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ENVIRONMENTAL QUALITY BOARD

DEP

P.O. BOX 8465

Harrisburg, PA 17105

97 MAY -1 10 9:01

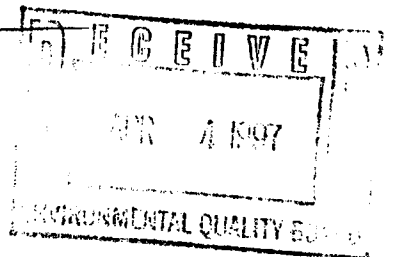
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To whom it should concern:

I do not believe that it is necessary to write a letter to anyone requesting to uphold the Clean Water Act. Please do not consider the DEP'S current anti-degradation proposal. The Clean Water Act should be strengthened, not weakened.

Please reply to: Ms. Linda Jackson Stym
704 Cheswood Ct
Wayne, PA 19087.

Thank you



STAMP 21 01 0:15

RECEIVED
MAY 1 1997

109 Taylor Lane
Kennett Sq., PA
19348

May 1, 1997

Environmental Quality Board

DEP

P.O. Box 8465
Harrisburg, PA 17105



Dear Sir/Mam;

I am disturbed that the DEP has not gone far enough to protect Pennsylvania waters. Particularly under the Ridge administration, the DEP's actions have been very poor, especially when it comes to protecting Pennsylvania's rivers and streams.

Your present proposal is even worse than in the past because;

- HQ and EV need to stay as protected water uses, so that our best streams will not be downgraded; your present proposal would downgrade them.
- contrary to federal regulations no

- weight is given to public lands in the selection process.
- a loophole allows discharges and degradation in EV waters
 - there is no integration of wetlands protection and antidegradation.
 - waters not yet assessed are protected at the lowest level, which is very poor for protection purposes.

The present proposal should be flatly rejected on grounds that it lacks true protection of the environment. I trust that the DEP will adopt stronger, better measures than the above to protect Pennsylvania waters.

Sincerely,

Paul J. Ruderhans

Paul Ruderhans
109 Taylor Lane
Kennett Square, PA
19348

L4K.

DEP

P.O. Box 8465

Harrisburg, PA 17105

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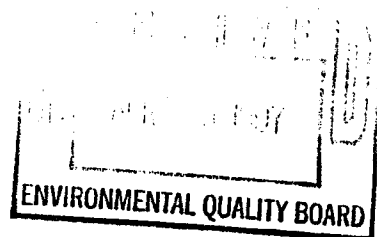
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RECEIVED
HENRY C. COOPER

This letter is a request for your help in rejecting the DEP's current anti-degradation proposal. We need cleaner water, not more pollution. Please let me know what you're doing on this issue.

Thank you.

Rene van Gemert
27 Cabot Ct.
Wayne, PA 19087

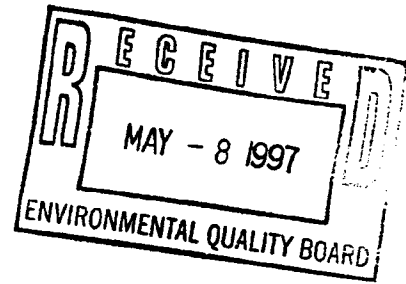


May 1, 1997

Environment Quality Board
DEP, P.O. Box 8465
Harrisburg, PA 17105

MAY 27 11 51 AM '97

DEP
HARRISBURG, PA



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(PER JHJ)

Dear Sir/Madam:

In regard to the DEP proposal of new regulations that would lower quality standards. Please reject this anti-degradation proposal.

Please reply to the address below so that I may be aware of your actions.

Sincerely,

Robert Dombrowski
308 South Quince Street
First Floor
Philadelphia, PA 19107

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97 MAR -1 AM 9:01

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Dear Environmental Quality Board,

Just a note to ask you to
reject the DEP's current anti-
degradation proposal. Please
adopt the simpler, better
standards of the EPA. I
would request a reply to
the following address:

203 Cheswood Ct.
Wayne, PA 19087

Thank you.

