L	CWF, MF	HQ-CWF, MF	Basin	Brook	53.51	3.15
Sand Run	Wilson Creek	Tioga	21737	L	CWF, MF	HQ-CWF, MF	Basin	Brook	51.63	2.06
Rauchtown Creek	UNT Antes Creek	Lycoming / Clinton	21150	L	CWF, MF	HQ-CWF, MF	Basin, Confluence of Gottshall and Rockey Runs to Mouth	Mix	71.96	19.32

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
Mosquito Creek	West Branch Susquehanna River	Lycoming	20929	L	CWF, MF	HQ-CWF, MF	Basin	Mix	70.53	21.37
Potter Run	Sinking Creek	Centre	18386	M	CWF, MF	HQ-CWF, MF	Basin	Mix	178.02	12.25
Kettle Run	Penns Creek	Centre	18322	M	CWF, MF	HQ-CWF, MF	Basin	Mix	87.28	3.27
UNT Penns Creek	Penns Creek	Centre	18312	M	CWF, MF	HQ-CWF, MF	Basin	Brook	159.84	8.67
Peet Brook	Allegheny River	Potter	58513	P	CWF	HQ-CWF	Basin	Mix	179.82	12.79
UNT Blacksmith Run	Blacksmith Run	McKean	57738	P	CWF	HQ-CWF	Basin	Brook	37.59	4.8
UNT Marsh Run	Marsh Run	Crawford	54466	Q	CWF	HQ-CWF	Basin	Brook	39.05	4.56
Spencer Creek	South Branch French Creek	Erie	53763	Q	CWF	HQ-CWF	Main Stem	Brook	49.49	3.87
Benson Run	Le Boeuf Creek	Erie	53515	Q	TSF	HQ-CWF	Main Stem	Brown	41.2	3.14

Stream Name	Tributary to	County	Stream Code	Drainage List	Designated Use	Recommended Existing Use	Reach	Species	Biomass	Affected Stream Miles
Water Tank Run	Elk Creek	Elk	50488	R	CWF	HQ-CWF	Basin	Brook	52.27	3.92
UNT Stonycreek River	Stonycreek River	Somerset	45591	T	CWF	HQ-CWF	Basin	Mix	45.53	3.24
UNT Trout Run	Trout Run	Cambria	46054	T	CWF	HQ-CWF	Basin	Brook	41.58	2.55
UNT North Branch Little Conemaugh River	North Branch Little Conemaugh	Cambria	46033	T	CWF	HQ-CWF	Basin	Brook	37.62	2.14

REFERENCES

Weber, R., R. T. Greene, and D. Miko. 2011. Protocols for conducting biological assessments of unassessed trout waters. Pages 95-101 in D. Miko, editor. Sampling protocols for Pennsylvania's wadeable streams. Pennsylvania Fish and Boat Commission. Harrisburg, PA.

PA Fish and Boat Commission. Class A Wild Trout Fisheries Management Reports.

ADDENDUM

TO THE

CLASS A WILD TROUT STREAMS

STATEWIDE

WATER QUALITY STANDARDS REVIEW
STREAM REDESIGNATION EVALUATION

Drainage Lists:
D, F, J, K, L, M, P, Q, R, T

WATER QUALITY MONITORING SECTION
DIVISION OF WATER QUALITY STANDARDS
BUREAU OF CLEAN WATER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APRIL 2018

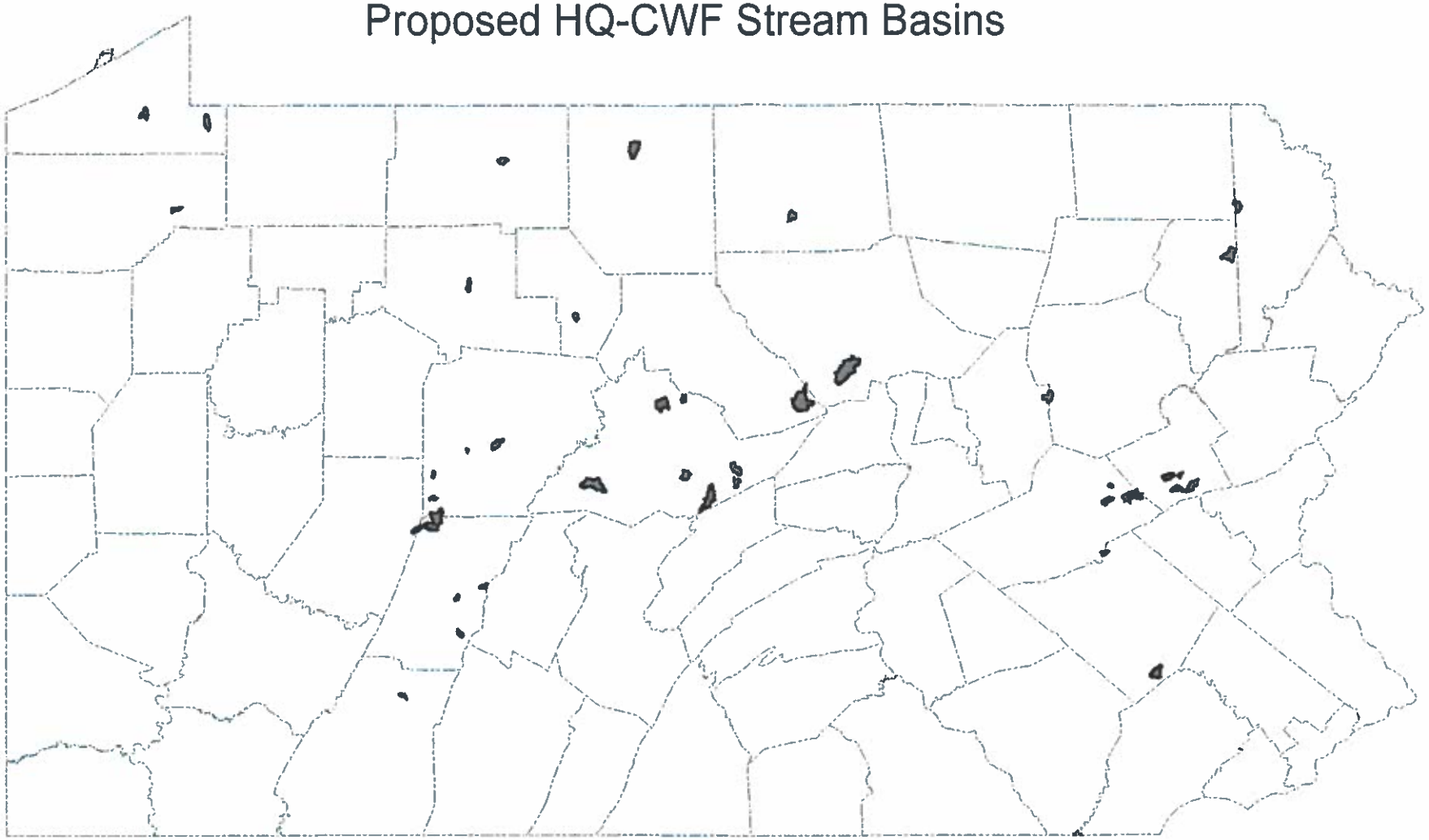
Contents

Contents (continued)

Preface

This addendum to the 2017 Class A Wild Trout Streams Report consists of stream maps for all of the streams or stream segments that are being considered for redesignation to HQ-CWF along with the Class A Stream Redesignation Rulemaking Package. All of these recommended revisions which are included in the Class A Stream Redesignation Rulemaking are the result of stream evaluations conducted by the Department in response to data submitted from the Pennsylvania Fish and Boat Commission (PFBC) under §93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this rulemaking, redesignations rely on §93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, and following public notice and comment, and approval by the PFBC Commissioners, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the PFBC approved these waters after providing public notice and review of the comments received.

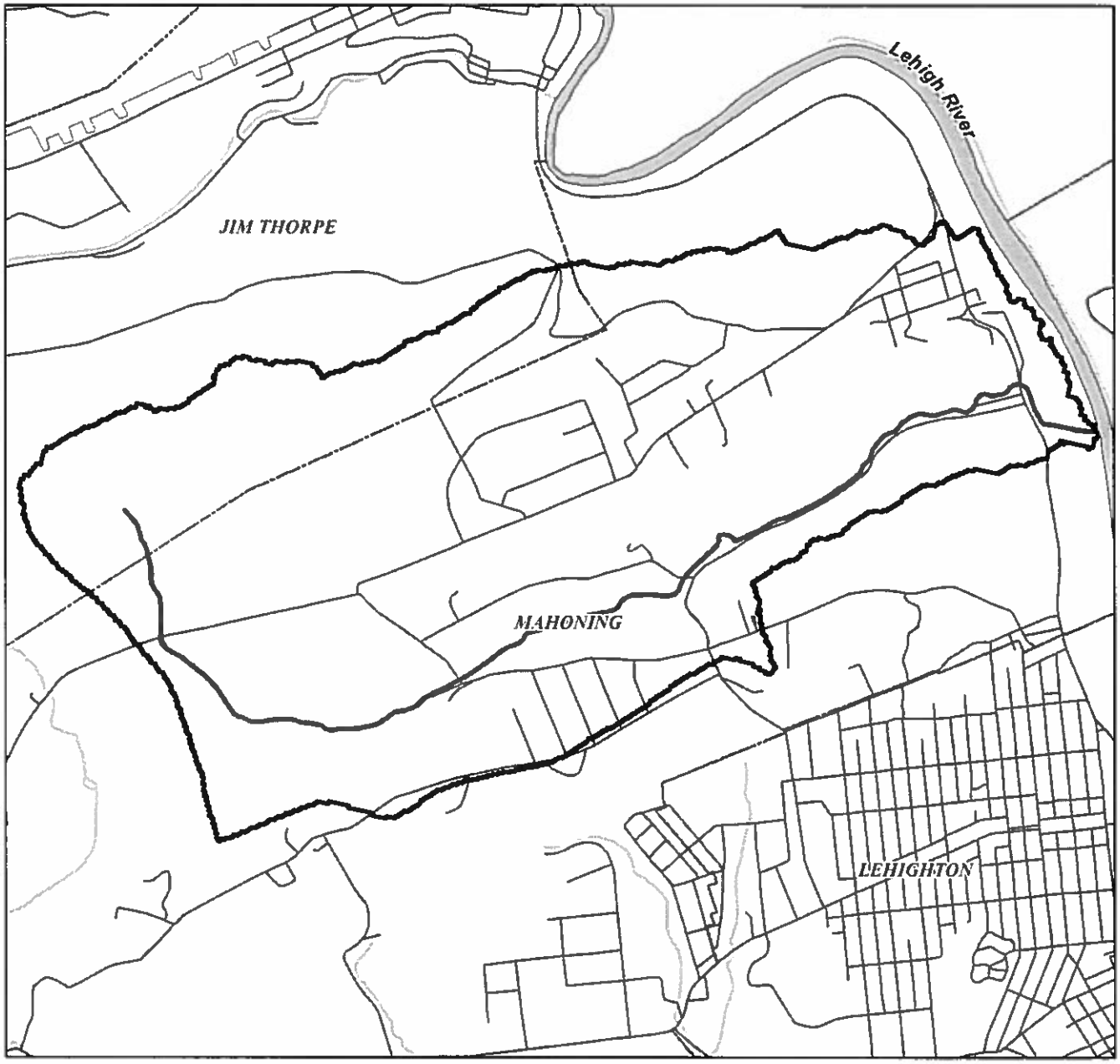
Proposed HQ-CWF Stream Basins



Legend

- Class A Stream Basins
- County Boundary

Beaver Run - Carbon County

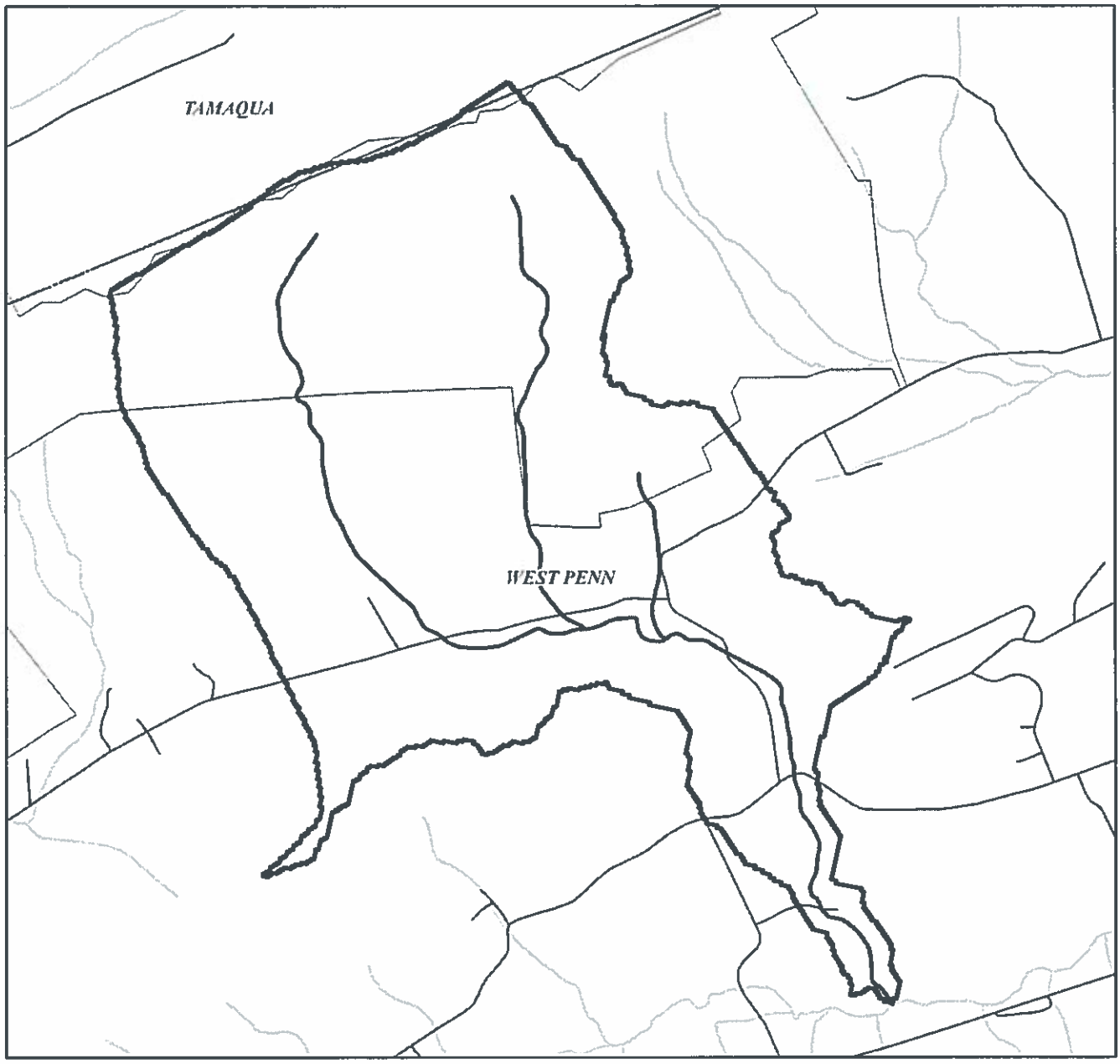


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Wash Creek - Schuylkill County

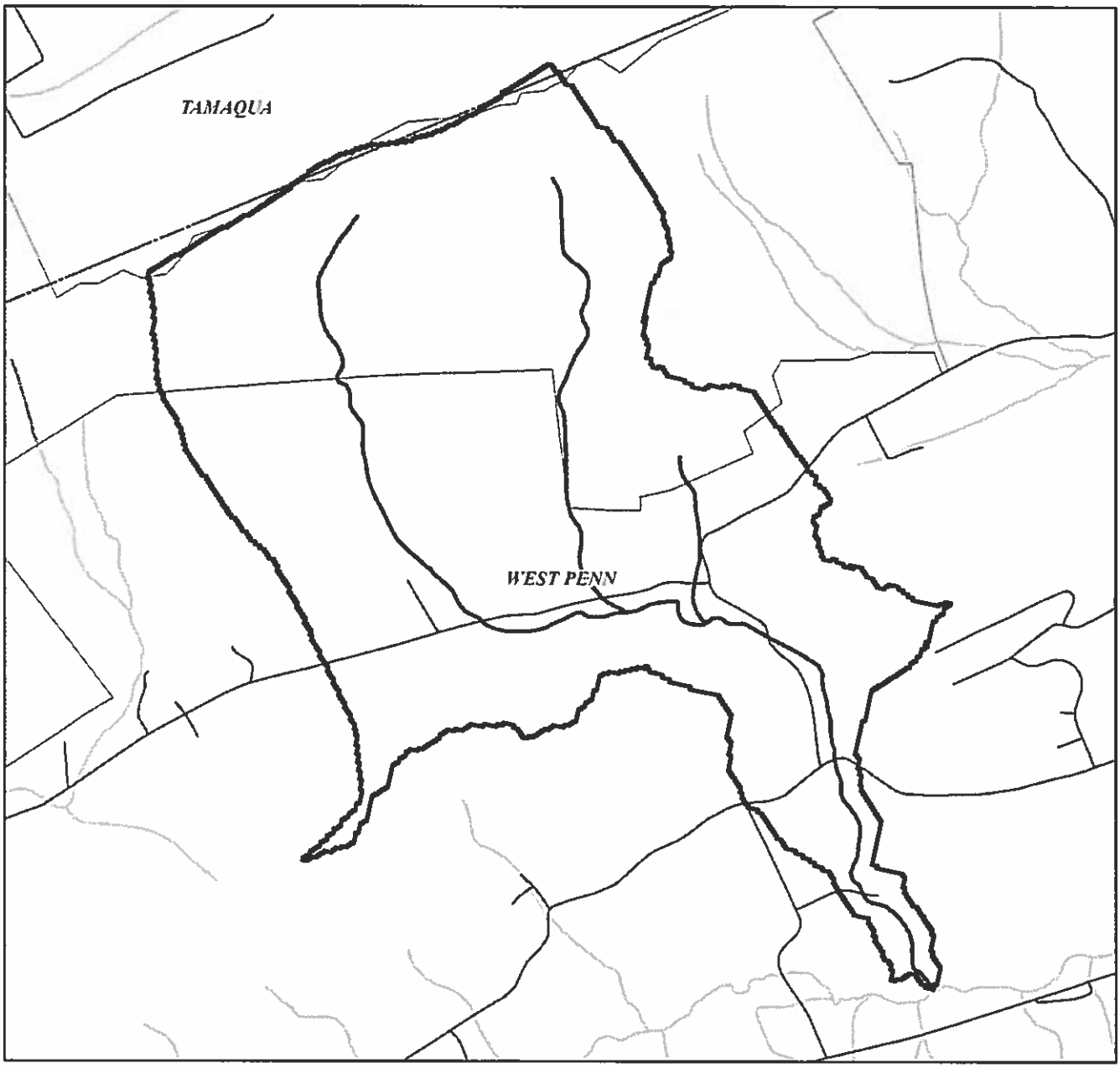


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT Mahoning Creek - Schuylkill County

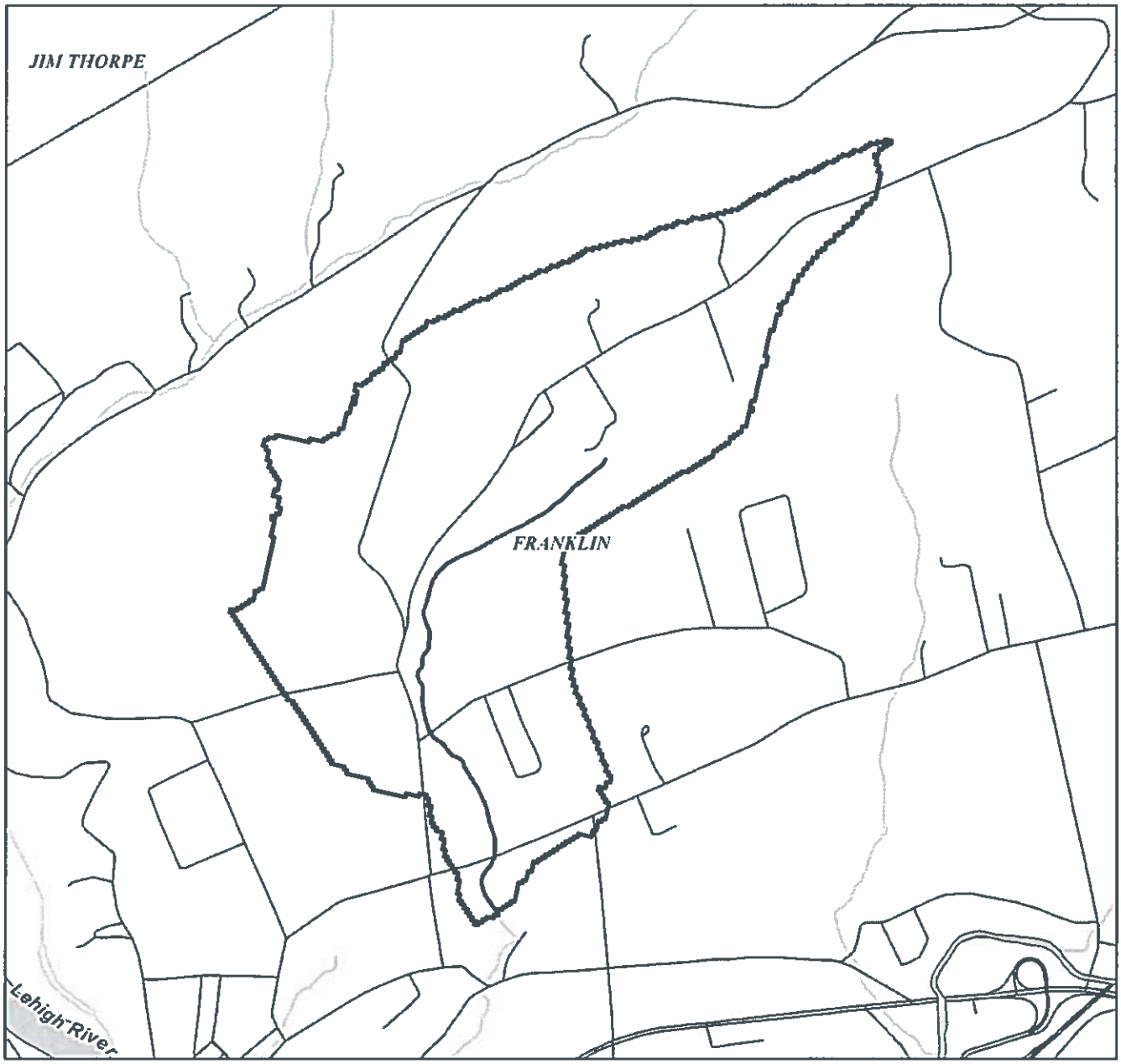


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT Lehigh Canal (Weisport)- Carbon County