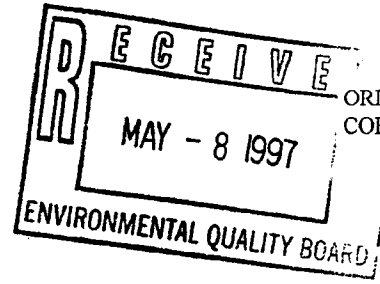
Robin M. Koski

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APR 4 1997
ENVIRONMENTAL QUALITY BOARD

May 1, 1997

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To Whom It May Concern,




ORIGINAL: #1799
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Please reject the DEP's current anti-degradation proposal.
These state standards are vital to environmental preservation.

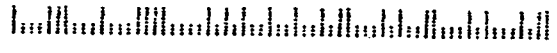
Thank you for your time.

- Sebastian B. DeBroschi

 Sabine Rehm
423 Red Fox Rd
Wayne, PA 19087

Please reject the DEP's
current anti-degradation
proposal

S. Rehm
ENVIRONMENTAL QUALITY BOARD



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5/1/91

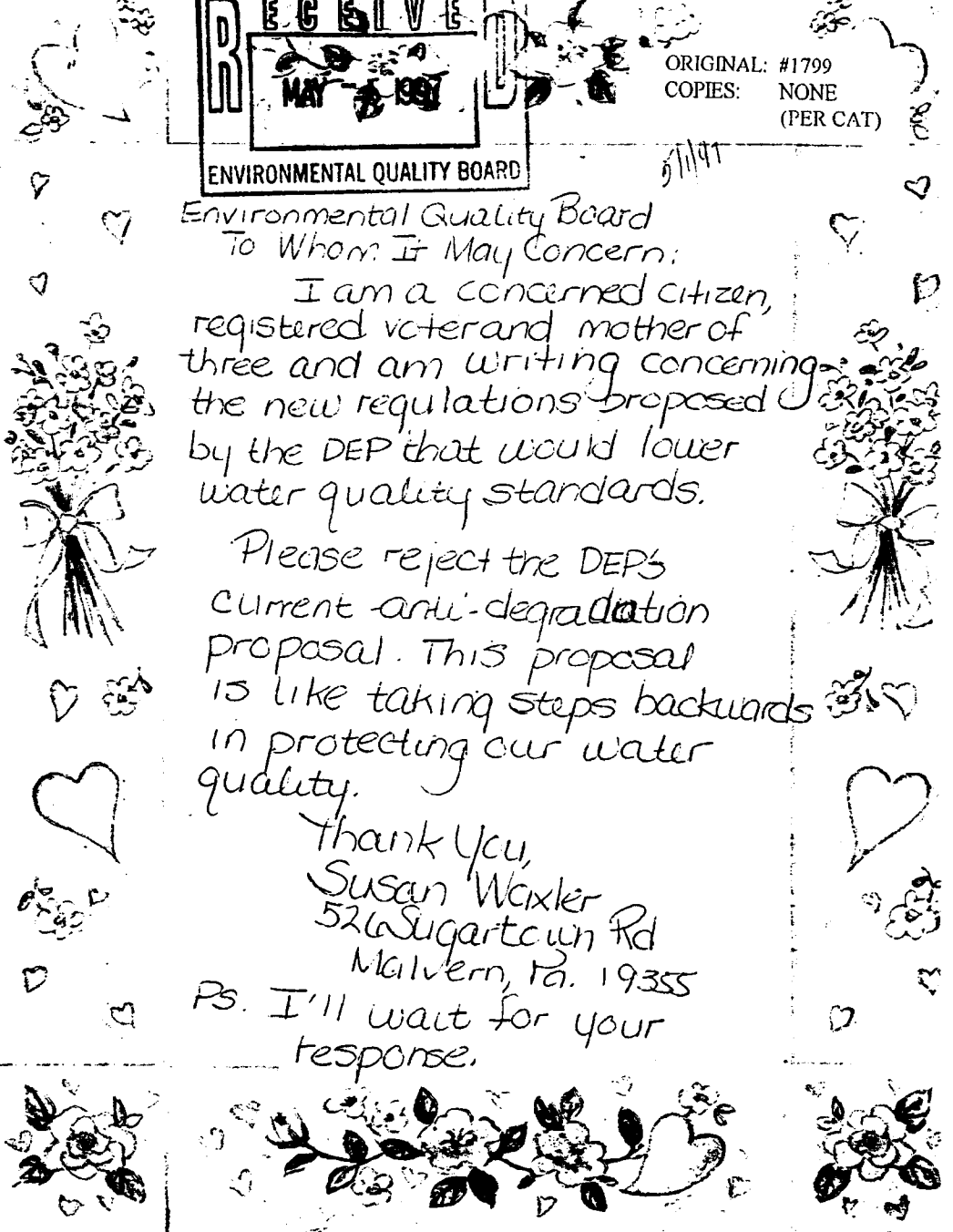
Environmental Quality Board
To Whom It May Concern:

I am a concerned citizen, registered veteran and mother of three and am writing concerning the new regulations proposed by the DEP that would lower water quality standards.

Please reject the DEPs current anti-degradation proposal. This proposal is like taking steps backwards in protecting our water quality.

Thank You,
Susan Waxler
526 Sugarcorn Rd
Malvern, Pa. 19355

P.S. I'll wait for your response.



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MAY 1991
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5/11/91

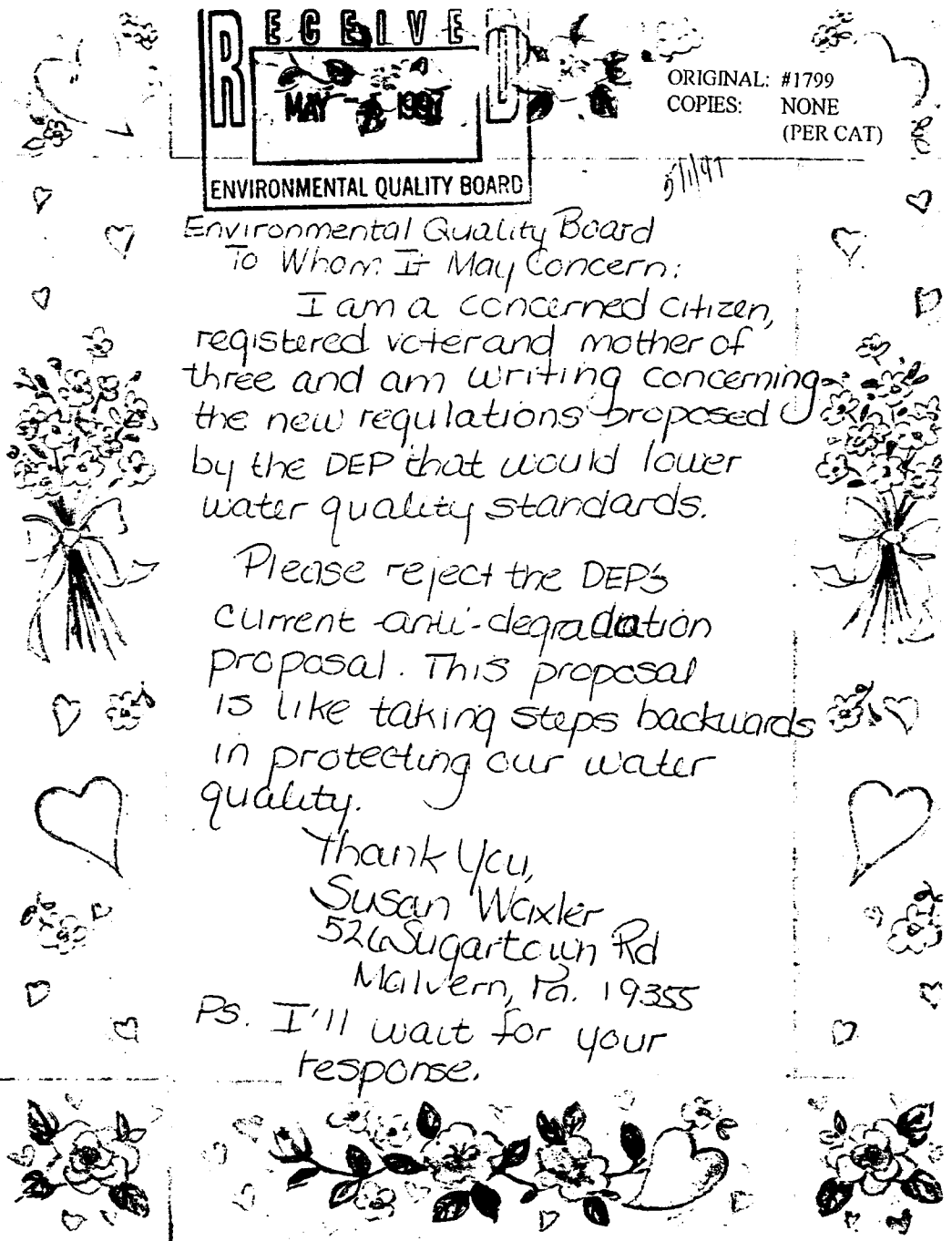
Environmental Quality Board
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Please reject the DEP's current anti-degradation proposal. This proposal is like taking steps backwards in protecting our water quality.

Thank You,
Susan Waxler
526 Sugartown Rd
Malvern, Pa. 19355

P.S. I'll wait for your response.



Tracy K Dodd
5607 Wilkins Ave
Pittsburgh, PA 15217
412.422.7345

Environmental Quality Board
PO Box 8465
Harrisburg PA 17105

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May 1, 1997

Environmental Quality Board:

As a citizen, I feel it's my right to protected and pollution free water, air and soil. The current anti-degradation proposal falls far below the standards for protecting the earth and health of the citizens of PA and the US. The standards of the EPA are simpler and better. Follow them. Please write me and let me know how you will follow through with my request.

Thank you,

Tracy K Dodd



5-2-97

Environmental Quality Board
DEP, P.O. Box 8465
Harrisburg, Pa. 17105

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Dear Sirs.

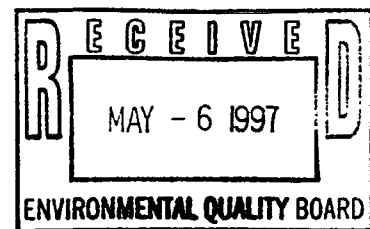
Please reject the DEP's current
anti-degradation proposal.

Thankyou.

Sincerely,
Charles & Ruth
McConnell

1717 W. Livingston St
Allentown, Pa.

Please reply.



5-2-97

Environmental Quality Board
DEP, P.O. Box 8465
Harrisburg, Pa. 17105

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Dear Sirs.

Please reject the DEP's current
anti-degradation proposal.

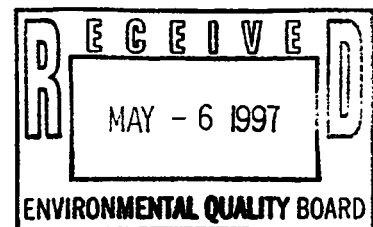
Thankyou.

Sincerely,

Charles & Ruth
McConnell

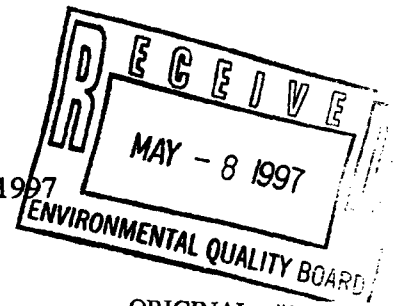
1717 W. Livingston St
Allentown, Pa.

Please reply.



Mr. James M. Seif
Chairman, Environmental Quality Board
Department of Environmental Protection
PO. 8477
Harrisburg, PA 17105-8477

May 2, 1997



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TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

Dear Chairman Seif:

I'm writing to you, and members of the Board, to express my concern and opposition to the proposed regulations relating to water quality rules.

As an avid trout fisherman living in Chester County, I'm seriously concerned about the future of water quality, not only in my area, but around the Commonwealth. I want to be able to continue enjoying well into the future the high quality trout streams located in my area. It would be a disservice to the Commonwealth and its residents if new regulations are adopted that offer the increased opportunity or likelihood that streams may be subject to degradation.

It would also be a disservice to the fine reputation that Pennsylvania enjoys (and has worked so hard to nurture and develop) of being home to many outstanding trout streams. I have been a long-time subscriber to several outdoor magazines, both regional and national, and there seldom is a lengthy period between articles that report on the wonderful resource we have in our trout streams. It's not unusual for highly respected outdoor writers to describe some of Pennsylvania's trout streams as being "world class" or "among some of the best in the nation." I'm sure many states would "give their right arm" to have the quality and quantity of trout streams we enjoy in Pennsylvania. I hope we are not taking our natural resources for granted, because once they're gone, bringing them back to their original high-quality status will be just about impossible.