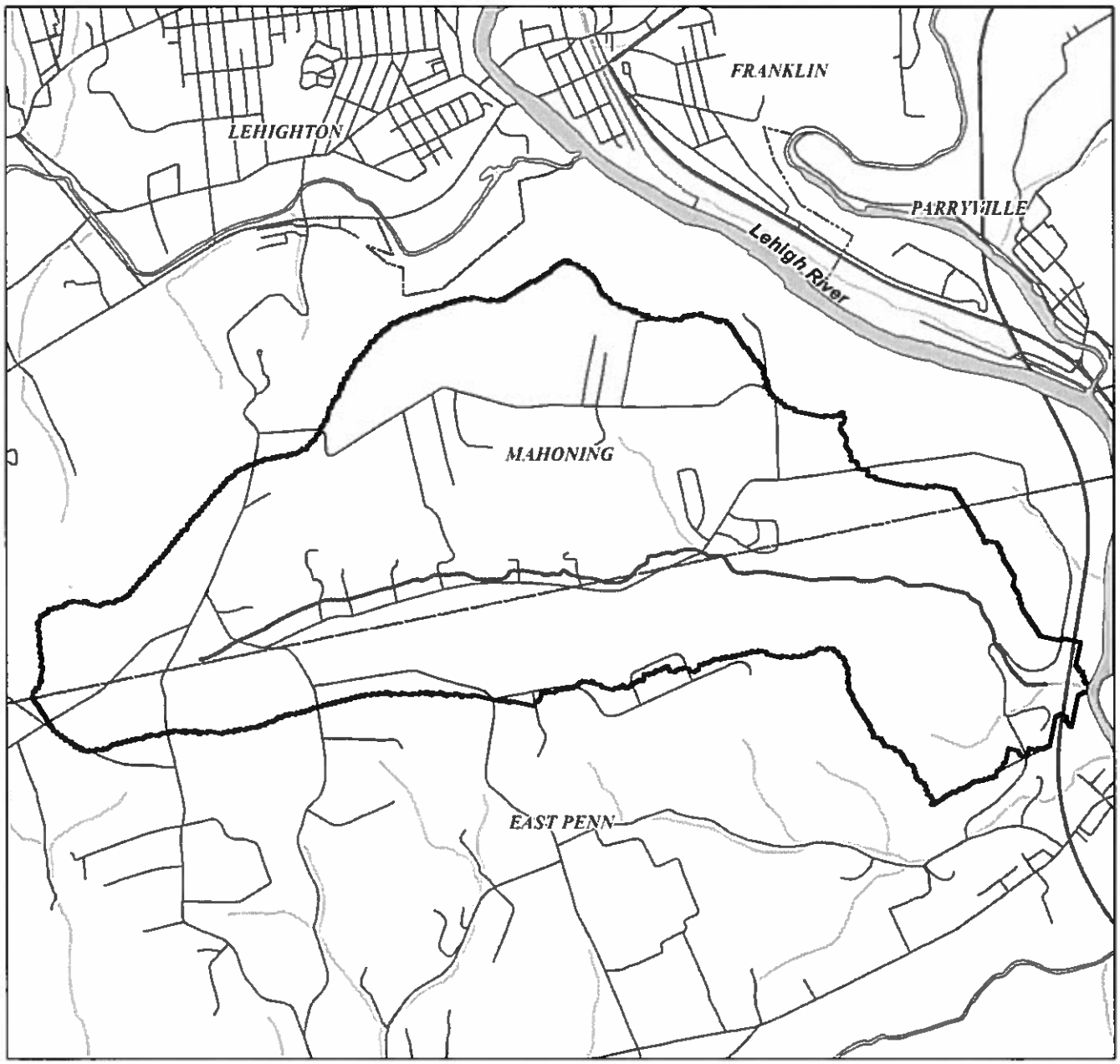


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 Miles

UNT Lehigh Canal (Weisport)- Carbon County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Fireline Creek - Carbon County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

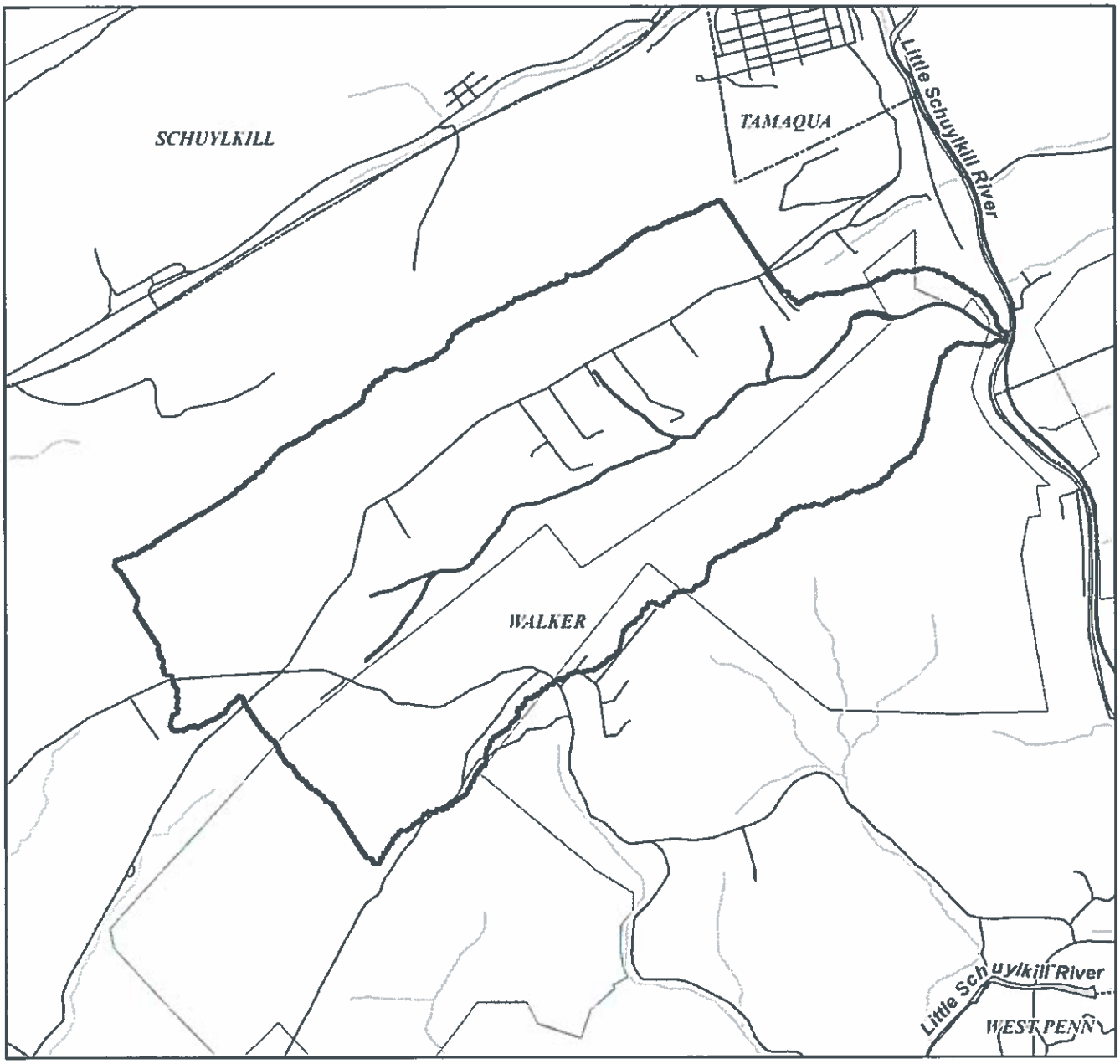
UNT Little Schuylkill River - Schuylkill County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 Miles

UNT Little Schuylkill River (Rabbit Run) - Schuylkill County

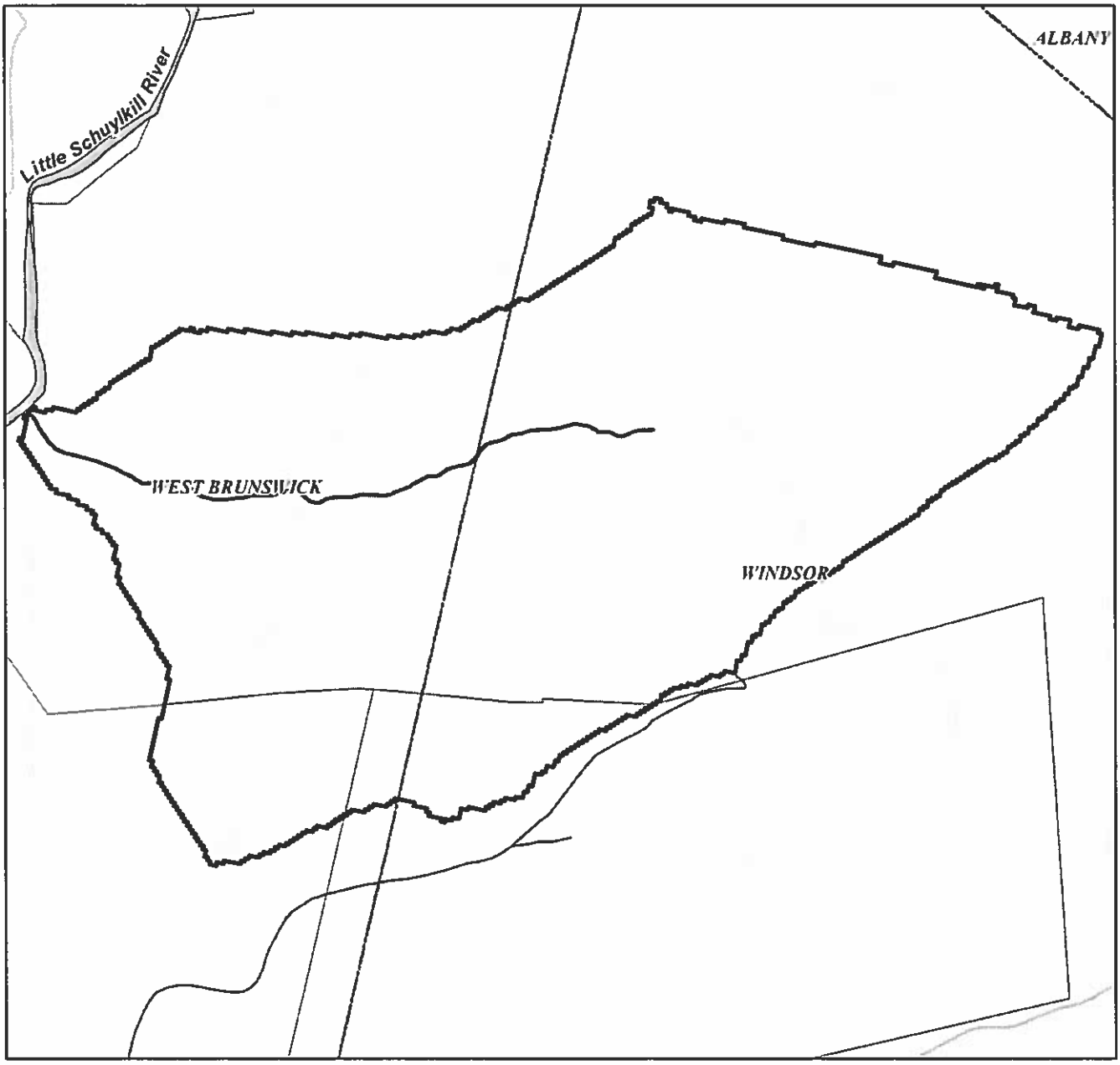


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

UNT Little Schuylkill River - Schuylkill/Berks County

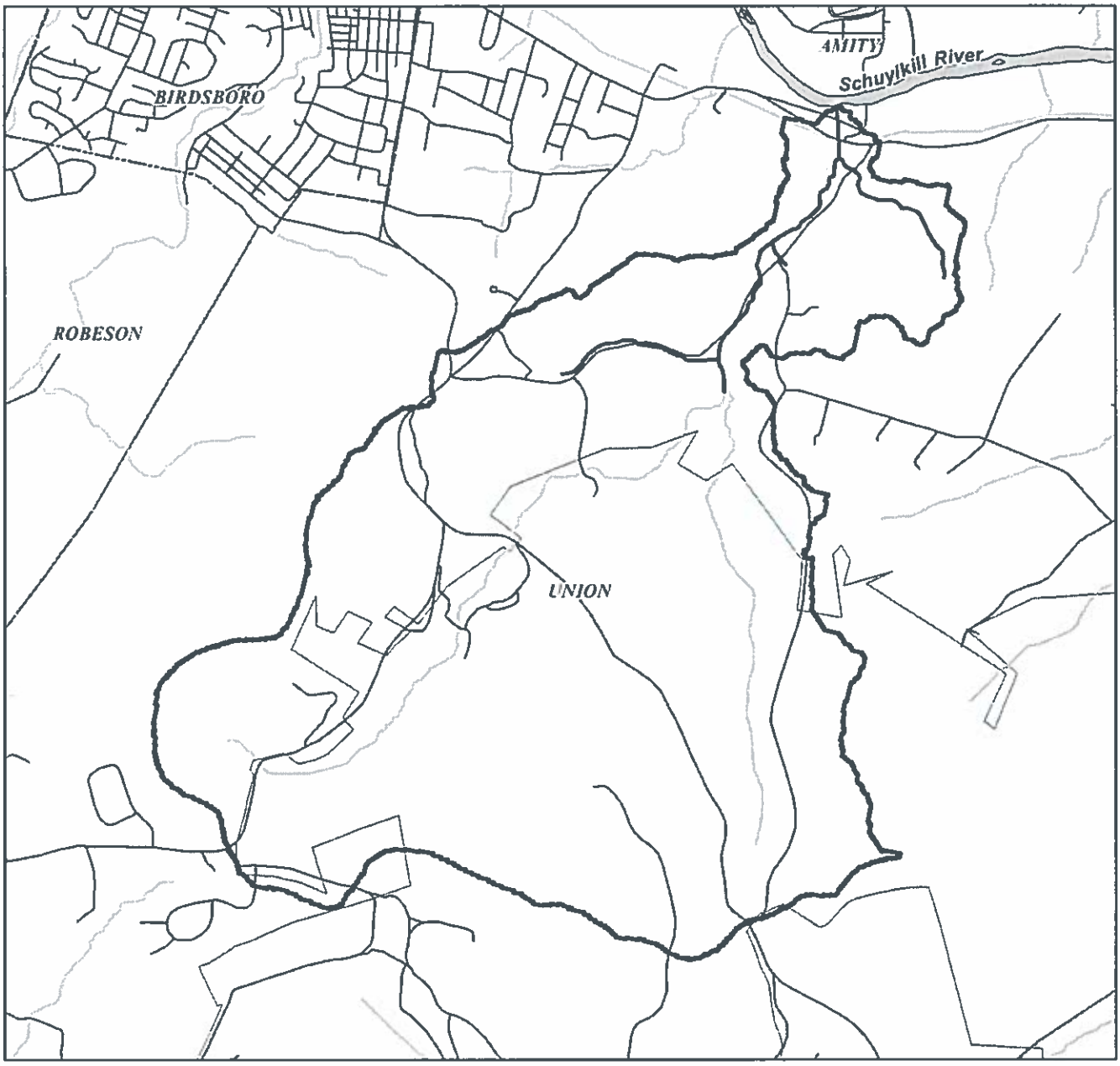


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 Miles

Sixpenny Creek - Berks County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

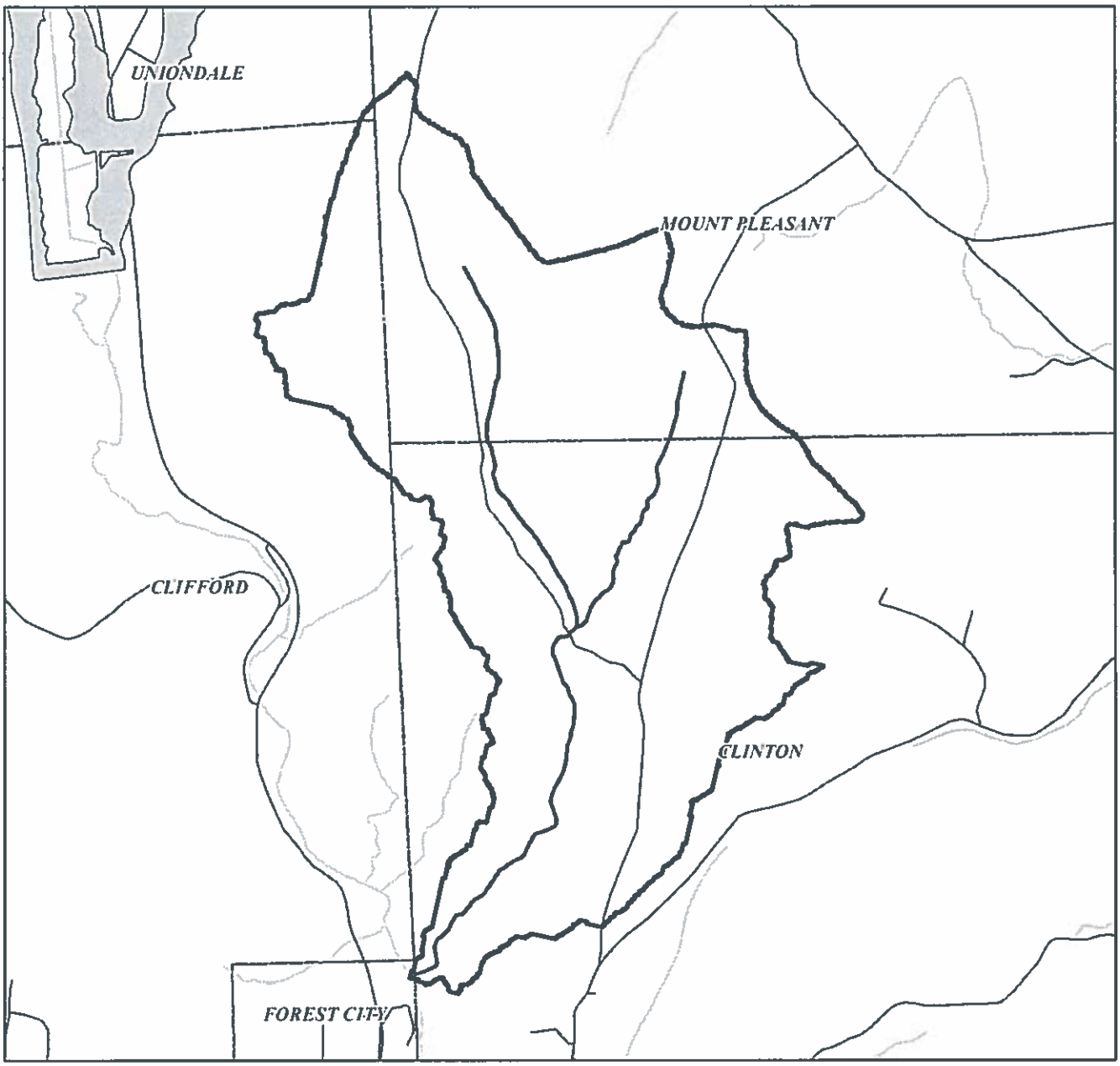
Aylesworth Creek - Lackawanna County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

Brace Brook - Susquehanna/Wayne County

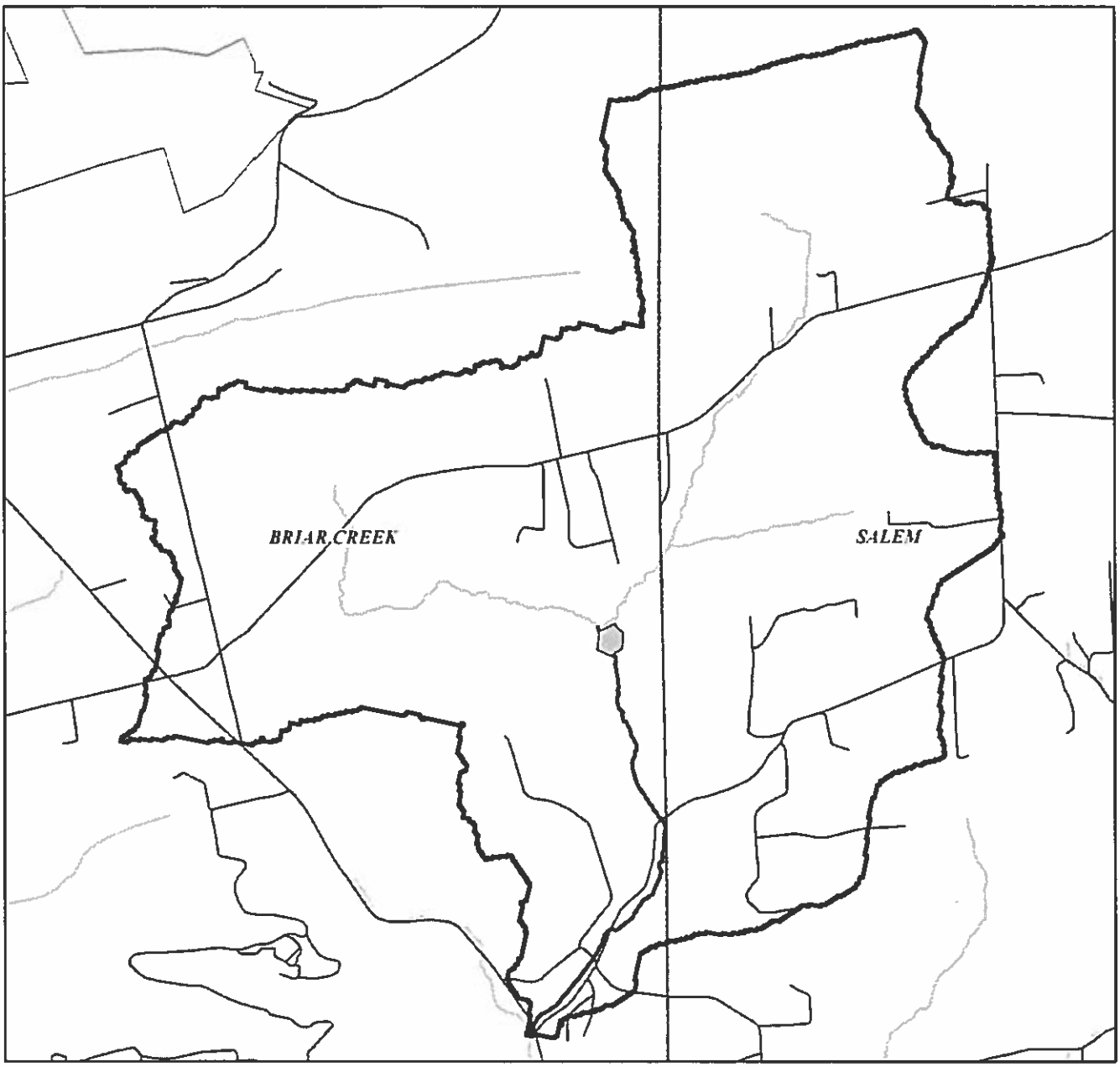


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

Glen Brook - Columbia County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Douglas Run - Cambria/Indiana County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