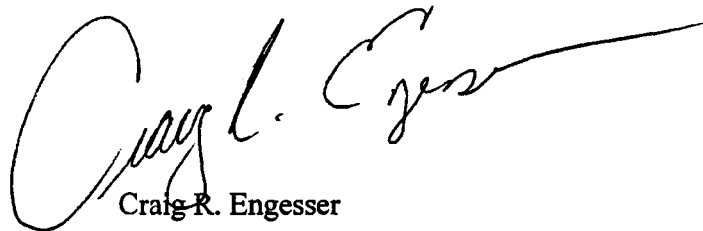
I'm also writing this letter as a father of three young boys. I want my children -- and their children -- to have the same opportunity I currently have to fish for trout in water that runs cold and clear and supports a healthy coldwater fish population. The timing of my letter and this issue is rather ironic in that I just finished helping my son's Cub Scout den complete the requirements for a World Conservation Badge. Understanding and being aware of recycling, saving energy resources, helping to prevent pollution, and fishing were part of the requirements. All the kids were interested in the subject matter, and I believe we made a favorable impression on them in terms of conservation and the importance of treating the environment in the right way. What's happening with these proposed regulations appears to be defeating the spirit of helping the environment. What kind of mixed message are we sending?

Please don't misunderstand me. I don't want to sound like an alarmist, but regulations that seem to take a step backward, or to put it another way, create the possibility for stream degradation, don't appear to me to be in the best interest of our environment, nor do they appear to be rational. I just don't understand why the Commonwealth, with its wonderful heritage and reputation of offering great outdoor opportunities, is considering regulations that may have a negative impact on one type of resource, particularly a resource as important as clean water.

As a resident of the Commonwealth, I strongly encourage you to re-consider the proposed regulations, tighten them up to eliminate the possibility for stream degradation, and broaden the language to include watersheds and wetlands and therefore send a strong and consistent message to our residents and others that Pennsylvania will protect our natural resources. It's the right thing to do.

Thank you for this opportunity, and I look forward to your written response.

Cordially,

A handwritten signature in black ink, appearing to read "Craig R. Engesser". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig R. Engesser

105 Stacey Court
Downingtown, PA 19335



5/2/97

Dear Sirs,

Please reject
the DEP's current
Anti-degradation proposal.
A reply is requested!

Sincerely,
Robert J. Russo
207 DAVID LANE
WEST CHESTER, PA

19382-5204

97 MAY 27 10 0:35

RECEIVED

**Don't think of it as a job,
Think of it as your life!**

May 2, 1997

To: Environmental Quality Board

Please be advised, as a concerned citizen and contributor to the Clean Water Action organization, I have just written notes to Senator Roy Aftlerbach and Representative Charlie Dent asking them to reject the DEP's current anti-degradation proposal and to adopt the simpler, better standards of the EPA. I would appreciate the courtesy of a reply concerning the above.

Thanking you in anticipation, I am

Sincerely,
Ethel J. Lawless
629 North 20th St.
Allentown, PA
18104-4335

Protect our
Waterways!



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Gabriele Amersbach
532 Pacific Ave.
Pittsburgh, PA 15221

May 2, 1997

Mr. James Seif
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477



Dear Mr. Seif:

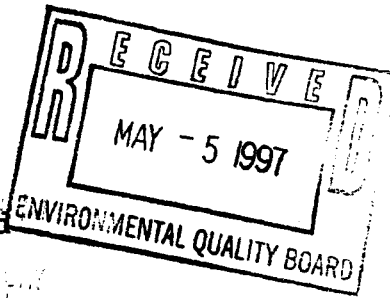
I am writing to let you know I completely oppose the new DEP antidegradation regulations. These proposals will make it harder for streams to get protection as high quality and will allow the redesignation of streams to lower categories that offer less protection. It seems that DEP is continually undercutting anti-pollution legislation. I urge you to withdraw these regulations and develop a program that supports that Clean Water Act and promotes the health and well being of the citizens in this state rather than the business interests of large corporations.

Thank you.