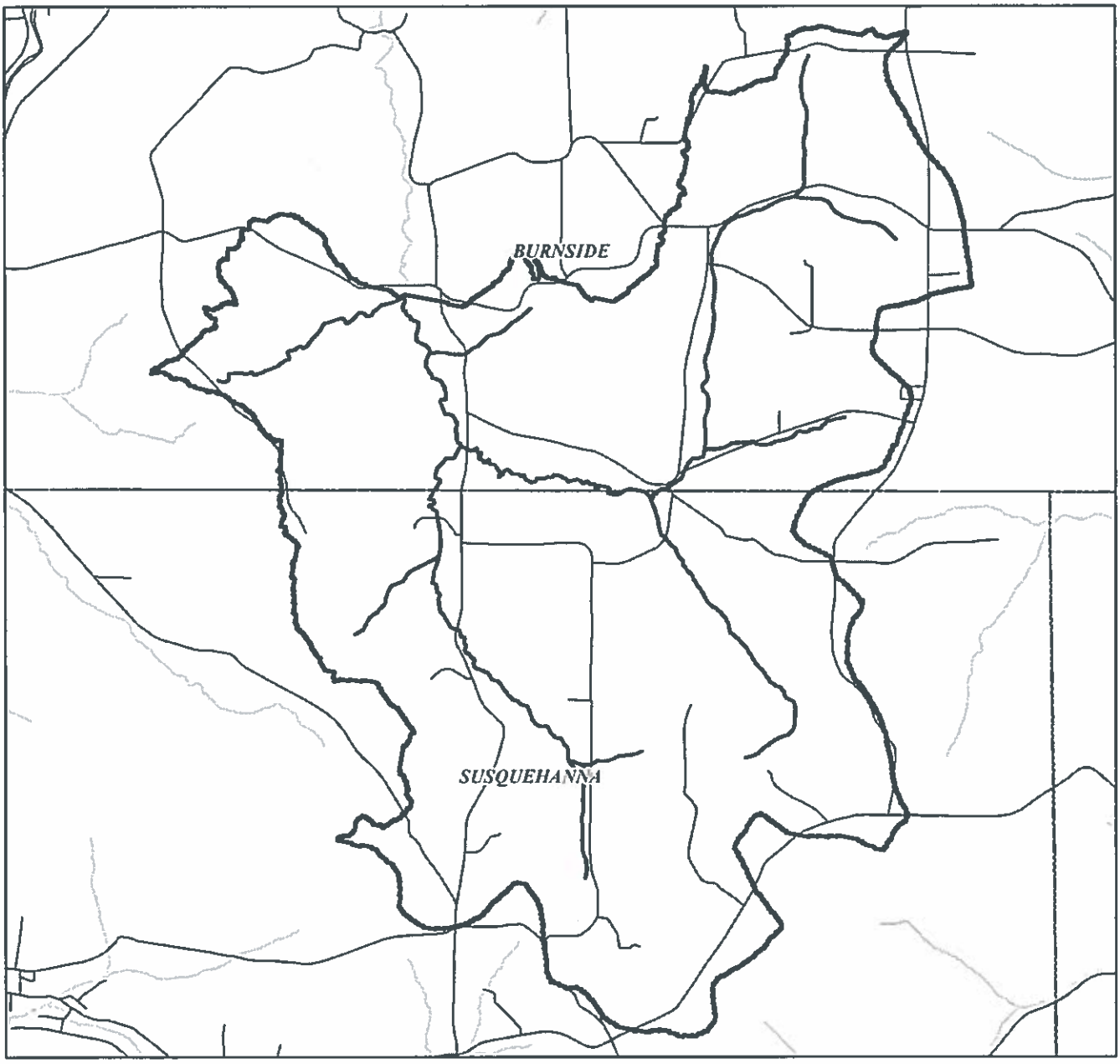
Emeigh Run - Cambria County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

Beaver Run - Cambria/Clearfield County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

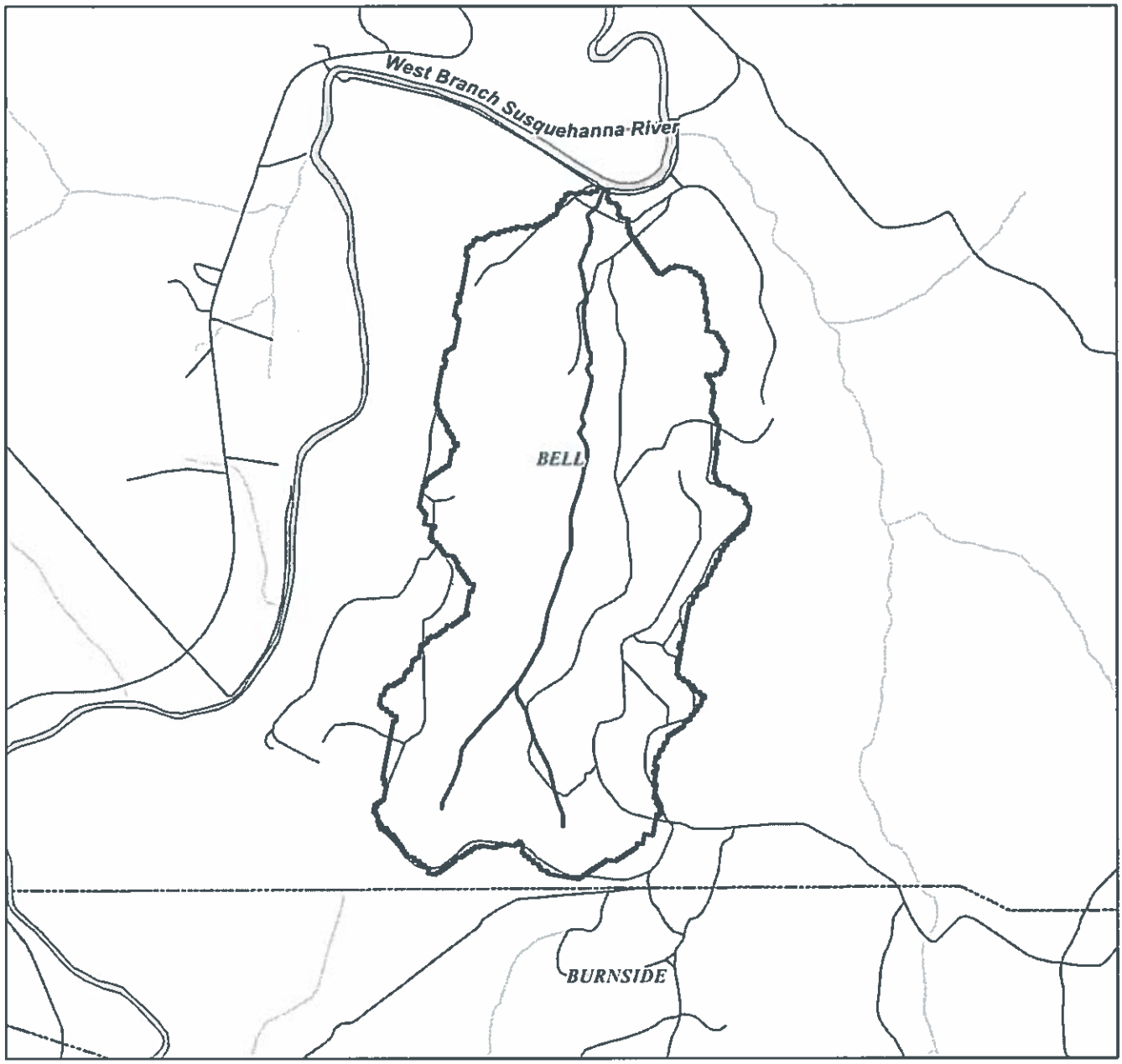
Patchin Run - Clearfield County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

North Run - Clearfield County

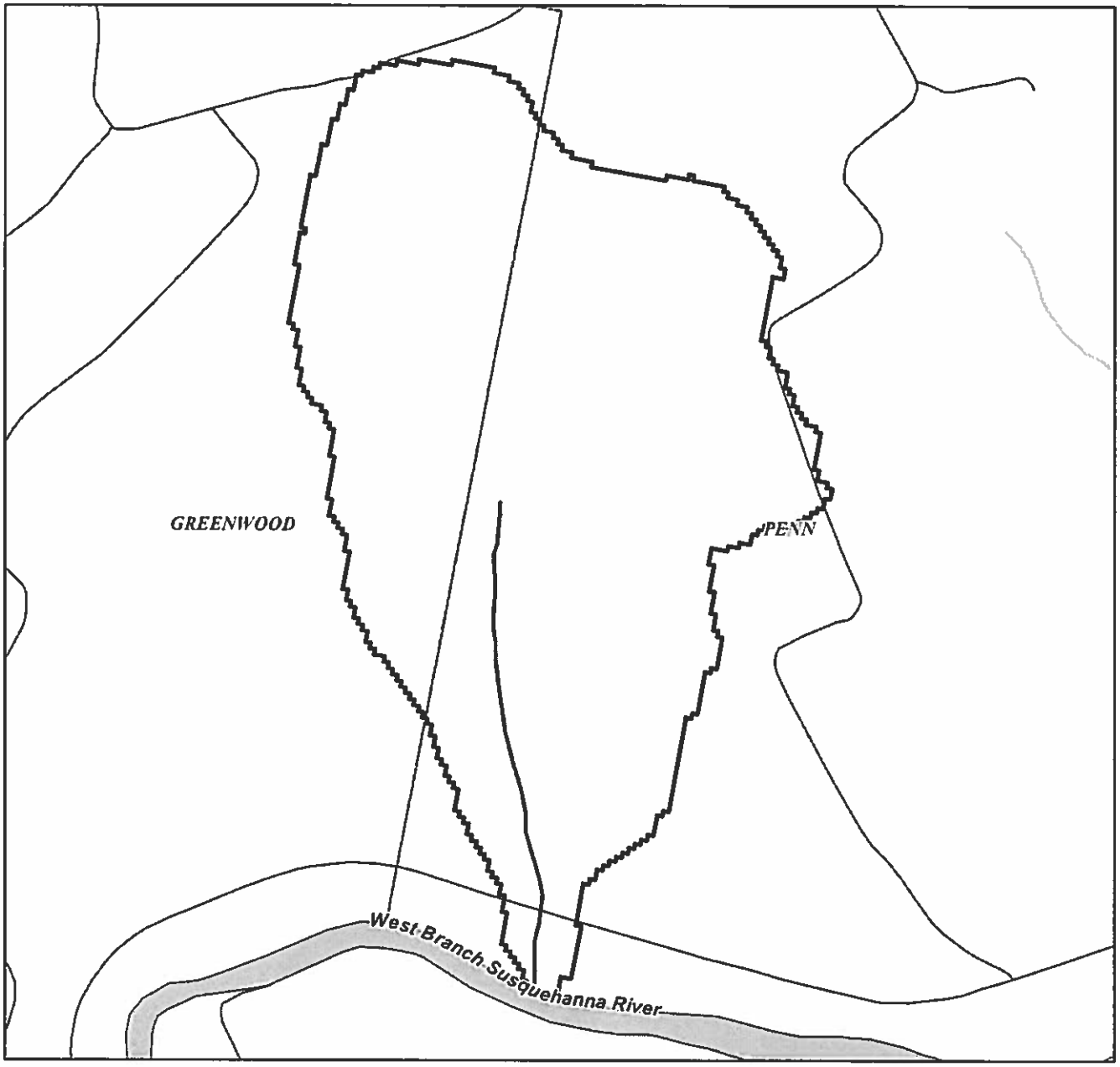


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT 27365 to West Branch Susquehanna River - Clearfield County

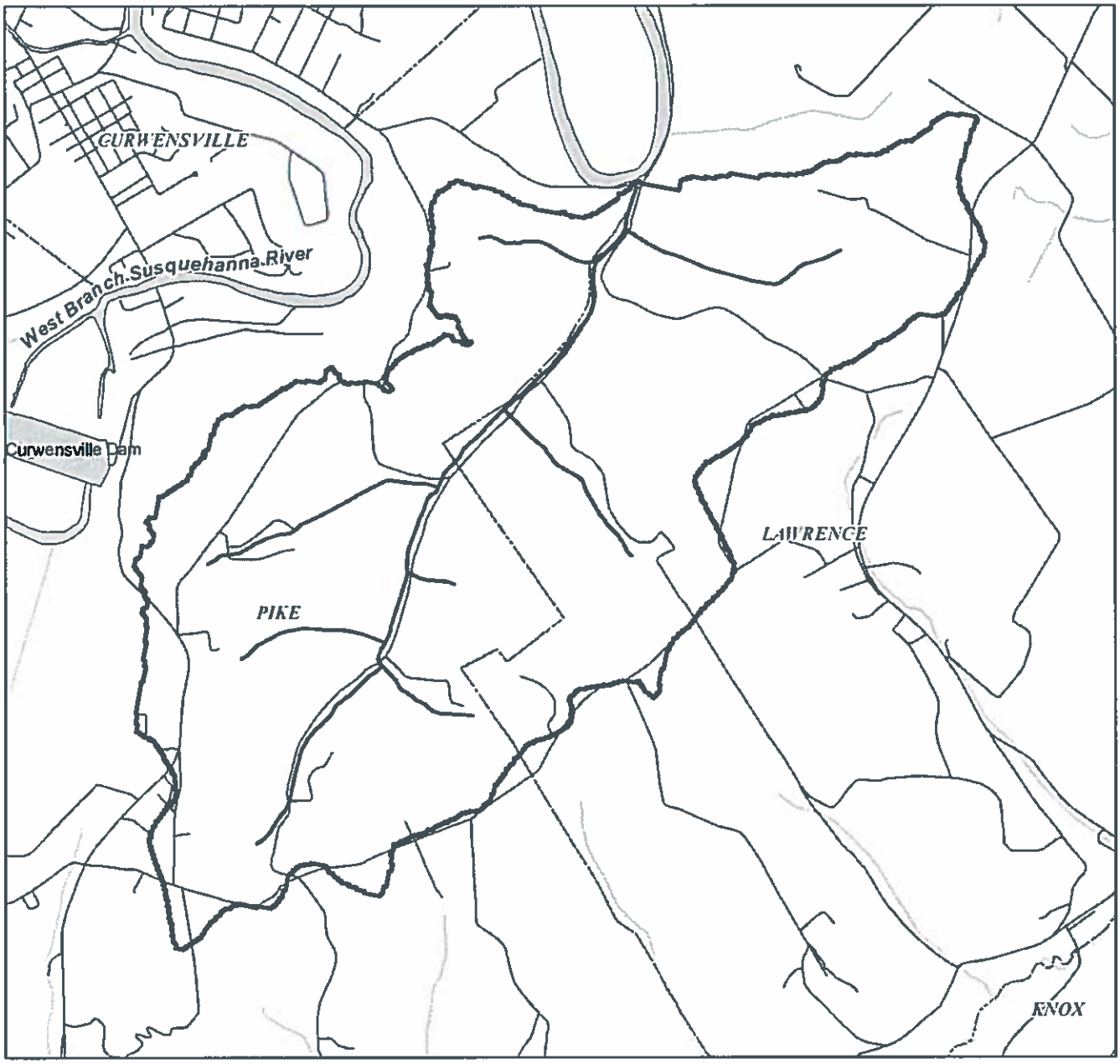


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 Miles

Hogback Run - Clearfield County

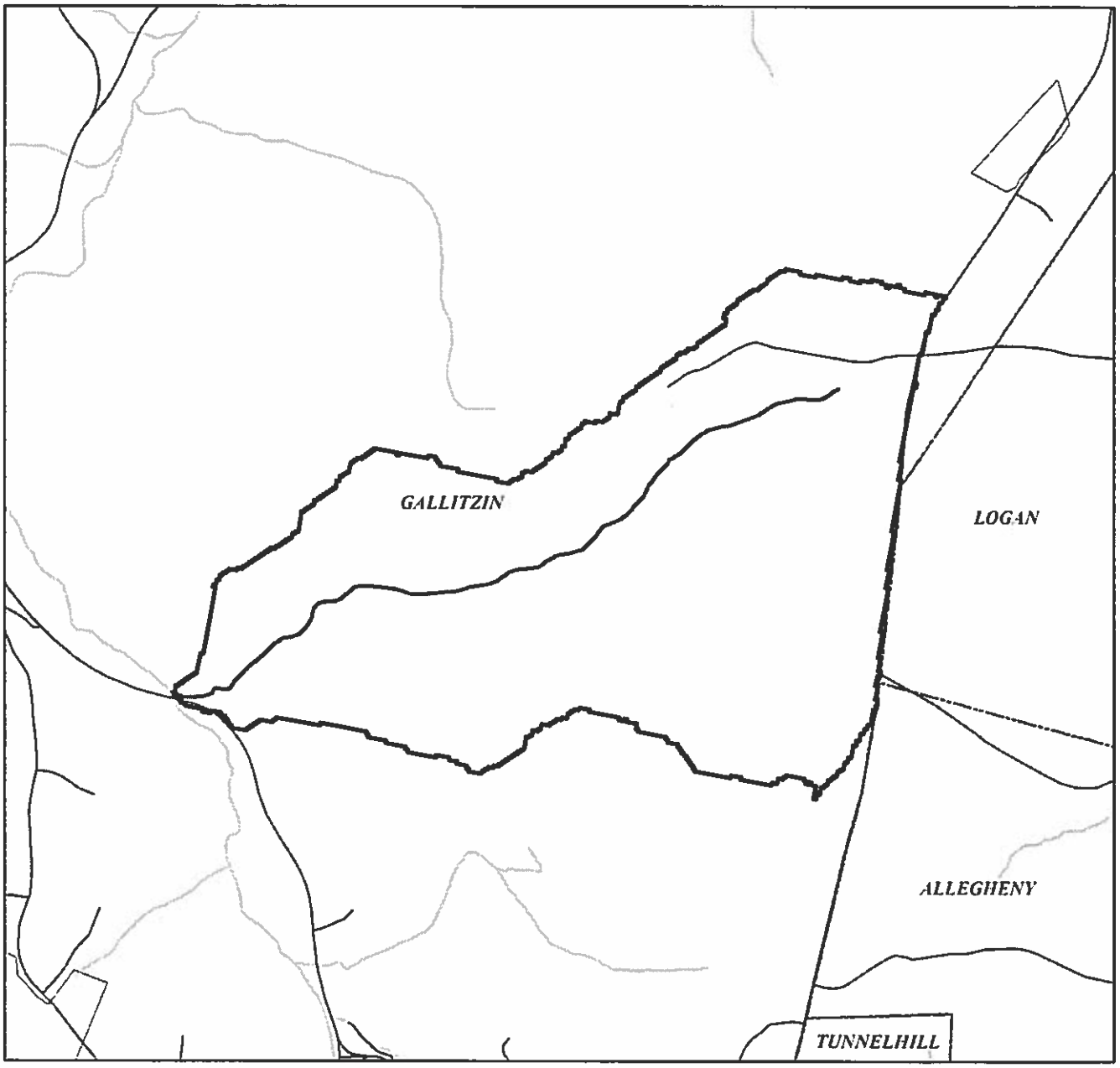


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

UNT 2652 to Bradley Run - Cambria County

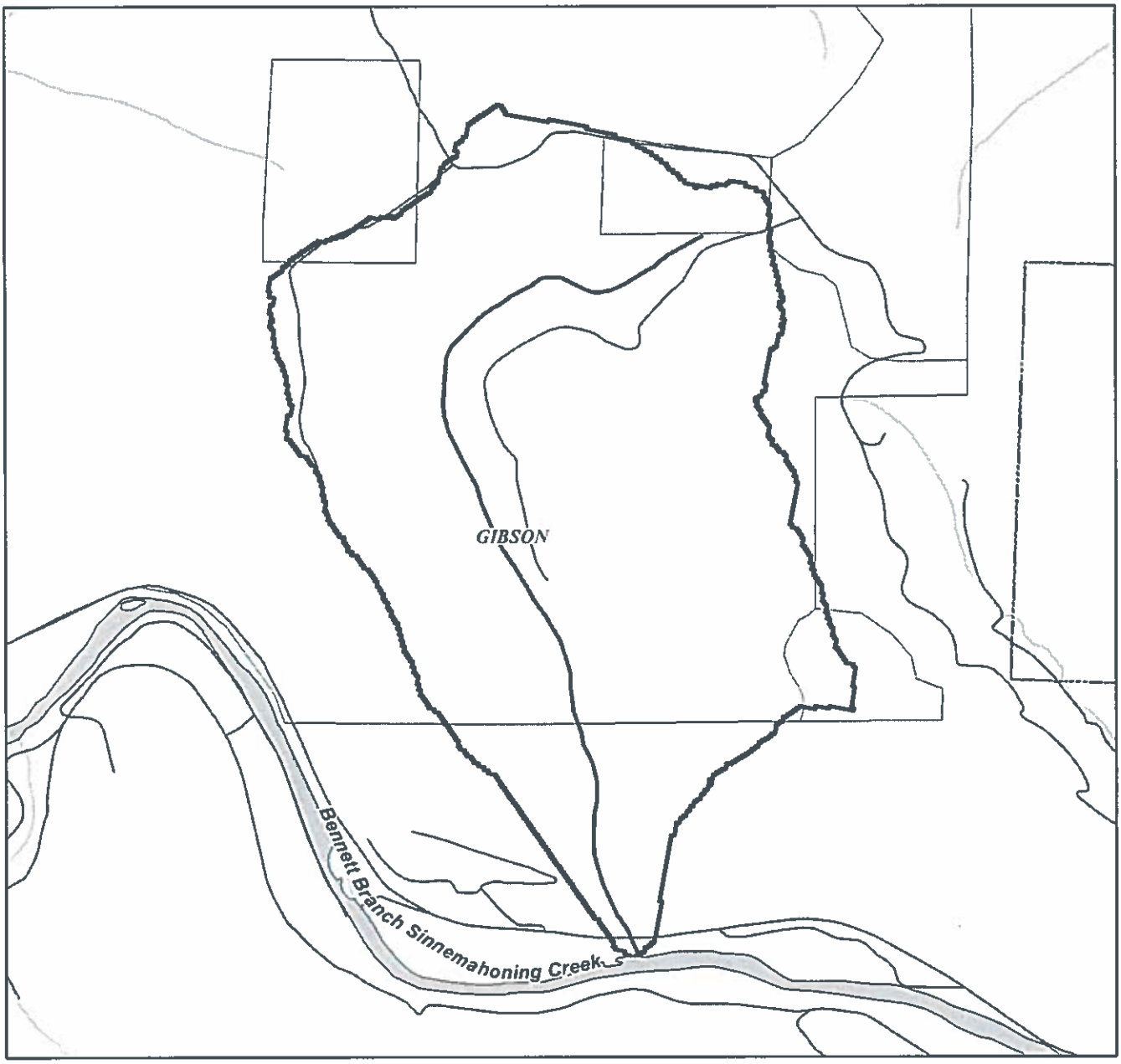


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Little Dent Run - Cameron County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

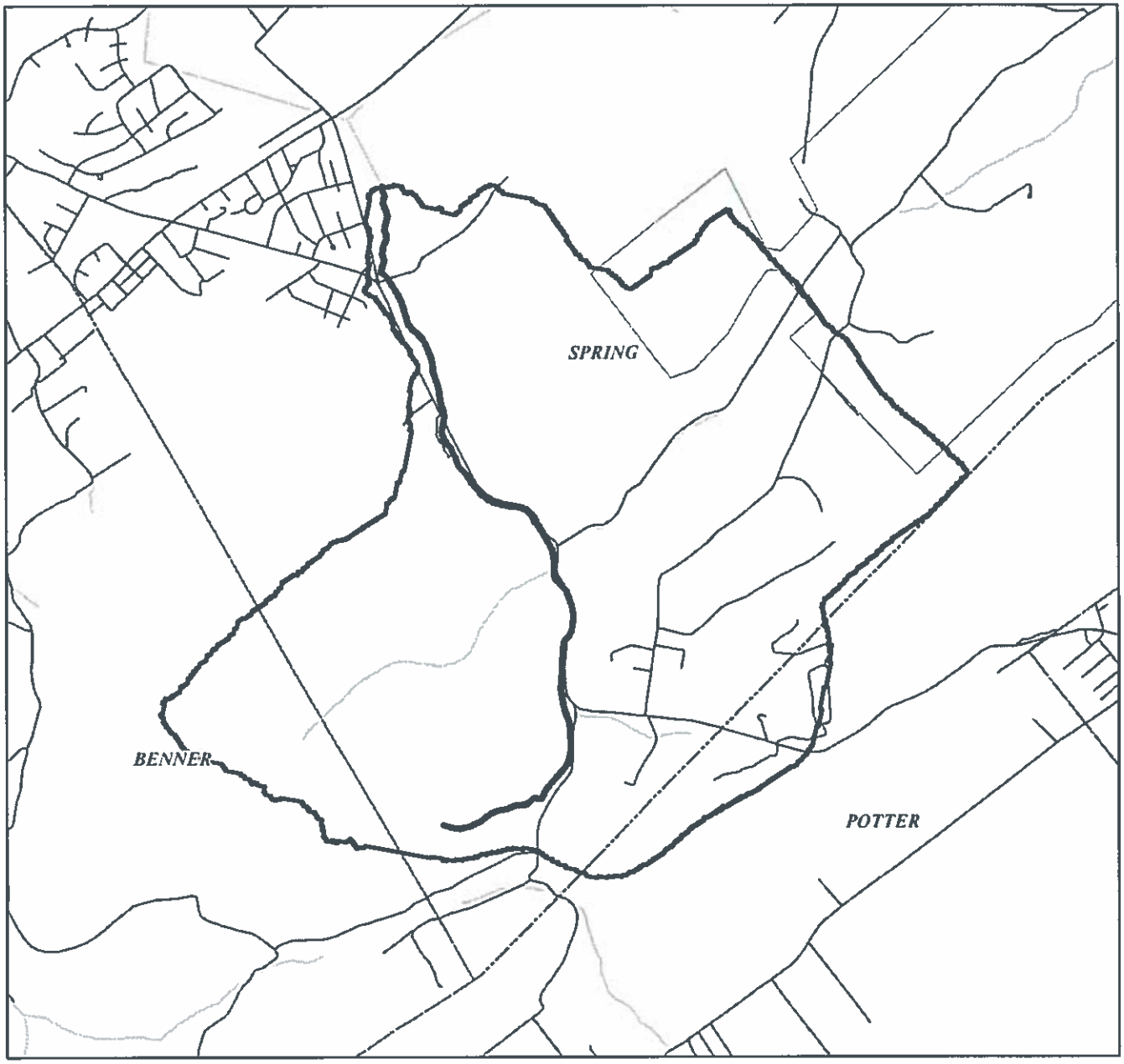
Laurel Run - Centre County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 2.5 Miles

Gap Run - Centre County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

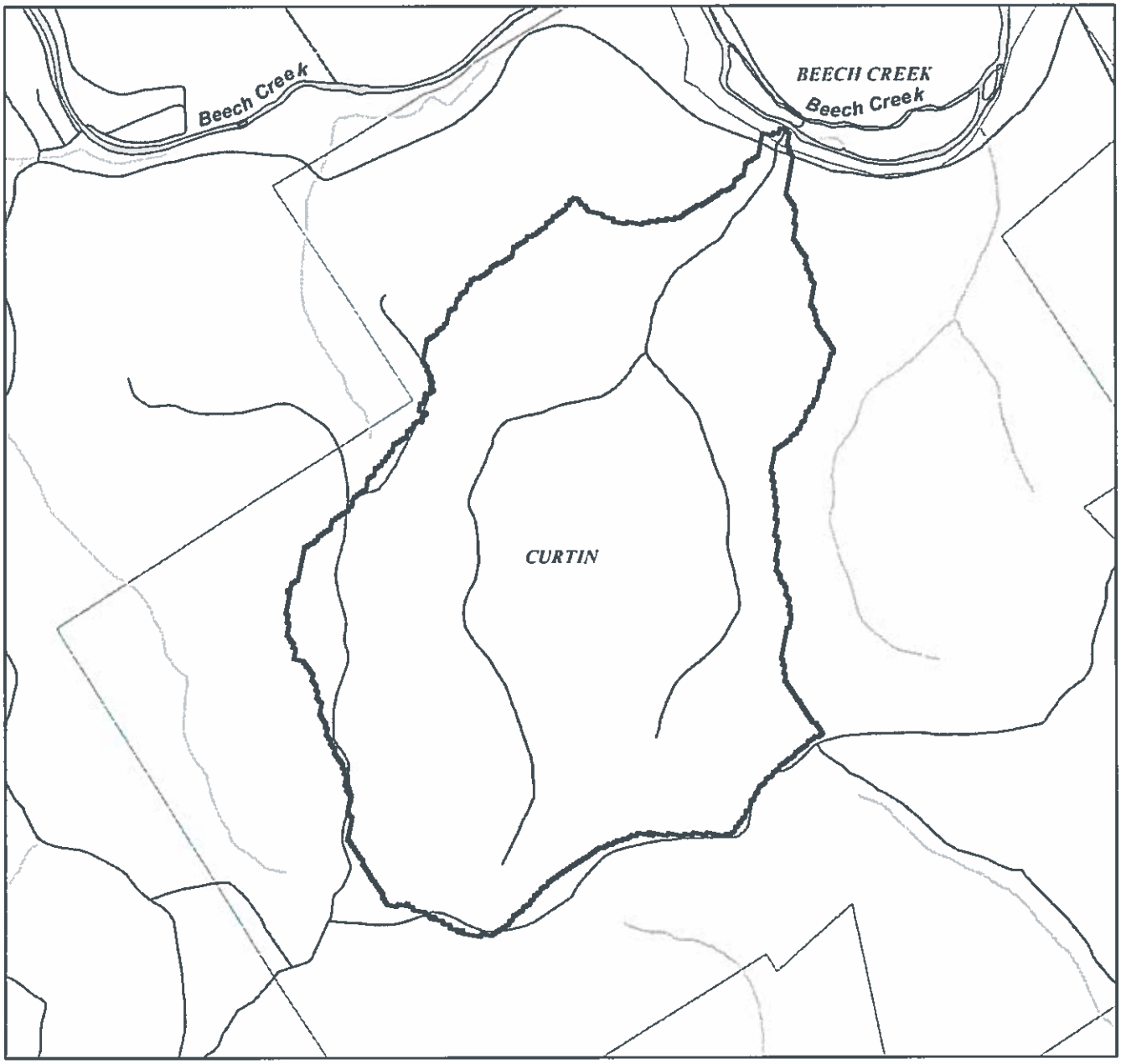
Council Run - Centre County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

Salt Lick Run - Centre County

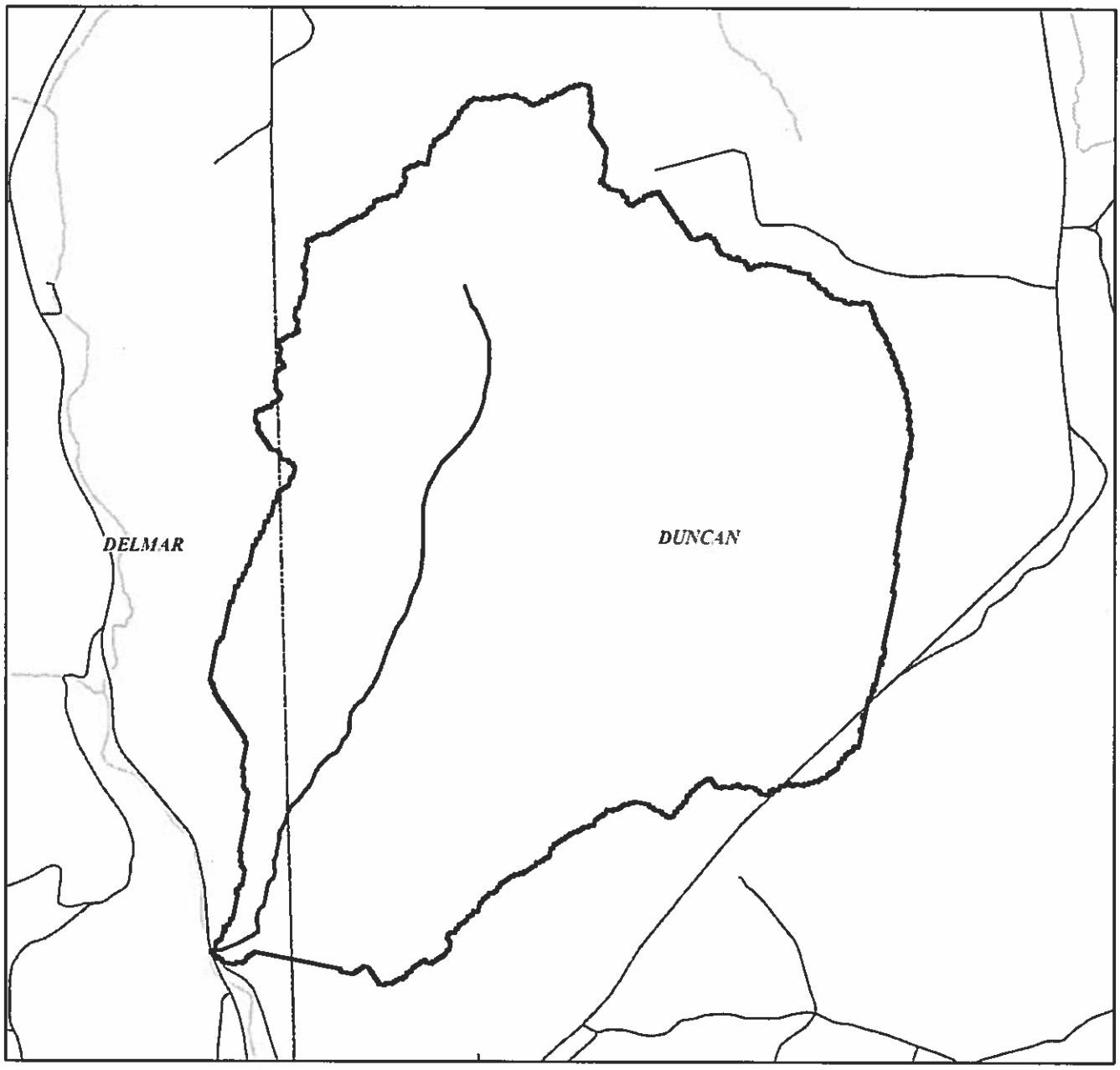


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Sand Run - Tioga County

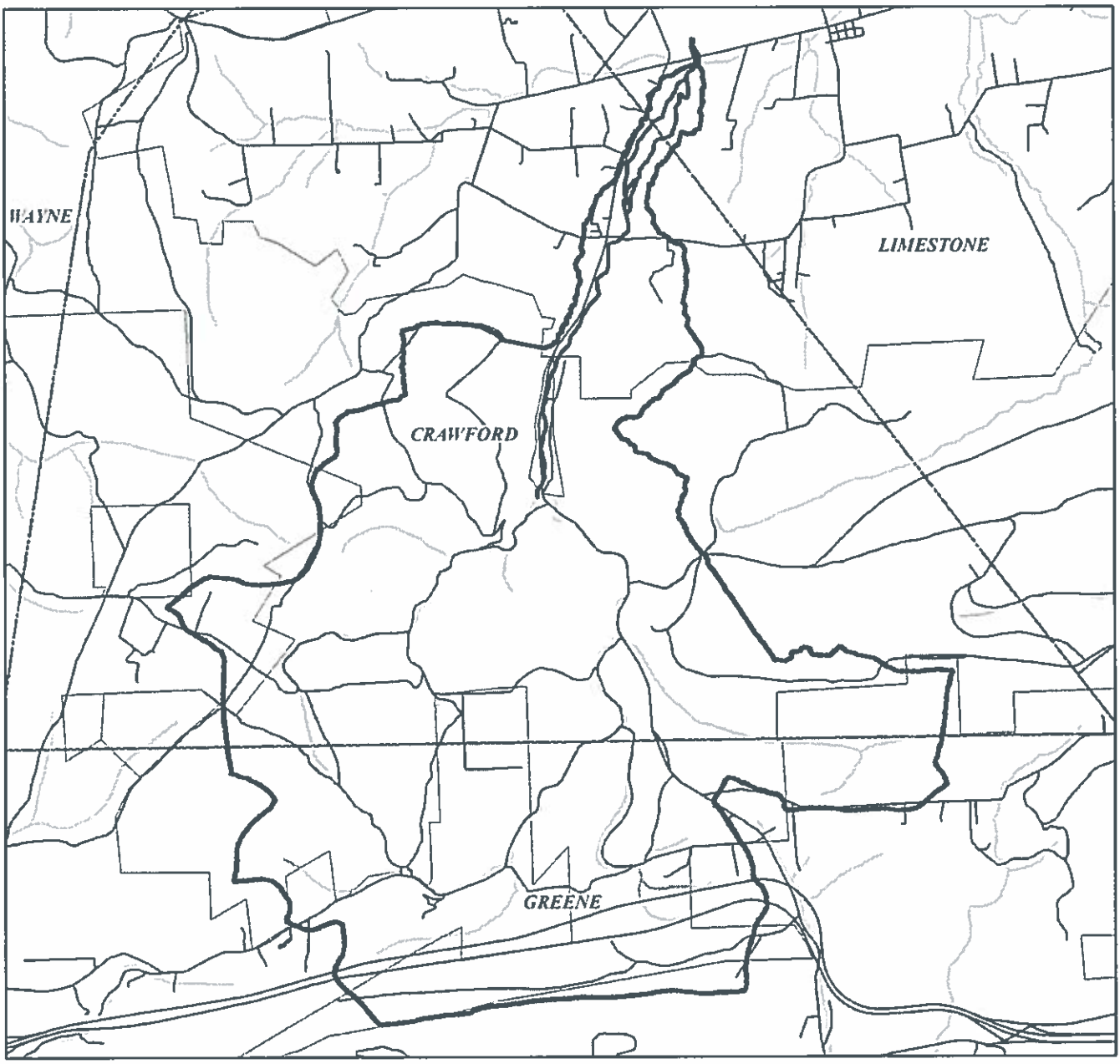


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Rauchtown Creek - Lycoming/Clinton County