Sincerely,

Gabriele Amersbach

Mr. James Seif
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477



JAMES E. ALLEN
1115 S Meadow Lane
Palmyra, PA 17078

5/2/97

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TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

Dear Mr. Seif:

I oppose the antidegradation proposal published in the March 22, 1997 Pennsylvania Bulletin. There are several bad provisions which are addressed in my following comments.

General Provisions:

DEP proposes to get rid of High Quality and Exceptional Value as "protected water uses." This will remove the redesignation of streams from EPA oversight. Once our streams are designated for greater protection, they should stay that way. Under the proposal, polluters could damage them, then claim that they don't meet the standards, and then ask for a roll back. The proposal intends to make receiving the HQ or EV designations much tougher. Dischargers will petition DEP to re-assess these streams with the new standards. With this proposal, DEP will help polluters to roll back protection on our best streams.

Also, DEP only plans on extending antidegradation protection in HQ and EV watersheds when considering "discharges." Proper antidegradation protection would require that DEP consider all activities, not just discharges.

I am also disappointed that DEP did not mention wetlands in their antidegradation proposal. The current regulation, put into place by EPA, gives this protection to wetlands. How can wetlands be given HQ or EV protection if the criteria to designate a "surface water" HQ or EV are based on streams, lakes and rivers? DEP needs to integrate wetland protection and antidegradation.

I see where DEP has recently settled a lawsuit, and plans to "assess" the one-half of our streams that are currently

"unassessed." Even with DEP's "best efforts," that is estimated to take 10 years. The proposal does not address the 29,000 miles of unassessed streams. DEP plans on continuing only basic protection for these streams. DEP should instead protect these unassessed streams at a Tier 2 level, unless a permit applicant can demonstrate otherwise. The public's resources should get the benefit of the doubt.

Currently DEP designates "watersheds" as HQ or EV. The proposal makes it easier to ignore, springs, seeps, wetlands and tributaries, because HQ and EV are defined as "surface waters" rather than "watersheds." While seeps, springs, and wetlands are in the definition of surface waters, DEP also has no mechanism for these other surface waters (springs, seeps, and wetlands) to pass the biological test needed for an HQ or EV designation.

Tier 1 (Existing Uses)

The proposal tinkers with the current regulation protecting the "existing uses" of our waters. Right now, we have language protecting existing uses because DEP failed to include such language, and EPA was ordered to write a regulation by a Federal judge. At last we have protection that the Clean Water Act intended. Unfortunately, the proposal says that the existing use will be protected only after DEP evaluates the technical data. Until then, DEP is under no obligation to protect the existing uses. With DEP's misguided "money back guarantee," DEP will not have time to evaluate "existing uses" and will simply not do so. Under the regulation, the protection is qualified, so the regulation will not be violated.

DEP only plans on protecting endangered species from discharges. Endangered species merit protection from any activity that will eliminate them. Existing use protection applies to activities, not just discharges. Endangered species habitat needs to be protected also.

Tier 2 (High Quality)

The new rules make it more difficult for streams to receive an HQ designation. DEP wants only to give the HQ designation to streams that pass a chemistry and biology test. EPA considers only a water chemistry test. How will wetlands, seeps, and springs be assessed when the methods were designed for streams?

DEP now proposes to allow "general NPDES permits" in HQ streams. These are not tracked by DEP, and will allow degradation of these waters without any type of social or economic justification. This is not permitted by the current regulation.

DEP also plans on allowing the first 25% of the stream to be degraded without any social or economic justification. This has no basis in federal regulation. One of the points of High Quality is to ensure that the degradation has a good reason, and that the public interest is served. DEP included social or economic justification language that mentions the public interest, but then exempted many dischargers from it.

Also, the language mentioning non-point source pollution is weaker than the current language for HQ streams. Our good streams are under pressure from developments and agriculture, so strong non-point source language is essential.

Tier 3 (Exceptional Value)

The definition of "Exceptional Value" streams still mentions State Parks, Forests, Game Lands and other public lands, but the "selection criteria" in the proposed Chapter 15 does not consider public lands in any way. The old "Special Protection Waters Implementation Handbook" considered all these things and more. It is vastly superior than the present proposal. Currently, we are under Federal regulations that consider many streams on public lands to be "Outstanding National Resource Waters." Why are we giving our best streams less consideration than before?