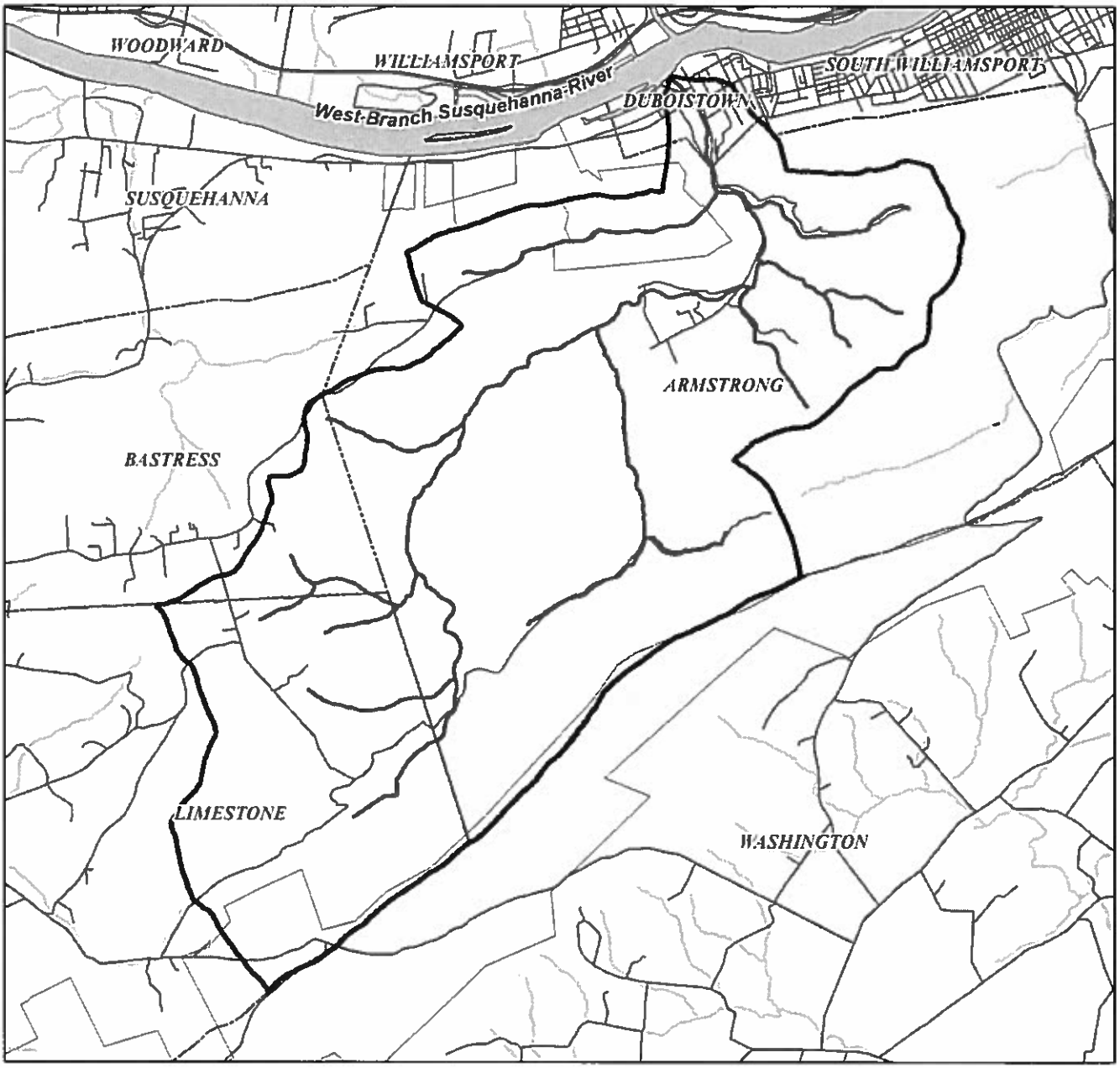


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 2.5 3 Miles

Mosquito Creek - Lycoming County

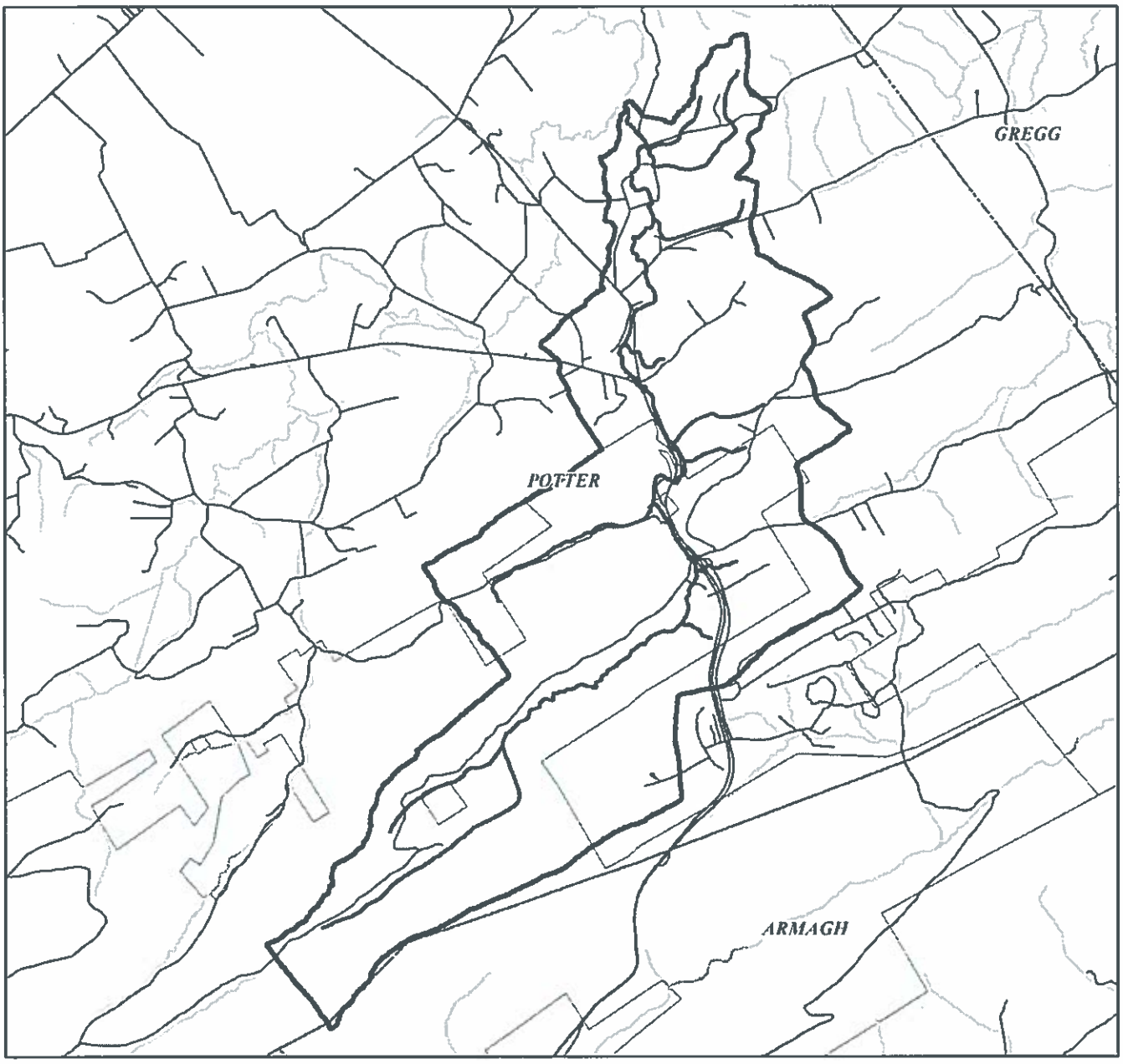


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 2.5 3 Miles

Potter Run - Centre County

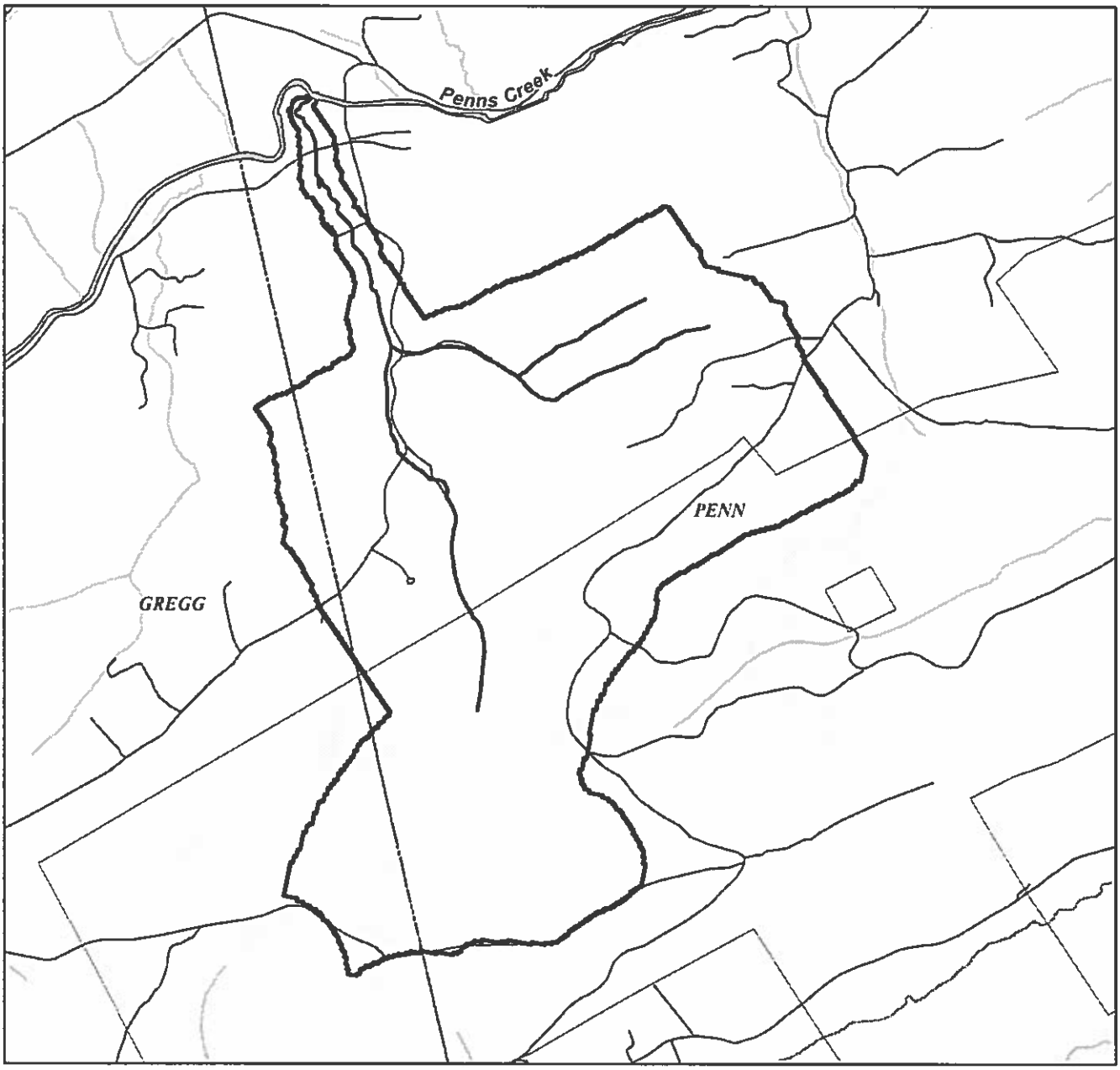


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 2.5 3 Miles

Kettle Run - Centre County

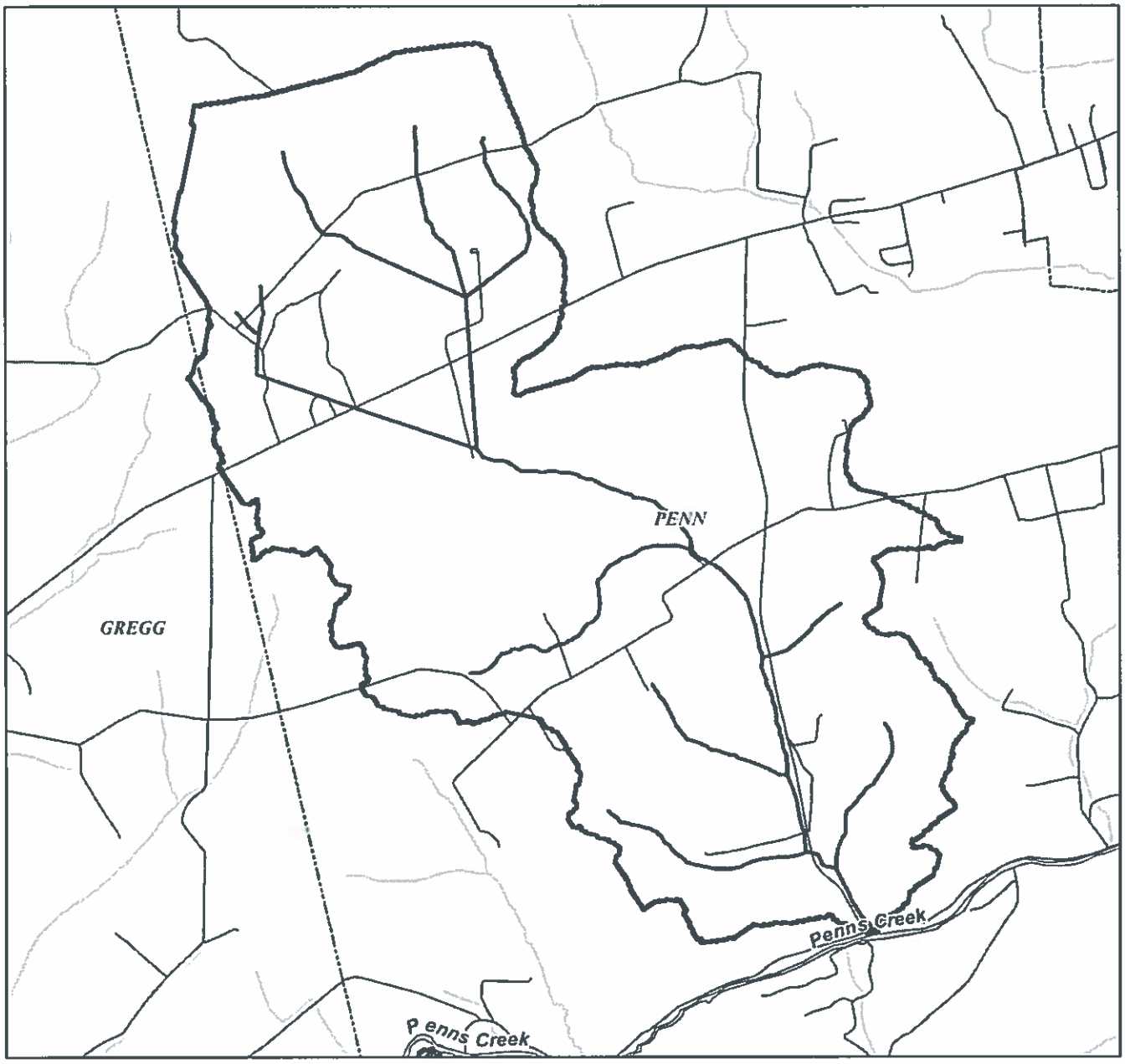


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT Penns Creek - Centre County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

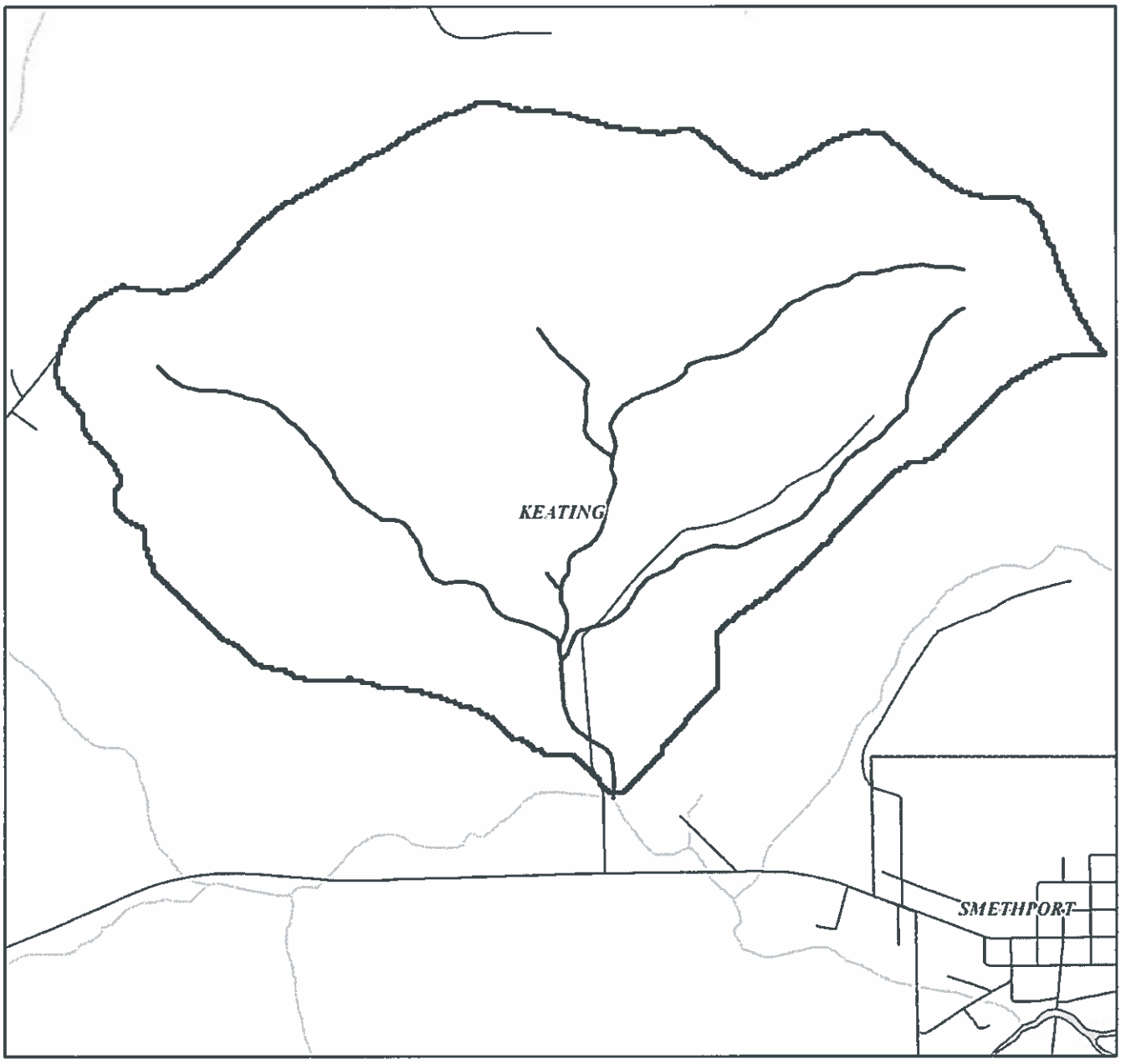
Peet Brook - Potter County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 Miles

UNT to Blacksmith Run - McKean County

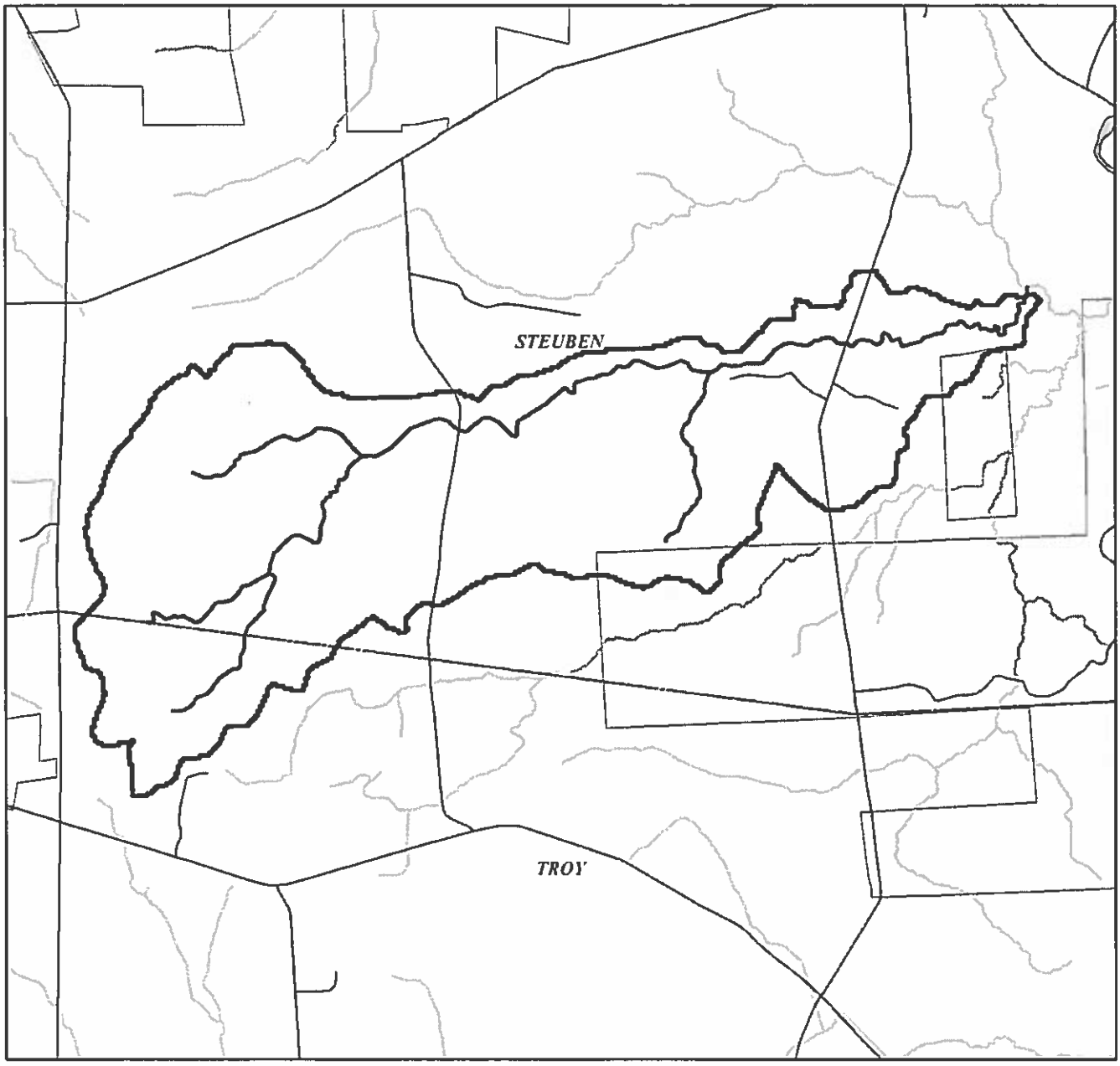


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT Marsh Run - Crawford County

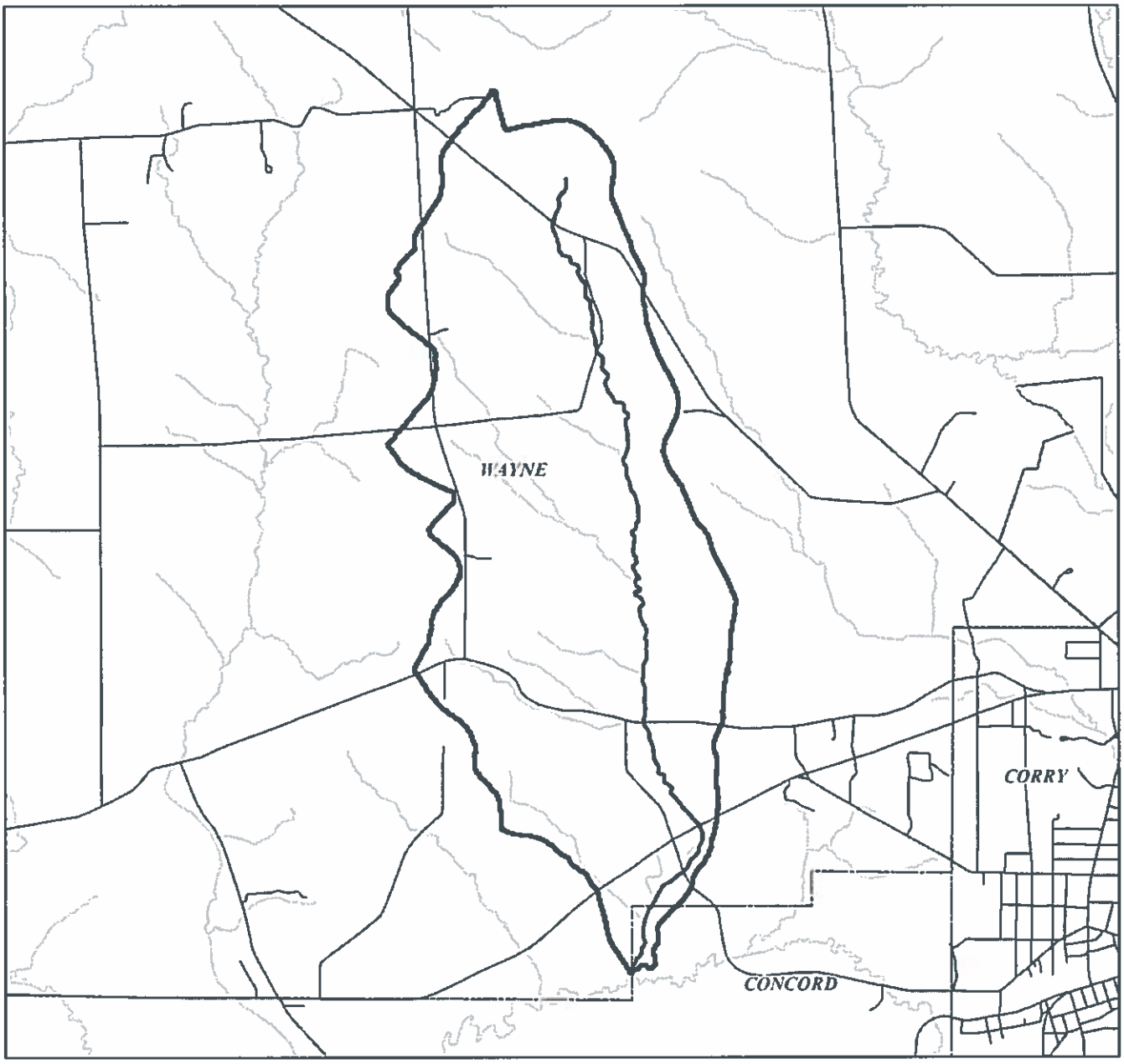


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

Spencer Creek - Erie County

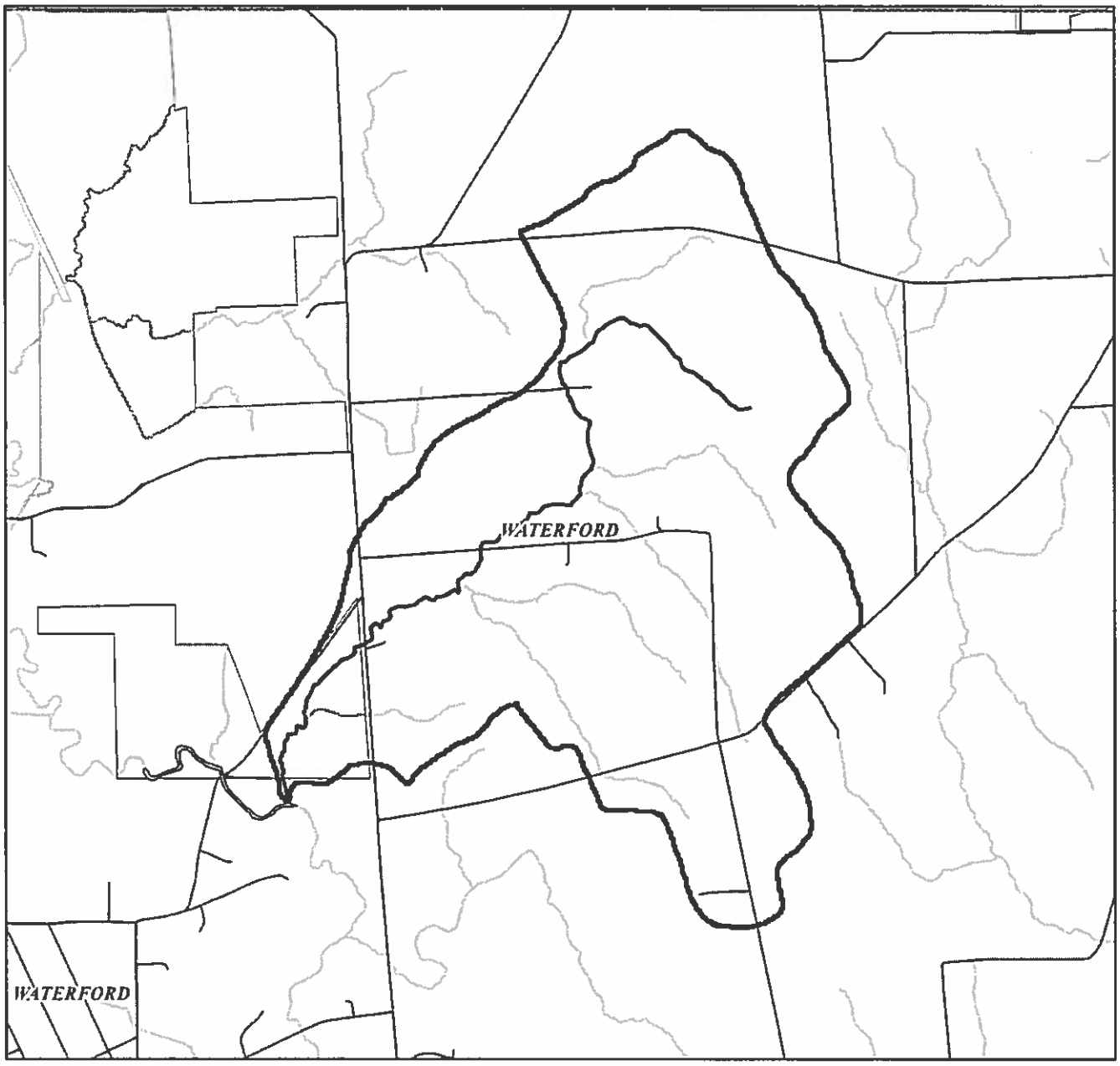


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 2 Miles

Benson Run - Erie County

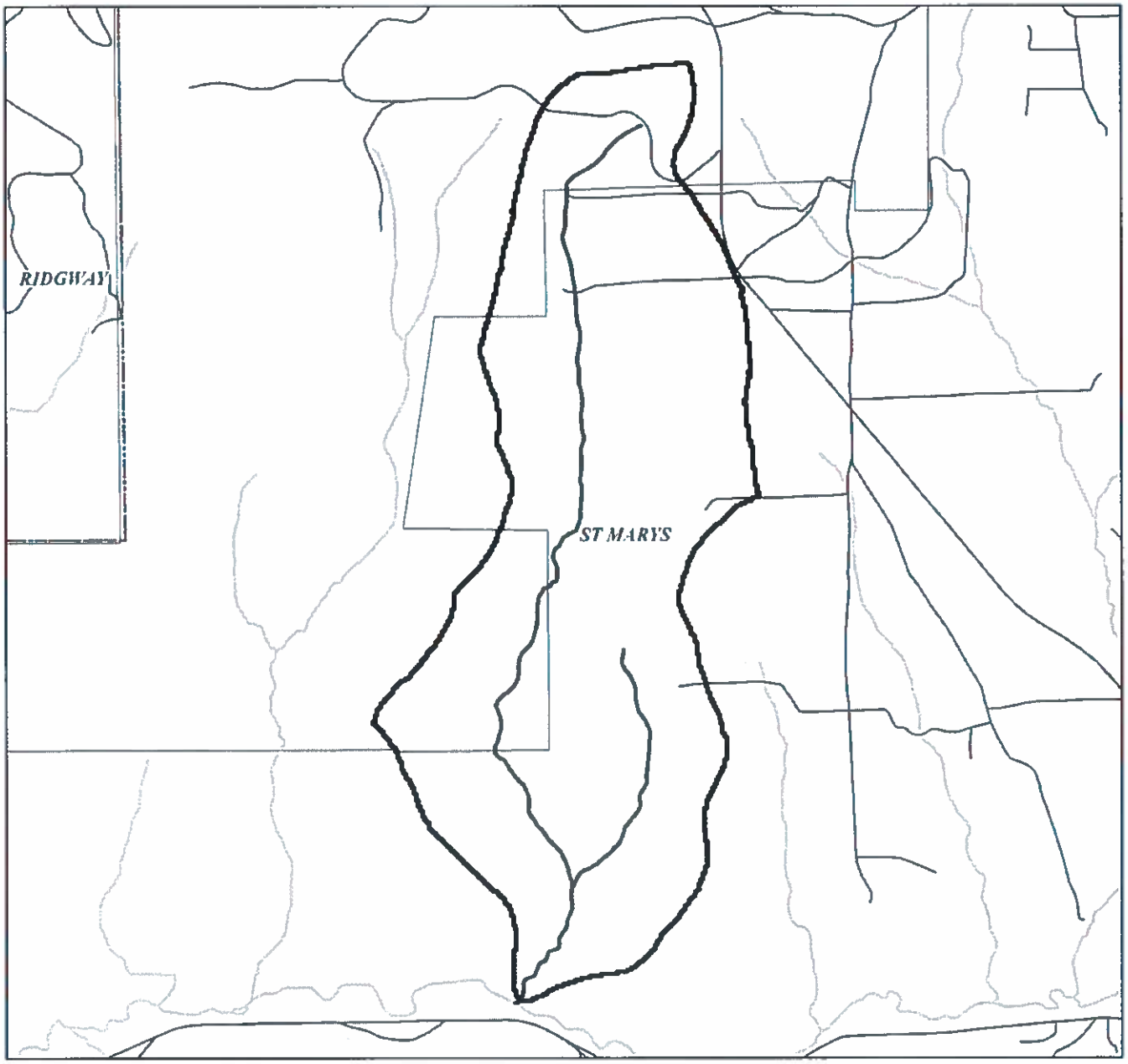


Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

Water Tank Run - Elk County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 1.5 Miles

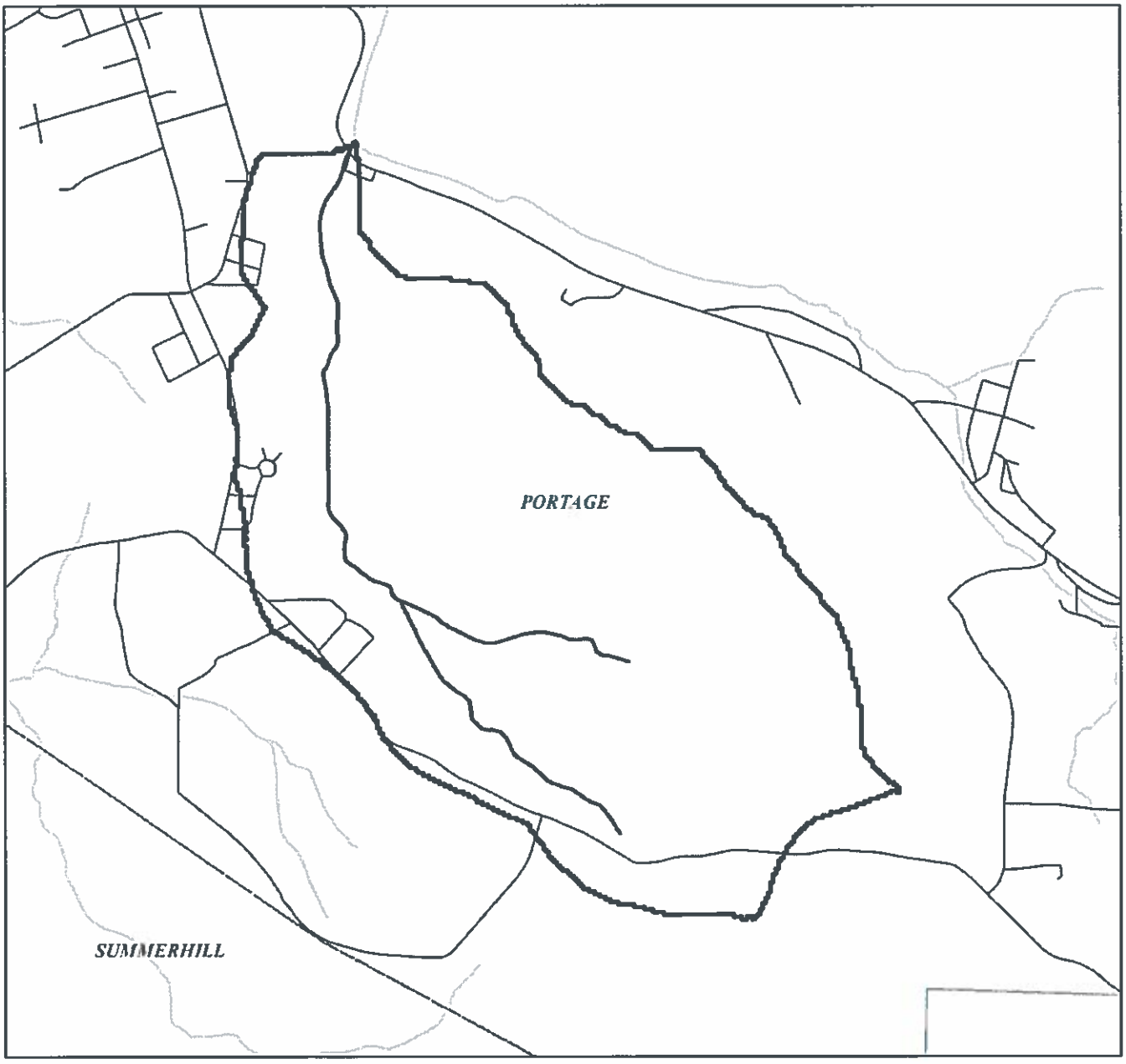
UNT Stonycreek River - Somerset County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT to Trout Run - Cambria County



Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 1 Miles

UNT to North Branch Little Conemaugh River - Cambria County

Legend

- Proposed HQ-CWF Class A Stream
- Class A Stream Basin
- Streams
- Roads
- Municipal Boundary
- Public Lands
- County Boundary

0 0.5 Miles

CDL-1

FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

By: Craig M. Elliott
(Deputy Attorney General)

JAN 31 2019
DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-548

DATE OF ADOPTION DECEMBER 18, 2018

BY Patrick McDonnell

TITLE PATRICK MCDONNELL
CHAIRPERSON

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality Executive or Independent Agencies

BY Marisa H. Z. Lehr

JAN 02 2019
DATE OF APPROVAL

(Deputy General Counsel)
~~(Chief Counsel - Independent Agency)~~
(Strike inapplicable title)

☐ Check if applicable. No Attorney General Approval or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

Water Quality Standards – Class A Stream Redesignations

25 Pa. Code Chapter 93

PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 93]
Water Quality Standards; Class A Stream Redesignations

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code, Chapter 93 (relating to water quality standards). The amendments will modify the drainage lists at §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r, and 93.9t to read as set forth in Annex A. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection. The proposed rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This proposed rulemaking was adopted by the Board at its meeting of December 18, 2018.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as a final rulemaking. Once approved by the United States Environmental Protection Agency (EPA), water quality standards are used to implement the Federal Clean Water Act (33 U.S.C.A. §§ 1251-1388).

B. *Contact Persons*

For further information, contact Thomas Barron, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. *Statutory Authority*

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P. S. §§ 691.1- 691.1001), and section 1920-A of the Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (CWA) (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

D. *Background and Purpose*

The purpose of developing the water quality standards is to protect Pennsylvania's surface waters. Pennsylvania's surface waters, through the water quality standards program, are protected for a variety of uses including: drinking water supplies for humans, livestock and wildlife; fish consumption; irrigation for crops; aquatic life uses; recreation; and industrial water supplies. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection.

Section 5 of The Clean Streams Law, 35 P.S. § 691.5, instructs the Department to consider water quality management and pollution control in the watershed as a whole, and the present and possible future uses of waters when adopting rules and regulations. In addition to these requirements, the Commonwealth has responsibilities under the CWA that require water quality standards to be reviewed and approved by the U.S. Environmental Protection Agency for consistency with the mandates under that act. Section 101(a)(2), 33 U.S.C.A. §1251(a)(2), of the CWA establishes the national goal that, wherever attainable, water quality should provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Section 303(c)(2)(A), 33 U.S.C.A. § 1313(c)(2)(A), requires water quality standards to include designated uses of waters, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other purposes. Section 303(d)(4)(B), 33 U.S.C.A. § 1313(d)(4)(B), establishes an antidegradation policy for waters where the quality of the water equals or exceeds levels necessary to protect the designated uses for such waters. The designated uses proposed in this rulemaking are consistent with these State and Federal statutory mandates.

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMPs)) on individual sources of pollution. Section 303(c)(1) of the CWA, 33 U.S.C.A.§ 1313(c)(1), requires states to periodically review and revise, as necessary, water quality standards. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. These proposed amendments are the result of new information presented for stream evaluations of designated uses.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may be initiated by other agencies, or members of the public may submit a rulemaking petition to the Board. These proposed amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under § 93.4c (relating to implementation of antidegradation requirements).

In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the PFBC approved these waters after public notice and comment.

Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for the streams proposed for redesignation. This review was conducted to ensure that the HQ criteria were met.

Prior to rulemaking, the Department has an obligation to provide existing uses protection when data indicates that a surface water attains or has attained an existing use. Section 93.1 defines "existing uses" as "those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards." Section 93.4c requires the Department to make a final determination of existing uses protection for the surface water as part of a final permit or approval action. During a review of a permit application and a draft permit, interested persons may provide the Department with additional information regarding existing uses protection for the surface water. The Department also presents available information in a draft report that is made available for public comment.

Where the existing uses are different than the designated uses for a surface water, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. For example, if the designated use of a stream is listed as protecting Cold Water Fishes (CWF) but the Department's evaluation of available existing use information indicates that the water attains the use of HQ-CWF, the stream would be protected for this HQ-CWF existing use, prior to a rulemaking. A stream redesignation proposal will then be initiated through the rulemaking process to match the existing uses with the designated uses in the drainage lists found in sections 93.9a-93.9z. Please see Section for E for a detailed explanation of the public participation process preceding the development of this proposed rulemaking.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all citizens of the Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking-water illnesses. Clean surface waters also benefit the Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries. This proposed regulation benefits not only local residents but those from outside the area who come to enjoy the benefits and aesthetics of outdoor recreation.

E. *Summary of Proposed Rulemaking*

Proposed Redesignations of Class A Wild Trout Waters

As part of this stream redesignation process, the Department offered opportunities for the public to provide data and information during the review of the uses of the streams. First, the Department provided public notice of its intent to assess the Class A wild trout stream data. The Department's notices requesting additional water quality data for the streams were published in the *Pennsylvania Bulletin* on January 23, 2016 (46 Pa.B. 503); March 5, 2016 (46 Pa.B. 1287); and June 25, 2016 (46 Pa.B. 3328). Additionally, the notices were posted on the Department website. No water quality data were received. The Department directly notified all affected municipalities, county planning commissions, conservation districts, and Commonwealth agencies of these redesignation evaluations in letters dated January 5, May 27 and July 8, 2016. No data or comments were received in response to these notices.

Once the data solicitation was completed, the Department prepared a draft streams evaluation report and made it available to all affected municipalities, county planning commissions, county conservation districts and other Commonwealth agencies on April 26, 2017. This draft report was mailed to these same entities and posted on the Department's website, for a 45-day public comment period. Two letters of support were received. The Department considered these comments in drafting the final Class A Wild Trout Streams Evaluation Report.

Department staff delivered two separate presentations to the Agricultural Advisory Board (AAB). The first presentation was delivered at the August 16, 2018 Joint Meeting of the AAB and the Nutrient Management Advisory Board. That presentation was focused on this proposed rulemaking consisting of Class A stream redesignations. In response to a request from the AAB following the first presentation, a second presentation was delivered to the AAB on October 25, 2018 which included a broader scope of the stream redesignations rulemaking process and then more specifically how AAB is involved in the process.

A copy of the stream evaluation report for these waterbodies is available on the Department's website or from the contact persons listed in Section B of this Preamble. Copies of the PFBC fisheries management reports for these streams and the PFBC's sampling protocols for wadeable streams are available on the Department's website or from Thomas Barron, whose address and telephone number are listed in Section B of this Preamble. The data and information collected on these waterbodies support the Board's proposed rulemaking as set forth in Annex A. The Board's proposed HQ redesignations associated with Class A wild trout waters is summarized in the table below.

Summary Table: Proposed Rulemaking Class A Stream Redesignations Package

Stream Name	*County*	*List*	*Zone*	*Current Designated Use*	*Recommended Designated Use*
Beaver Run	Carbon	D	Basin	CWF, MF	HQ-CWF, MF
Wash Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF
UNT 04074 to Mahoning Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF
UNT 04088 to Lehigh Canal (Weisport)	Carbon	D	Basin, Source to Phifer Ice Dam Inlet	CWF, MF	HQ-CWF, MF

UNT 03913 to Lehigh River	Carbon	D	Main Stem	CWF, MF	HQ-CWF, MF
Fireline Creek	Carbon	D	Main Stem, UNT 03907 to Mouth	CWF, MF	HQ-CWF, MF
UNT to Little Schuylkill River	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02248 to Little Schuylkill River "Rabbit Run"	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02204 to Little Schuylkill River	Schuylkill / Berks	F	Basin	CWF, MF	HQ-CWF, MF
Sixpenny Creek	Berks	F	Basin, UNT 64027 to Mouth	CWF, MF	HQ-CWF, MF
Aylesworth Creek	Lackawanna	J	Basin, Source to UNT 28567	CWF, MF	HQ-CWF, MF
Brace Brook	Susquehanna / Wayne	J	Basin	CWF, MF	HQ-CWF, MF
Glen Brook	Columbia	K	Main Stem, UNT 28087 to Foundryville Road	CWF, MF	HQ-CWF, MF
Douglas Run	Cambria / Indiana	L	Basin	CWF, MF	HQ-CWF, MF
Emeigh Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF

Beaver Run	Cambria / Clearfield	L	Basin, Source to and including UNT 27182	CWF, MF	HQ-CWF, MF
Patchin Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
North Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26735 to West Branch Susquehanna River	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
Hogback Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26562 to Bradley Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF
Little Dent Run	Cameron	L	Basin	CWF, MF	HQ-CWF, MF
Laurel Run	Centre	L	Basin, from a point at 40°49'3.5"N; 78°5'52.0"W to Mouth	CWF, MF	HQ-CWF, MF
Gap Run	Centre	L	Main Stem, Source to the sink hole located at 40°51'59"N; 77°44'4"W	CWF, MF	HQ-CWF, MF
Council Run	Centre	L	Main Stem	CWF, MF	HQ-CWF, MF
Salt Lick Run	Centre	L	Basin	CWF, MF	HQ-CWF, MF
Sand Run	Tioga	L	Basin	CWF, MF	HQ-CWF, MF

Rauchtown Creek	Lycoming / Clinton	L	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	CWF, MF	HQ-CWF, MF
Mosquito Creek	Lycoming	L	Basin	CWF, MF	HQ-CWF, MF
Potter Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Kettle Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
UNT 18312 to Penns Creek	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Peet Brook	Potter	P	Basin	CWF	HQ-CWF
UNT 57738 to Blacksmith Run	McKean	P	Basin	CWF	HQ-CWF
UNT 54466 to Marsh Run	Crawford	Q	Basin	CWF	HQ-CWF
Spencer Creek	Erie	Q	Main Stem	CWF	HQ-CWF
Benson Run	Erie	Q	Main Stem	TSF	HQ-CWF
Water Tank Run	Elk	R	Basin	CWF	HQ-CWF
UNT 45591 to Stonycreek River	Somerset	T	Basin	CWF	HQ-CWF

UNT 46054 to Trout Run	Cambria	T	Basin	CWF	HQ-CWF
UNT 46033 to North Branch Little Conemaugh River	Cambria	T	Basin	CWF	HQ-CWF

CWF = cold water fishes
TSF = trout stocking
HQ = high quality
MF = migratory fishes

UNT = unnamed tributary

Proposed Corrections to Drainage Lists

In addition to the recommended changes to stream designations, the Board is proposing other amendments to the drainage lists in §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r, and 93.9t to clarify stream names and segment boundaries and to reformat portions of drainage lists. In addition, the Board is recommending changes consistent with the National Hydrography Dataset (NHD) flowline. These additional changes are non-substantive in nature, because they do not change any current water quality designations to the drainage lists.

The NHD flowline forms the basis of the Department's Designated and Existing Use Geographic Information System (GIS) layers. The NHD flowline is established using the United States Geological Survey (USGS) Geographic Names Information System (GNIS), which is the Federal and National standard for geographic nomenclature. The Department strives to maintain consistency with the GNIS database and the NHD flowline.

The Department routinely receives internal and external communications concerning streams that appear to be missing from Chapter 93. Often, these streams were considered unnamed at the time the drainage list was established and therefore were captured under unnamed tributaries entries. These streams currently have a designated use even though they do not appear as named entries in Chapter 93. In contrast, there are a number of named tributaries in Chapter 93 that are not currently recognized by the USGS and are not represented by the NHD flowline. These may be unofficial local names. Consolidation within drainage lists will greatly reduce these issues.

In many parts of the drainage lists, the current format consists of a main stem entry for a stream, followed by unnamed tributaries to that stream, and then individually named tributaries within the basin. Often, most of the tributaries, both named and unnamed, have the same designated use. In some cases, an entire basin is the same designated use except for a few streams. Large stream basins may take up several pages within a drainage list and can be difficult for individuals to navigate and understand. Reformatting large basins to consolidate portions of Chapter 93 that have the same designated use enables readers to view that entire basin within a page or two. In

addition, a condensed drainage list reduces the likelihood that errors will occur in transcription of Chapter 93 during rulemaking procedures. The Department currently has several GIS mapping tools available, including eMapPA and WAVE, to assist staff, members of the public and the regulated community in locating streams in this Commonwealth, and they should be used in conjunction with the *Pennsylvania Code* to determine designated uses. The Board proposes to reformat section 93.9j and the Stonycreek River basin in section 93.9t as described in this paragraph.

Furthermore, all river mile indexes (RMI) proposed to be added in this rulemaking - §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r, and 93.9t – will be converted to (x,y) coordinates for latitude and longitude. Going forward, whenever changes are proposed to Chapter 93, associated locational information will be inserted as latitude and longitude. Eventually, all reference to RMI in §§ 93.9a—93.9z will be converted to latitude and longitude.

Additionally, all "unnamed tributaries" included in this proposed rulemaking will be abbreviated to UNT(s). Going forward, the abbreviation UNT(s) will eventually replace "unnamed tributaries" in the *Pennsylvania Code*.

Section 93.9d. Drainage List D

Additional changes to section 93.9d were proposed on October 21, 2017 in the *Pennsylvania Bulletin* (47 Pa.B. 6609), including a stream name correction from "Beaverdam Run to Beaver Run." Beaver Run is a candidate for redesignation in this Class A stream package. The Board recommends making this change.

Section 93.9k. Drainage List K

The Board recommends correcting the spelling for Huntington Creek in §93.9k to be consistent with the NHD flowline.

Section 93.9t. Drainage List T

Additional changes to section 93.9t were proposed on October 21, 2017 in the *Pennsylvania Bulletin* (47 Pa.B. 6609), including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run. According to the GNIS database and the NHD flowline, Trout Run is not a direct tributary to the Little Conemaugh River. It is a tributary to Kane Run, which is a tributary to the Little Conemaugh River. An unnamed tributary to Trout Run (UNT 46054) is a candidate for redesignation in this proposed rulemaking. The Board recommends making this change.

F. *Benefits, Costs and Compliance*

Benefits

Overall, the Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality

provides economic value to present and future generations in the form of a clean water supply. Water uses in the Commonwealth include water supplies for human consumption, wildlife, irrigation, and industrial use; recreational opportunities such as fishing (also for consumption); water contact sports and boating; and aquatic life and special protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

Increased property values are an economic and social benefit of clean water protected by this proposed regulation.

A reduction in toxics found in Pennsylvania's waterways may lead to increased property values for properties located near rivers or lakes. The study, *The Effect of Water Quality on Rural Nonfarm Residential Property Values*, (Epp and Al-Ani, American Journal of Agricultural Economics, Vol 61, No. 3 (Aug. 1979), pp. 529-534 (https://www.jstor.org/stable/1239441), used real estate prices to determine the value of improvements in water quality in small rivers and streams in Pennsylvania. Water quality, whether measured in pH or by the owner's perception, has a significant effect on the price of adjacent property. Their analysis showed a positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2006 study from the Great Lakes region estimated that property values were significantly depressed in two regions associated with toxic contaminants (PAHs, PCBs, and heavy metals). The study showed that a portion of the Buffalo River region (approx. 6 miles long) had depressed property values of between $83 million and $118 million for single-family homes, and between $57 million and $80 million for multi-family homes as a result of toxic sediments. The same study estimated that a portion of the Sheboygan River (approx. 14 miles long) had depressed property values of between $80 million and $120 million as the result of toxics. "*Economic Benefits of Sediment Remediation in the Buffalo River AOC and Sheboygan Rice AOC: Final Project Report,*" (http://www.nemw.org/Econ). While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in Pennsylvania. A reduction in toxic pollution in Pennsylvania's waters has a substantial economic benefit to property values in close proximity to waterways.

Maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation are social and economic benefits of clean water protected by this proposed regulation.

Businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries. Because the focus of this proposal relates directly to the protection of fisheries, sportsmen in Pennsylvania will benefit by the preservation of the existing Class A fisheries. Class A wild trout streams should be protected so that they can continue to be a self-sustaining angling opportunity as compared to the cost-intensive alternative of raising and stocking fish. The purpose of these proposed stream redesignations is to preserve this resource for current and future sportsmen so that the social and economic benefits are maintained in the

local area. As recreation demands increase in the future, the preservation of unique resources such as Class A wild trout waters will no doubt add economic value to the local areas and, importantly, provide a valuable social function for outdoor recreation. Specific revenue-related benefits associated with outdoor trout fishing in Pennsylvania are outlined below.

The Center for Rural Pennsylvania prepared a report titled "Economic Values and Impacts of Sport Fishing, Hunting and Trapping Activities in Pennsylvania,"(http://www.rural.palegislature.us/documents/reports/hunting.pdf) that examined such economic values and impacts between the years 1995 to 1997. The report provides a snapshot of how much money these sporting activities bring to the state and how they affect employment in rural areas. A major finding of that report is the total annual value of $3.7 billion for sport fishing was almost three times the $1.26 billion spent in travel costs to use fishing resources during the same 12-month period of time. The total net annual benefit to anglers was $2.49 billion.

According to the "Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania," (R. Greene, et al. 2005) (http://www.fishandboat.com/Fish/Fisheries/TroutPlan/Documents/WildTroutStreamAnglerUseCatchEconomicContribution.pdf), the PFBC collected information to assess the economic impact of wild trout angling in Pennsylvania, during the 2004 regular trout season, April 17 through September 3, 2004. PFBC found, based on the results of this study, that angling on wild trout streams contributed over $ 7.16 million to Pennsylvania's economy during the regular trout season in 2004."

According to the "2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" (https://www.census.gov/prod/2012pubs/fhw11-nat.pdf) for Pennsylvania, prepared by the U.S. Fish and Wildlife Service, approximately 1,101,000 anglers, participated in fishing and 3,598,000 persons participated in wildlife watching in the year 2011. In addition, all fishing-related expenditures in Pennsylvania totaled $485 million in 2011. Such expenditures include food and lodging, transportation and other expenses (equipment rental, bait and cooking fuel). In 2011, wildlife watchers spent $1.3 billion on activities in Pennsylvania. Expenditures include trips-related costs and equipment.

According to the Outdoor Recreation Industry Association, Pennsylvania's outdoor recreation generates 251,000 direct Pennsylvania jobs, $8.6 billion in wages and salaries, and $1.9 billion in state and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. The association reports that 56% of Pennsylvania residents participate in outdoor recreation each year. (See Outdoor Industry Association (2017), "The Outdoor Economy: Take it Outside for American Jobs and a Strong Economy," https://outdoorindustry.org/resource/pennsylvania-outdoor-recreation-economy-report/)

Savings in water filtration for downstream communities that rely on surface waters for water supplies and availability of unpolluted water for domestic, agricultural and industrial uses are benefits of clean water protected by this proposed regulation.

The Department identified eleven public water supply facilities with raw water intakes that are no further downstream than 30 stream miles of the candidate stream sections for redesignation in

this proposed rulemaking package. These eleven public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream. By maintaining cleaner water, public water suppliers will incur the benefits of lower water treatment costs. In addition, cleaner intake water will reduce consumer costs for purchasing clean drinking water.

Compliance costs

This proposed rulemaking is necessary to maintain the existing water quality and effectively control discharges of pollutants into the stream segments. These amendments to Chapter 93 will not impose any new compliance costs on persons engaged in regulated activities under existing permits or approvals from the Department. Additional compliance costs may arise when permits or approvals are necessary for new or expanded regulated activities. The Department will implement the proposed stream redesignations through permit and approval actions.

Persons adding or expanding a discharge to a stream may need to provide a higher level of treatment or additional BMPs to meet the designated and existing uses of the stream, which could result in higher engineering, construction or operating costs. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. The Department cannot accurately estimate such costs because of the variability associated with each discharge.

Any person proposing a new, additional, or increased point source discharge would need to satisfy the antidegradation requirements found at 25 Pa. Code § 93.4c(b)(1) (relating to protection of high quality and exceptional value waters). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and the applicant must use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to special protection streams do not qualify for NPDES general permits, based on 25 Pa. Code § 92a.54(a)(8) (relating to general permits), and therefore, will require individual permits.

There are approximately 10,300 facilities across the Commonwealth that hold permits issued pursuant to Chapter 92a (relating to National Pollutant Discharge Elimination System (NPDES)

permitting, monitoring and compliance). This statewide number of approximately 10,300 includes NPDES permits for Concentrated Animal Feeding Operations, industrial waste, municipal separate storm sewer systems (~~MS4~~), sewage, and industrial storm water. Out of this statewide total of approximately 10,300 permits, only 19 facilities are known to hold NPDES permits within the boundaries of the watersheds of the stream segments being considered for redesignation in this proposed rulemaking.

The types of NPDES discharges identified that have watershed involvement in this proposed rulemaking include industrial waste, sewage, MS4, and industrial stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on the existing discharges from these 19 NPDES permitted entities. However, discharge activities to special protection streams do not qualify for NPDES general permits and, therefore, will require individual permits. The individual permits are necessary to track any additional or increased discharges to a special protection water.

There are thousands of general and individual NPDES permits for Stormwater Discharges Associated With Construction Activities issued under 25 Pa. Code Chapter 102 (relating to erosion and sediment control) that were not included in the statewide total of NPDES permits. These construction permits were not included in the permit counts because of their temporary nature. However, if the construction permit was issued as a general permit, and if the permitted activity is not completed by the expiration date on the permit and the permittee seeks to renew the permit, must be renewed as an individual permit. Additionally, when earth disturbance activities occur within the basins of the stream segments redesignated in this rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102.

Local governments will most likely have additional costs associated with MS4 permitting requirements. Any permittees that discharge to an HQ water will be required to obtain an individual permit when the permit is up for renewal. Any new first-time MS4 permits in these waters will be required to obtain individual permits. The cost of a new first-time individual permit is $5,000 compared to $500 for a general permit. There is a difference in cost between the initial issuance of an individual permit and a general permit due to increased staff time needed to review permit applications and implementation oversight that is associated with individual permits. An individual permit allows for the tailoring of a municipality's stormwater management program and its implementation of the minimum control measures.

If there is an existing permit (whether it is currently a general permit or an individual permit) on a water that has been redesignated to special protection, the fee to renew it to an individual permit is $2500. The annual fee is the same for a general permit and an individual permit. Individual permits will require an application and general permits will no longer be required to submit a Notice of Intent (NOI) as the annual report submittal and annual fee payment will serve the purpose of past NOIs. In general, there are no special consulting services fees that are needed for a new permittee when applying for the individual permit.

Where on-lot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in Chapters 71, 72 and 73 (relating to the administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for on-lot sewage treatment facilities) will continue to satisfy § 93.4c in these redesignated HQ waters. Permit applicants for sewage facilities in HQ waters who demonstrate SEJ at the sewage facilities planning stage need not re-demonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and non-sewage discharge applicants.

Compliance assistance plan

This proposed rulemaking will not impose any new compliance requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, the Department will provide compliance assistance.

Paperwork requirements

This proposed rulemaking will not impose any new paperwork requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, additional information may need to be submitted to the Department as part of the permit application or approval request. As discussed above, the permit applicant will complete an antidegradation analysis. The applicant will describe how the proposed activity will be conducted to maintain existing water quality. If water quality cannot be maintained, the applicant will describe a social and economic justification for the proposed activity. NPDES general permits are not available for discharges to these streams. Thus, an individual permit, and its associated paperwork, would be required.

G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives must be evaluated and are required to be used when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no

environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except as provided in § 93.4c(b)(1)(iii) (relating to social or economic justification (SEJ) in High Quality Waters).

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 4, 2019, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. *Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by May 7, 2019.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at http://www.ahs.dep.pa.gov/eComment.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board,

Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on the following date:

April 26, 2019 Department of Environmental Protection
Southcentral Regional Office
Susquehanna Room A
909 Elmerton Avenue
Harrisburg, PA 17110

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Verbal testimony is limited to five minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

Editor's Note: Additional changes to drainage list 93.9d were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609), including a stream name correction from "Beaverdam Run" to "Beaver Run."					
§ 93.9d. Drainage List D.					
Delaware River Basin in Pennsylvania					
Lehigh River					
Stream	**Zone**		**County**	**Water Uses Protected**	**Exceptions to Specific Criteria**
* * * * * *					
2—Lehigh River	Main Stem, PA 903 Bridge to Allentown Dam		Lehigh	TSF, MF	None
3—**[Unnamed Tributaries]** **UNTs** to Lehigh River	Basins, PA 903 Bridge to **[Allentown Dam]** **UNT 03913 at 40°48'11.1"N; 75°40'20.6"W**		Carbon**[-Lehigh]**	CWF, MF	None
3—Silkmill Run	Basin		Carbon	CWF, MF	None
3—Mauch Chunk Creek	Basin, Source to SR 902 Bridge		Carbon	EV, MF	None
3—Mauch Chunk Creek	Basin, SR 902 Bridge to Mouth		Carbon	CWF, MF	None

3—Beaverdam Run	Basin	Carbon	**HQ**-CWF, MF	None
3—Long Run	Basin	Carbon	CWF, MF	None
3—Mahoning Creek	Basin**, Source to Wash Creek**	**[Carbon] Schuylkill**	CWF, MF	None
4—Wash Creek	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Mahoning Creek	**Basin, Wash Creek to UNT 04074 at 40°46'43.4"N; 75°50'35.2"W**	**Schuylkill**	**CWF, MF**	**None**
4—UNT 04074	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Mahoning Creek	**Basin, UNT 04074 to Mouth**	**Carbon**	**CWF, MF**	**None**
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to US 209 Bridge at Kresgeville at 40°53'51.0"N; 75°30'8.8"W	Monroe	HQ-CWF, MF	None
4—**[Unnamed Tributaries]** **UNTs** to Pohopoco Creek	Basins, SR 3016 Bridge to US 209 Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to T 444 Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, T 444 Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, US 209 Bridge at Kresgeville to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to **UNT 64089 at 40°48'55.7"N; 75°40'21"W [Mouth]**	Carbon	CWF, MF	None

4—UNT 64089 (locally known as Lehigh Canal)	**Basin, Source to UNT 04088 at 40°49'47.3"N; 75°41'58.9"W**	**Carbon**	**CWF, MF**	**None**
5-UNT 04088	**Basin, Source to Phifer Ice Dam inlet at 40°50'27.7"N; 75°41'21"W**	**Carbon**	**HQ-CWF, MF**	**None**
5-UNT 04088	**Basin, Phifer Ice Dam inlet to Mouth**	**Carbon**	**CWF, MF**	**None**
4—UNT 64089	**Basin, UNT 04088 to Mouth**	**Carbon**	**CWF, MF**	**None**
3—Pohopoco Creek	**Basin, UNT 64089 to Mouth**	**Carbon**	**CWF, MF**	**None**
3—UNT 03913 (locally known as Nis Hollow)	**Main Stem**	**Carbon**	**HQ-CWF, MF**	**None**
4—Tributaries to UNT 03913	**Basins**	**Carbon**	**CWF, MF**	**None**
3—Unnamed Tributaries to Lehigh River	**Basins, UNT 03913 to Allentown Dam**	**Carbon-Lehigh-Northampton**	**CWF, MF**	**None**
3—Fireline Creek	Basin, **Source to UNT 03907 at 40°49'1.0"N; 75°38'5.2"W**	Carbon	CWF, MF	None
4—UNT 03907	**Basin**	**Carbon**	**CWF, MF**	**None**
3—Fireline Creek	**Main Stem, UNT 03907 to Mouth**	**Carbon**	**HQ-CWF, MF**	**None**
4—Tributaries to Fireline Creek	**Basins, UNT 03907 to Mouth**	**Carbon**	**CWF, MF**	**None**
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF, MF	None

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Editor's Note: Additional changes to drainage list 93.9f were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9f. Drainage List F.			
Delaware River Basin in Pennsylvania			
Schuylkill River			
Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions to Specific Criteria**
* * * * * *				
4—Still Creek	Basin, Tamaqua Water Supply Dam to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Still Creek to **[Owl Creek]** **UNT at 40°48'48.5"N; 75°58'45"W**	Schuylkill	CWF, MF	None
4—UNT at 40°48'48.5"N; 75°58'45"W	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Little Schuylkill River	**Basin, UNT at 40°48'48.5"N; 75°58'45"W to Owl Creek**	**Schuylkill**	**CWF, MF**	**None**
4—Owl Creek	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, Owl Creek to **[Cold Run]** **UNT 02248 at 40°46'46.8"N; 75°57'39.6"W**	Schuylkill	CWF, MF	None
4—UNT 02248 to Little Schuylkill River	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Little Schuylkill River	**Basin, UNT 02248 to Cold Run**	**Schuylkill**	**CWF, MF**	**None**
4—Cold Run	Basin, Source to Beaver Creek	Schuylkill	HQ-CWF, MF	None
5—Beaver Creek	Basin, Source to **[Church Lane]** **Tabernacle Drive** at **[RM 1.5]** **40°44'18.7"N; 76°1'26.9"W**	Schuylkill	HQ-CWF, MF	None

5—Beaver Creek	Basin, **[RM 1.5] 40°44'18.7"N; 76°1'26.9"W** to Mouth	Schuylkill	CWF, MF	None
4—Cold Run	Basin, Beaver Creek to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Cold Run to UNT 02206 at **[RM 4.3] 40°37'40.8"N; 76°0'53.8"W**	Schuylkill	CWF, MF	None
4—**[Unnamed Tributary] UNT** 02206 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02206 to **[Rattling Run] UNT 02204 at 40°36'41.4"N; 76°1'6.3"W**	Schuylkill	CWF, MF	None
4—UNT 02204 to Little Schuylkill River	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Little Schuylkill River	**Basin, UNT 02204 to Rattling Run**	**Schuylkill**	**CWF, MF**	**None**
4—Rattling Run	Basin, Source to **[PA] SR** 61	Schuylkill	EV, MF	None
4—Rattling Run	Basin, **[PA] SR** 61 to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Rattling Run to Mouth	Schuylkill	CWF, MF	None
* * * * * *				
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin**[, Source to UNT 64027 at 40°14'37.2"N; 75°46'40.3"W]**	Berks	HQ-CWF, MF	None
[4—UNT 64027 to Sixpenny Creek	**Basin**	**Berks**	**HQ-CWF, MF**	**None**
3—Sixpenny Creek	**Basin, UNT 64027 to Mouth**	**Berks**	**CWF, MF**	**None]**
3—Monocacy Creek	Basin, Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W	Berks	WWF, MF	None

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Editor's Note: Additional changes to drainage list 93.9j were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9j. Drainage List J.

Susquehanna River Basin in Pennsylvania

Lackawanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
1—Susquehanna River				
2—Lackawanna River	**Basin, Source to East Branch Lackawanna River**	**Susquehanna**	**CWF, MF**	**None**
[3—West Branch Lackawanna River	**Basin, Source to Confluence with East Branch**	**Susquehanna**	**CWF, MF**	**None]**
3—East Branch Lackawanna River	Basin**[, Source to Confluence with West Branch]**	Susquehanna	HQ-CWF, MF	None
2—Lackawanna River	Main Stem, **[Confluence of East and West Branches] East Branch Lackawanna River** to SR 0347 Bridge at Dickson City	Lackawanna	HQ-CWF, MF	None
3—**[UNTs] Tributaries** to Lackawanna River	Basins, **[Confluence of East and West Branches] East Branch Lackawanna River** to **[Clarks Creek] Brace Brook**	Susquehanna**[**—**Wayne]**	CWF, MF	None
3—Brace Brook	Basin	Susquehanna	**HQ-**CWF, MF	None
3—Tributaries to Lackawanna River	**Basins, Brace Brook to Clarks Creek**	**Wayne**	**CWF, MF**	**None**
3—Clarks Creek	Basin	Wayne	EV, MF	None

3—[UNTs] Tributaries to Lackawanna River	Basins, Clarks Creek to [SR 0347 Bridge at Dickson City] Aylesworth Creek	Wayne—Lackawanna	CWF, MF	None
[3—Wilson Creek	Basin	Lackawanna	CWF, MF	None
3—Coal Brook	Basin	Lackawanna	CWF, MF	None
3—Racket Brook	Basin	Lackawanna	CWF, MF	None
3—Fall Brook	Basin	Lackawanna	CWF, MF	None
3—Lees Creek	Basin	Lackawanna	CWF, MF	None
3—Powderly Creek	Basin	Lackawanna	CWF, MF	None
3—Rush Brook	Basin	Lackawanna	CWF, MF	None]
3—Aylesworth Creek	Basin, Source to UNT 28567 at 41° 31' 18.6"N; 75° 31' 23.5"W	Lackawanna	HQ-CWF, MF	None
4—UNT 28567	Basin	Lackawanna	CWF, MF	None
3—Aylesworth Creek	Basin, UNT 28567 to Mouth	Lackawanna	CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Aylesworth Creek to Grassey Island Creek	Lackawanna	CWF, MF	None
[3—White Oak Run	Basin	Lackawanna	CWF, MF	None
3—Laurel Run	Basin	Lackawanna	CWF, MF	None]
3—Grassey Island Creek	Basin, Source to [1100 ft Contour Line (Olyphant 7 1/2' Quadrangle)] US Hwy 6	Lackawanna	HQ-CWF, MF	None
3—Grassey Island Creek	Basin, [1100 ft Contour Line] US Hwy 6 to Mouth	Lackawanna	CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Grassey Island Creek to SR 0437 Bridge	Lackawanna	CWF, MF	None
[3—Sterry Creek	Basin	Lackawanna	CWF, MF	None
3—Wildcat Creek	Basin	Lackawanna	CWF, MF	None
3—Hull Creek	Basin	Lackawanna	CWF, MF	None
2—Lackawanna River	Main Stem, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None
3—Unnamed Tributaries to Lackawanna River	Basins, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None]

2—Lackawanna River	**Basin, SR 0347 Bridge to Eddy Creek**	**Lackawanna**	**CWF, MF**	**None**
3—Eddy Creek	Basin	Lackawanna	WWF, MF	None
2—Lackawanna River	**Basin, Eddy Creek to Leggetts Creek**	**Lackawanna**	**CWF, MF**	**None**
3—Leggetts Creek	Basin, Source to Summit Lake Creek	Lackawanna	CWF, MF	None
4—Summit Lake Creek	Basin	Lackawanna	TSF, MF	None
3—Leggetts Creek	Basin, Summit Lake Creek to Mouth	Lackawanna	TSF, MF	None
[3—Meadow Brook	**Basin**	**Lackawanna**	**CWF, MF**	**None]**
2—Lackawanna River	**Basin, Leggetts Creek to Roaring Brook**	**Lackawanna**	**CWF, MF**	**None**
3—Roaring Brook	Basin, Source to Elmhurst Reservoir	Lackawanna	HQ-CWF, MF	None
3—Roaring Brook	Basin, Elmhurst Reservoir to Mouth	Lackawanna	CWF, MF	None
2—Lackawanna River	**Basin, Roaring Brook to Stafford Meadow Brook**	**Lackawanna**	**CWF, MF**	**None**
3—Stafford Meadow Brook	Basin, Source to Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary	Lackawanna	HQ-CWF, MF	None
3—Stafford Meadow Brook	Basin, Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary to Mouth	Lackawanna	WWF, MF	None
[3—Keyser Creek	**Basin**	**Lackawanna**	**CWF, MF**	**None]**
2—Lackawanna River	**Basin, Stafford Meadow Brook to Spring Brook**	**Lackawanna**	**CWF, MF**	**None**
3—Spring Brook	Basin, Source to N. E. Ext. PA Turnpike	Lackawanna	HQ-CWF, MF	None
3—Spring Brook	Basin, N. E. Ext. PA Turnpike to Mouth	Lackawanna	CWF, MF	None
[3—Mill Creek	**Basin**	**Lackawanna**	**CWF, MF**	**None**
3—St. Johns Creek	**Basin**	**Luzerne**	**CWF, MF**	**None**
3—Red Spring Run	**Basin**	**Luzerne**	**CWF, MF**	**None]**

2—Lackawanna River	**Basin, Spring Brook to Mouth**	**Lackawanna**	**CWF, MF**	**None**	

Editor's Note: Additional changes to drainage list 93.9k were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania

Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * * *				
3—Tributaries to Nescopeck Creek	Basins, Kester Creek to Mouth	Luzerne	CWF, MF	None
2—Briar Creek	Basin, **Source to East Branch Briar Creek**	Columbia	CWF, MF	None
3—East Branch Briar Creek	**Basin, Source to Glen Brook**	**Columbia**	**CWF, MF**	**None**
4—Glen Brook	**Basin, Source to UNT 28087 at 41°5'39.1"N; 76°13'56.5"W**	**Columbia**	**CWF, MF**	**None**
5—UNT 28087 to Glen Brook	**Basin**	**Columbia**	**CWF, MF**	**None**
4—Glen Brook	**Main Stem, UNT 28087 to Foundryville Road at 41°4'43.3"N; 76°14'8.7"W**	**Columbia**	**HQ-CWF, MF**	**None**
5—Tributaries to Glen Brook	**Basins, UNT 28087 to Foundryville Road**	**Columbia**	**CWF, MF**	**None**
4—Glen Brook	**Basin, Foundryville Road to Mouth**	**Columbia**	**CWF, MF**	**None**
3—East Branch Briar Creek	**Basin, Glen Brook to Mouth**	**Columbia**	**CWF, MF**	**None**

2—Briar Creek	**Basin, East Branch Briar Creek to Mouth**	**Columbia**	**CWF, MF**	**None**
2—Tenmile Run	Basin, Source to UNT 28081 at **[RM 2.49] at 41°0'5"N; 76°19'9.5"W**	Columbia	HQ-CWF, MF	None
3—**[Unnamed Tributary] UNT** 28081 to Tenmile Run	Basin	Columbia	CWF, MF	None
2—Tenmile Run	Basin, UNT 28081 to Mouth	Columbia	CWF, MF	None
* * * * * *				
3—Coles Creek	Basin, UNT 27963 to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Coles Creek to **[Huntingdon] Huntington** Creek	Columbia	CWF, MF	None
3—**[Huntingdon] Huntington** Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF, MF	None
3—**[Huntingdon] Huntington** Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—Tributaries to **[Huntingdon] Huntington** Creek	Basins, Kitchen Creek to Pine Creek	Luzerne - Columbia	CWF, MF	None
4—Pine Creek	Basin, Source to Wasp Branch	Luzerne	CWF, MF	None
5—Wasp Branch	Basin	Luzerne	HQ-CWF, MF	None
4—Pine Creek	Basin, Wasp Branch to Mouth	Columbia	CWF, MF	None
4—Tributaries to **[Huntingdon] Huntington** Creek	Basins, Pine Creek to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
* * * * * *				

Editor's Note: Additional changes to drainage list 93.9l were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9l. Drainage List L.			
Susquehanna River Basin in Pennsylvania			
West Branch Susquehanna River			
Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions To Specific Criteria**
* * * * * *				
3—Moss Creek	Basin	Cambria	CWF, MF	None
3—Douglas Run	Basin	Cambria	**HQ**-CWF, MF	None
3—Emeigh Run	Basin	Cambria	**HQ**-CWF, MF	None
3—Peg Run	Basin	Cambria	CWF, MF	None
3—Cush Cushion Creek	Basin	Indiana	HQ-CWF, MF	None
3—Kilns Run	Basin	Clearfield	CWF, MF	None
3—Kings Run	Basin	Clearfield	CWF, MF	None
3—Shyrock Run	Basin	Clearfield	CWF, MF	None
3—Boiling Spring Run	Basin	Clearfield	CWF, MF	None
3—Beaver Run	**Basin, Source to UNT 27182 at 40°44'7.3"N; 78°45'43.6"W**	**Clearfield**	**HQ-CWF, MF**	**None**
4—UNT 27182 to Beaver Run	**Basin**	**Clearfield**	**HQ-CWF, MF**	**None**
3—Beaver Run	**Basin, UNT 27182 to Mouth**	**Clearfield**	**CWF, MF**	**None**
3—Patchin Run	**Basin**	**Clearfield**	**HQ-CWF, MF**	**None**
3—Sawmill Run	Basin	Clearfield	CWF, MF	None
3—Rock Run	Basin	Clearfield	CWF, MF	None
3—Cush Creek	Basin	Clearfield	CWF, MF	None
3—Martin Run	Basin	Clearfield	CWF, MF	None
3—North Run	Basin	Clearfield	**HQ**-CWF, MF	None
3—Deer Run	Basin	Clearfield	CWF, MF	None
* * * * * *				

3—Bell Run	Basin	Clearfield	CWF, MF	None
3—UNT 26735 to West Branch Susquehanna River	**Basin**	**Clearfield**	**HQ-CWF, MF**	**None**
3—Hiles Run	Basin	Clearfield	CWF, MF	None
* * * * * *				
3—Anderson Creek	Basin, Bear Run to Mouth	Clearfield	CWF, MF	None
3—Hogback Run	Basin	Clearfield	**HQ-**CWF, MF	None
3—Hartshorn Run	Basin	Clearfield	CWF, MF	None
3—Montgomery Creek	Basin, Source to Montgomery Dam	Clearfield	HQ-CWF, MF	None
3—Montgomery Creek	Basin, Montgomery Dam to Mouth	Clearfield	CWF, MF	None
3—Moose Creek	Basin, Source to Dam	Clearfield	HQ-CWF, MF	None
3—Moose Creek	Basin, Dam to Mouth	Clearfield	CWF, MF	None
3—Wolf Run	Basin	Clearfield	CWF, MF	None
3—Clearfield Creek	Main Stem	Clearfield	WWF, MF	None
4—Unnamed Tributaries to Clearfield Creek	Basins	Cambria-Clearfield	CWF, MF	None
4—Bradley Run	Basin**, Source to UNT 26562 at 40°30'3.1"N; 78°34'21.9"W**	Cambria	CWF, MF	None
5-UNT 26562 to Bradley Run	**Basin**	**Cambria**	**HQ-CWF, MF**	**None**
4-Bradley Run	**Basin, UNT 26562 to Mouth**	**Cambria**	**CWF, MF**	**None**
4—Beaverdam Run	Basin	Cambria	CWF, MF	None
* * * * * *				
5—Water Plug Hollow	Basin	Cameron	CWF, MF	None
5—Mix Run	Basin, Source to **UNT 24542 at 41°18'15.2"N; 78°18'11.7"W (locally** English Draft Run**)**	Elk	EV, MF	None
6—**[English Draft Run] UNT 24542**	Basin	Elk	HQ-CWF, MF	None

5—Mix Run		Basin, **[English Draft Run]** **UNT 24542** to Mouth		Cameron	HQ-CWF, MF	None
5—Little Dent Run		Basin		Cameron	**HQ**-CWF, MF	None
5—Nanny Run		Basin		Cameron	CWF, MF	None
* * * * * *						
3—Bald Eagle Creek		Basin, Source to Laurel Run (at Port Matilda)		Centre	CWF, MF	None
4—Laurel Run **(at Port Matilda)**		Basin**[, Source to a point at 40°49'3.5"N; 78°5'52"W]**		Centre	HQ-CWF, MF	None
[4—Laurel Run		**Basin, from the point at 40°49'3.5"N; 78°5'52"W to Mouth**		**Centre**	**CWF, MF**	**None]**
3—Bald Eagle Creek		Main Stem, Laurel Run **(at Port Matilda)** to Nittany Creek		Centre	TSF, MF	None
4—Unnamed Tributaries to Bald Eagle Creek		Basins, Laurel Run to Nittany Creek		Centre	CWF, MF	None
* * * * * *						
4—Moose Run		Basin		Centre	CWF, MF	None
4—Spring Creek		Main Stem**[, Source to PA 550 Bridge]**		Centre	HQ-CWF, MF	None
5—**[Unnamed]** Tributaries to Spring Creek		Basins, Source to **[PA 550 Bridge]** **Galbraith Gap Run**		Centre	CWF, MF	None
5—Galbraith Gap Run		Basin		Centre	HQ-CWF, MF	None
5-Tributaries to Spring Creek		**Basins, Galbraith Gap Run to Cedar Run**		**Centre**	**CWF, MF**	**None**
5—Cedar Run		Main Stem		Centre	HQ-CWF, MF	None
6—Tributaries to Cedar Run		Basins		Centre	CWF, MF	None

5-Tributaries to Spring Creek	**Basins, Cedar Run to UNT 23057**	**Centre**	**CWF, MF**	**None**
5—UNT 23057 to Spring Creek at 40°47`41.2"N; 77°48`16.6"W (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5-Tributaries to Spring Creek	**Basins, UNT 23057 to Slab Cabin Run**	**Centre**	**CWF, MF**	**None**
5—Slab Cabin Run	Basin, Source to SR 26 at 40°43`46.**0**"N; 77°52`42.4"W	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, SR 26 to UNT 23037 at 40°48`50.**0**"N; 77°50`8.9"W	Centre	CWF, MF	None
6—**[Unnamed Tributary]** **UNT** 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, UNT 23037 to Mouth	Centre	CWF, MF	None
[4-Spring Creek	**Main Stem, PA 550 Bridge to Mouth**	**Centre**	**HQ-CWF, MF**	**None**
5—UNTs to Spring Creek	**Basins, PA 550 Bridge to Mouth**	**Centre**	**CWF, MF**	**None]**
5—Tributaries to Spring Creek	**Basins, Slab Cabin Run to Logan Branch**	**Centre**	**CWF, MF**	**None**
5—Logan Branch	Basin, Source to UNT 23007 at RM 7.16	Centre	CWF, MF	None
* * * * * *				
5—Logan Branch	Main Stem, T-371 Bridge to Mouth	Centre	HQ-CWF, MF	None
6—Unnamed Tributaries to Logan Branch	Basins, T-371 Bridge to **[Mouth]** **Gap Run**	Centre	CWF, MF	None
6-Gap Run	**Main Stem, Source to the sink hole located at 40°51'59.0"N; 77°44'4.0"W**	**Centre**	**HQ-CWF, MF**	**None**

7-Tributaries to Gap Run	**Basins, Source to the sink hole**		**Centre**	**CWF, MF**	**None**
6-Gap Run	**Basin, sink hole to Mouth**		**Centre**	**CWF, MF**	**None**
6-Tributariess to Logan Branch	**Basins, Gap Run to Mouth**		**Centre**	**CWF, MF**	**None**
5—Tributaries to Spring Creek	**Basins, Logan Branch to Buffalo Run**		**Centre**	**CWF, MF**	**None**
5—Buffalo Run	Basin, Source to T 942 Bridge at RM 0.66 (near Coleville)		Centre	HQ-CWF, MF	None
5—Buffalo Run	Basin, T 942 Bridge to Mouth		Centre	CWF, MF	None
5—Tributaries to Spring Creek	**Basins, Buffalo Run to Mouth**		**Centre**	**CWF, MF**	**None**
4—Antis Run	Basin		Centre	CWF, MF	None
* * * * * *					
5—Logway Run	Basin		Centre	CWF, MF	None
5—Council Run	**[Basin] Main Stem**		Centre	**HQ-**CWF, MF	None
6—Tributaries to Council Run	**Basins**		**Centre**	**CWF, MF**	**None**
5—Two Rock Run	Basin		Centre	EV, MF	None
* * * * * *					
6—West Branch Big Run	Basin		Clinton	EV, MF	None
5—Salt Lick Run	**Basin**		**Centre**	**HQ-CWF, MF**	**None**
5—Monument Run	Basin		Clinton	HQ-CWF, MF	None
* * * * * *					
5—Long Run	Basin, Custard Run to Mouth		Tioga	CWF, MF	None
5—Wilson Creek	Basin**, Source to Sand Run**		Tioga	CWF, MF	None
6—Sand Run	**Basin**		**Tioga**	**HQ-CWF, MF**	**None**
5—Wilson Creek	**Basin, Sand Run to Mouth**		**Tioga**	**CWF, MF**	**None**
5—Harrison Run	Basin		Tioga	CWF, MF	None
* * * * * *					

4—UNT 21134	Basin, Source to Rauchtown Creek	Lycoming	CWF, MF	None
5—Rauchtown Creek	**Basin**	**Lycoming**	**HQ-CWF, MF**	**None**
[6—Rockey Run	**Basin**	**Clinton**	**HQ-CWF, MF**	**None**
6—Gottshall Run	**Basin**	**Clinton**	**HQ-CWF, MF**	**None**
5—Rauchtown Creek	**Basin, Confluence of Rockey Run and Gottshall Run to Mouth**	**Lycoming**	**CWF, MF**	**None]**
4—UNT 21134	Basin, Rauchtown Creek to Confluence with UNT 21135	Lycoming	CWF, MF	None
* * * * * *				
3—Daugherty Run	Basin	Lycoming	WWF, MF	None
3—Mosquito Creek	Basin	Lycoming	**HQ**-CWF, MF	None
3—Lycoming Creek	Main Stem, Source to Long Run	Tioga-Lycoming	CWF, MF	None
* * * * * *				

Editor's Note: Additional changes to drainage list 93.9m were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9m. Drainage List M.

Susquehanna River Basin in Pennsylvania				
Susquehanna River				
* * * * * *				
2—Boile Run	Basin	Northumberland	WWF, MF	None
2—Penns Creek	Basin, Source to **[Muddy]** **Sinking** Creek	Centre	CWF, MF	None
3—Sinking Creek	**Basin, Source to Potter Run**	**Centre**	**CWF, MF**	**None**
4—Potter Run	**Basin**	**Centre**	**HQ-CWF, MF**	**None**
3—Sinking Creek	**Basin, Potter Run to Mouth**	**Centre**	**CWF, MF**	**None**

2—Penns Creek	**Basin, Sinking Creek to Muddy Creek**	**Centre**	**CWF, MF**	**None**
3—Muddy Creek	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, Muddy Creek to **[Pine Creek] Kettle Run**	Centre	CWF, MF	None
3—Kettle Run	**Basin**	**Centre**	**HQ-CWF, MF**	**None**
2—Penns Creek	**Basin, Kettle Run to UNT 18312 at 40°51'11.6"N; 77°29'49.0"W**	**Centre**	**CWF, MF**	**None**
3—UNT 18312	**Basin**	**Centre**	**HQ-CWF, MF**	**None**
2—Penns Creek	**Basin, UNT 18312 to Pine Creek**	**Centre**	**CWF, MF**	**None**
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV, MF	None
* * * * * *				

Editor's Note: Additional changes to drainage list 93.9p were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania				
Allegheny River				
Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions To Specific Criteria**
* * * * * *				
3—Dwight Creek	Basin	Potter	HQ-CWF	None
3—Peet Brook	Basin	Potter	**HQ-**CWF	None
3—Lent Hollow	Basin	Potter	CWF	None
* * * * * *				

5—Blacksmith Run	Basin from Source to Smethport Water Intake	McKean	HQ-CWF	None
5—Blacksmith Run	Basin From Smethport Water Intake to **[Mouth]** **UNT 57738 at 41°48'50.7"N; 78°28'18.1"W**	McKean	CWF	None
6—UNT 57738	**Basin**	**McKean**	**HQ-CWF**	**None**
5—Blacksmith Run	**Basin, UNT 57738 to Mouth**	**McKean**	**CWF**	**None**
4—Cole Creek	Basin, Source to South Branch Cole Creek	McKean	CWF	None
* * * * * *				

Editor's Note: Additional changes to drainage list 93.9q were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania				
Allegheny River				
Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions to Specific Criteria**
* * * * * *				
4—East Branch Oil Creek	Basin	Crawford	CWF	None
4—Marsh Run	Basin**, Source to UNT 54466 at 41°41'5.0"N; 79°47'24.9"W**	Crawford	CWF	None
5—UNT 54466	**Basin**	**Crawford**	**HQ-CWF**	**None**
4—Marsh Run	**Basin, UNT 54466 to Mouth**	**Crawford**	**CWF**	**None**
3—Oil Creek	**Basin, Marsh Run to Thompson Creek**	**Venango**	**CWF**	**None**
4—Thompson Creek	Basin, Source to Shirley Run	Crawford	CWF	None

* * * * * *					
4—Alder Run	Basin	Erie	CWF	None	
4—South Branch French Creek	Basin, Source to **[Beaver Run]** **Spencer Creek**	Erie	CWF	None	
5—Spencer Creek	**Main Stem**	**Erie**	**HQ-CWF**	**None**	
6—Tributaries to Spencer Creek	**Basins**	**Erie**	**CWF**	**None**	
4—South Branch French Creek	**Basin, Spencer Creek to Beaver Run**	**Erie**	**CWF**	**None**	
5—Beaver Run	Basin	Erie	EV	None	
4—South Branch French Creek	Basin, Beaver Run to Mouth	Erie	CWF	None	
4—Wheeler Creek	Basin	Erie	WWF	None	
4—Le Boeuf Creek	Basin, Source to **[Trout Run]** **Benson Run**	Erie	TSF	None	
5—Benson Run	**Main Stem**	**Erie**	**HQ-CWF**	**None**	
6—Tributaries to Benson Run	**Basins**	**Erie**	**TSF**	**None**	
4—Le Boeuf Creek	**Basin, Benson Run to Trout Run**	**Erie**	**TSF**	**None**	
5—Trout Run	Basin	Erie	HQ-CWF	None	
4—LeBoeuf Creek	Basin, Trout Run to Mouth	Erie	TSF	None	
* * * * * *					

Editor's Note: Additional changes to drainage list 93.9r were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609).

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania				
Clarion River				
Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions To Specific Criteria**
* * * * * *				

4—Mason Creek	Basin	Elk	CWF	None
4—Elk Creek	Basin, **Source to Water Tank Run**	Elk	CWF	None
5—Water Tank Run	**Basin**	**Elk**	**HQ-CWF**	**None**
4—Elk Creek	**Basin, Water Tank Run to Mouth**	**Elk**	**CWF**	**None**
4—Island Run	Basin	Elk	CWF	None
* * * * * *				

Editor's Note: Additional changes to drainage list 93.9t were proposed on October 21, 2017 in the Pennsylvania Bulletin (47 Pa.B. 6609), including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run.

§ 93.9t. Drainage List T.

Ohio River Basin in Pennsylvania

Kiskiminetas River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
* * * * * *				
1—Ohio River				
2—Allegheny River				
3—Kiskiminetas River				
4—Conemaugh River				
5—**[Stony Creek] Stonycreek River**	Basin, Source to Beaverdam Creek	Somerset	CWF	None
6—Beaverdam Creek	Basin	Somerset	HQ-CWF	None
5—**[Stony Creek] Stonycreek River**	Main Stem, Beaverdam Creek to Quemahoning Creek	Somerset	TSF	None
6—**[Unnamed]** Tributaries to **[Stony Creek] Stonycreek River**	Basins, Beaverdam Creek to **[Quemahoning Creek] UNT 45591 at 40°10'16.7"N; 78°54'30.1"W**	Somerset	CWF	None

6—UNT 45591	**Basin**		**Somerset**	**HQ-CWF**	**None**
[6—Oven Run	**Basin**		**Somerset**	**CWF**	**None**
6—Fallen Timber Run	**Basin**		**Somerset**	**CWF**	**None]**
6—Tributaries to Stonycreek River	**Basins, UNT 45591 to Quemahoning Creek**		**Somerset**	**CWF**	**None**
6—Quemahoning Creek	**[Main Stem] Basin, Source to North Branch Quemahoning Creek**		Somerset	CWF	None
[7—Unnamed Tributaries to Quemahoning Creek	**Basins**		**Somerset**	**CWF**	**None]**
7—North Branch Quemahoning Creek	**[Main Stem] Basin, Source to Spruce Run**		Somerset	CWF	None
[8—Unnamed Tributaries to North Branch Quemahoning Creek	**Basins**		**Somerset**	**CWF**	**None**
8—Horner Run	**Basin**		**Somerset**	**CWF**	**None**
8—Beams Run	**Basin**		**Somerset**	**CWF**	**None]**
8—Spruce Run	Basin		Somerset	HQ-CWF	None
7—North Branch Quemahoning Creek	**Basin, Spruce Run to Mouth**		**Somerset**	**CWF**	**None**
6—Quemahoning Creek	**Basin, North Branch Quemahoning Creek to Beaverdam Creek**		**Somerset**	**CWF**	**None**
[8—Beaverdam Run	**Basin**		**Somerset**	**CWF**	**None]**
7—Beaverdam Creek	Basin		Somerset	HQ-CWF	None
6—Quemahoning Creek	**Beaverdam Creek to Roaring Run**		**Somerset**	**CWF**	**None**
7—Roaring Run	Basin, Source to Boswell Municipal Authority Dam		Somerset	EV	None

7—Roaring Run	Basin, Boswell Municipal Authority Dam to Mouth	Somerset	CWF	None
6—Quemahoning Creek	**Basin, Roaring Run to Higgins Run (including Twomile Run)**	**Somerset**	**CWF**	**None**
[7—Twomile Run	**Basin**	**Somerset**	**CWF**	**None]**
7—Higgins Run	Basin Source to UNT 45416 at 40°6'45.9"N; 78°59'50.6"W	Somerset	CWF	None
8—UNT 45416 to Higgins Run	Basin	Somerset	CWF	None
7—Higgins Run	Main Stem, UNT 45416 to Mouth	Somerset	HQ-CWF	None
8—Tributaries to Higgins Run	Basins, from UNT 45416 to Mouth (including UNTs 45406 and 45405)	Somerset	CWF	None
6—Quemahoning Creek	**Basin, Higgins Run to Mouth**	**Somerset**	**CWF**	**None**
5—**[Stony Creek]** **Stonycreek River**	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
6—**[Unnamed Tributaries]** **UNTs** to **[Stony Creek]** **Stonycreek River**	Basins, Quemahoning Creek to Confluence with Little Conemaugh River	Somerset-Cambria	CWF	None
6—Shade Creek	Main Stem	Somerset	CWF	None
* * * * * *				
6—Spring Run	Basin	Cambria	CWF	None
6—Trout Run	Basin**, Source to UNT 46054 at 40°22'17.8"N; 78°39'34.5"W**	Cambria	CWF	None
7—UNT 46054 to Trout Run	**Basin**	**Cambria**	**HQ-CWF**	**None**
6—Trout Run	**Basin, UNT 46054 to Mouth**	**Cambria**	**CWF**	**None**

6—North Branch Little Conemaugh River		Basin**, Source to UNT 46033 at 40°27'53.2"N; 78°40'35.9"W**		Cambria	CWF	None
7—UNT 46033 to North Branch Little Conemaugh River		**Basin**		**Cambria**	**HQ-CWF**	**None**
6—North Branch Little Conemaugh River		**Basin, UNT 46033 to Mouth**		**Cambria**	**CWF**	**None**
5—Little Conemaugh River		Main Stem, North Branch Little Conemaugh River to Confluence with **[Stony Creek] Stonycreek River**		Cambria	WWF	None
6—**[Unnamed Tributaries] UNTs** to Little Conemaugh River		Basins, North Branch Little Conemaugh River to Confluence with **[Stony Creek] Stonycreek River**		Cambria	CWF	None
6—Laurel Run		Basin		Cambria	CWF	None
* * * * * *						

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

March 4, 2019

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Proposed Rulemaking: Water Quality Standards – Class A Stream Redesignations (#7-548)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of a proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). This proposal is scheduled for publication in the *Pennsylvania Bulletin* on March 23, 2019, with a 45-day public comment period. The Environmental Quality Board adopted this proposal on December 18, 2018.

Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise water quality standards as necessary. Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits, and best management practices) on individual sources of pollution. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. Examples of designated water uses in Pennsylvania include: Cold Water Fishes (CWF), Warm Water Fishes (WWF), High Quality (HQ), and Exceptional Value (EV).

The enclosed proposed rulemaking updates designated uses for streams that qualify as HQ-CWF waters, based on species-specific biomass standards for Class A Wild Trout set by the Pennsylvania Fish and Boat Commission (PFBC). Pennsylvania Department of Environmental Protection (Department) staff conducted an independent review of trout biomass data in PFBC fisheries management reports for the relevant streams to ensure that the HQ conditions were met.

The regulatory revisions included in this proposal have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing regulations. The revisions extend additional protection to selected waterbodies that exhibit high water quality and are consistent with antidegradation requirements established by the federal Clean Water Act (33 U.S.C.A §§ 1251–1387) and the Pennsylvania Clean Streams Law (35 P.S. §§ 691.1 et seq.).

The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department in response to a submittal of data from the PFBC. In this proposal, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for HQ designations based upon classification by PFBC as Class A Wild Trout streams. A surface water that has been classified as a Class A Wild Trout stream by PFBC, and following public notice and comment, qualifies as an HQ water. The PFBC Commissioners approved the designation of these waters as Class A Wild Trout streams after public notice and comment.

The streams proposed for redesignation are currently protected at their attained existing uses and, therefore, the designated use changes should have no additional impact on existing treatment requirements. Some new or expanding discharges may be subject to more stringent treatment requirements to meet designated and existing stream uses. The final redesignations will be implemented through the Department's permit and approval actions.

In addition to the recommended changes to stream designations, the current and ongoing proposed rulemaking for the Triennial Review of Water Quality Standards was published in the *Pennsylvania Bulletin* on October 21, 2017 (47 Pa.B. 6609), with a public comment period that ended on February 16, 2018. The Triennial Review contains proposed revisions to the drainage lists (§§ 93.9a–93.9z) that affect some of the same stream segments in this proposed rulemaking. Editor's notes have been inserted in Annex A to mark where drainage lists are also affected by a change in the Triennial Review. However, these changes are not substantive in nature, because they do not change any current stream designations.

This rulemaking also proposes to consolidate and reformat portions of several drainage lists to address the continual changes and updates occurring to the National Hydrography Dataset (NHD) flowlines. The NHD flowlines form the basis of the Department's designated and existing use Geographic Information System (GIS) layers. The NHD flowlines are established using the United States Geological Survey (USGS) Geographic Names Information System (GNIS), which is the federal and national standard for geographic nomenclature. The Department strives to maintain consistency with the GNIS database and the NHD.

Furthermore, all river mile indexes (RMI) included in this proposed rulemaking - §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r, and 93.9t – will be converted to (x,y) coordinates for latitude and longitude. The conversion of RMI in all of the drainage lists is not included in this proposed rulemaking. Going forward, whenever changes are proposed to Chapter 93, associated RMI will be converted to latitude and longitude. Eventually, all reference to RMI in §§ 93.9a—93.9z will be converted to latitude and longitude. Referring to latitude and longitude will make it much easier for the regulated community to apply the zone description in § 93.9 to particular projects and to determine whether projects discharge within the referenced stream zone.

The Department gave notice, in the *Pennsylvania Bulletin* and on the Department's website, that an evaluation would be conducted on all or portions of the relevant streams to determine the proper Aquatic Life Use or Special Protection designations. Persons with technical data concerning the water quality, instream habitat, or biological conditions of these stream sections were encouraged to make it available to the Department for consideration in the stream use

assessments. Potentially affected municipalities were also notified of the stream evaluations and asked to provide any readily available data. No additional data or comments were received in response to these notices.

The affected municipalities, County Planning Commissions, County Conservation Districts, and other State Agencies were later notified of the availability of a draft evaluation report for review and comment. Two letters were received during the 45-day comment period, indicating support of the stream redesignations.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House and Senate Environmental Resources and Energy Committees and public commenters, prior to final adoption of this rulemaking.

Please contact me by e-mail at ledinger@pa.gov or by telephone at 717.783.8727 if you have any questions or need additional information.

Sincerely,

Laura F. Edinger

Laura Edinger
Regulatory Coordinator

Enclosures

0120-FM-PO0011 6/2015

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLICY OFFICE

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 7-548

SUBJECT: Water Quality Standards – Class A Stream Redesignations

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TYPE OF REGULATION

- [X] Proposed Regulation
- [ ] Final Regulation
- [ ] Final Regulation with Notice of Proposed Rulemaking Omitted
- [ ] 120-day Emergency Certification of the Attorney General
- [ ] 120-day Emergency Certification of the Governor
- [ ] Delivery of Tolled Regulation
  - a. [ ] With Revisions
  - b. [ ] Without Revisions

RECEIVED
MAR - 4 2019
Independent Regulatory Review Commission

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/4/19		Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Representative Daryl Metcalfe
3/4/19		Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Representative Greg Vitali
3/4/19		Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator Gene Yaw
3/4/19		Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator John Yudichak
3/4/19		INDEPENDENT REGULATORY REVIEW COMMISSION David Sumner
		ATTORNEY GENERAL (for Final Omitted only)
3/4/19		LEGISLATIVE REFERENCE BUREAU (for Proposed only)