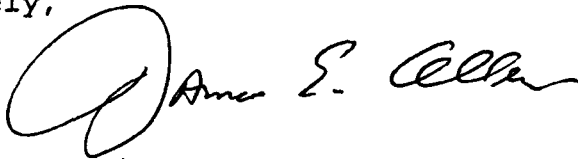
EPA believes that DEP's EV program does not "protect and maintain" water quality. DEP should close the major loophole that allows water quality degradation, but calls it "no measurable change." It is hocus-pocus.

As far as "public participation" in EV waters is concerned, the guidance should be set up and the streams given the designation if they merit it. We don't need polluters and profiteers wanting to degrade our streams having a "veto" power over protecting our best streams.

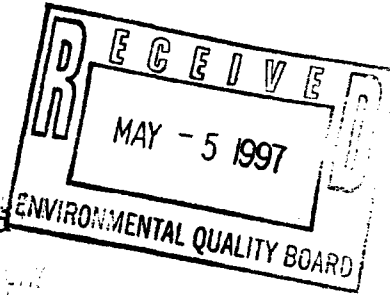
Summary:

This regulation should be rejected or re-written so that it is as good as the old DER's regulations and guidance, but incorporates the minimum Federal features that we have now. The EQB should reject this regulation.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Allen". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. James Seif
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477



JAMES E. ALLEN
1115 S Meadow Lane
Palmyra, PA 17078

5/2/97

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TYRRELL
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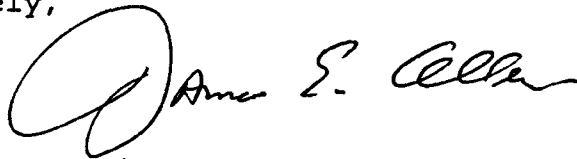
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Summary:

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Sincerely,

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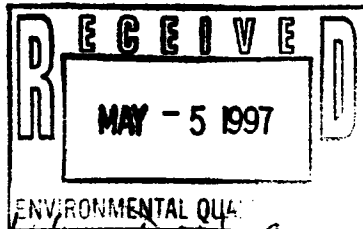
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May 2, 1997

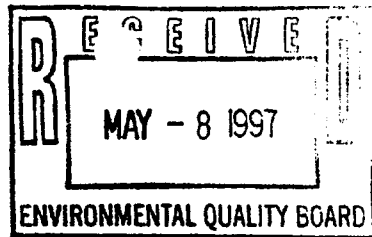
Dear Sirs,



Please reject the Dep's current anti-degradation proposal. You should adopt the simpler, better standards of the EPA. Kindly reply.

Sincerely,
Lynda Sprau

1229 Hawthorne Ln.
West Chester, Pa 19380



Stan Kotala, M.D.
Conservation Chairman
Blair County Trout Unlimited
RR 3 Box 866
Altoona, PA 16601-9206

(814)946-8840 (home)
(814)342-7150 (work)

2 May 1997

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TYRRELL
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SANDUSKY
WYATTE
BERESCHAK

James M. Seif
Chairman
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17101-8477

Dear Mr. Seif:

Blair County Trout Unlimited, which has 150 members in the Altoona area, submits the following comments regarding the Water Quality Standards Antidegradation Program, 25 PA. Code, Chapters 92, 93, and 95.

- 92.81 and 92.83: Blair County Trout Unlimited opposes the issuance of NPDES permits in High Quality or Exceptional Value watersheds.
- 93.3: High Quality and Exceptional Value should remain designated as protected uses.
- 93.4 a: The presence of a federal or state endangered or threatened species within a watershed should be a factor leading to Exceptional Value designation for a watershed.
- 93.4 b (a): The designation of High Quality should apply to waters meeting chemical OR biological criteria.
- 93.4 b (b): Socioeconomic Justification should be eliminated as a reason to permit actions leading to the degradation of High Quality waters. No activity that would degrade water quality should be permitted in watersheds of High Quality designation.
- 93.4 c (b): No activity causing degradation in water quality should be permitted in Exceptional Value watersheds. All discharges should be prohibited in such watersheds.
- 93.4 e: High Quality and Exceptional Value should be designations reflecting the quality of the resource, not the special interests of local groups or governments. Such groups or governments should not wield veto power over such designations.

The Department of Environmental Protection must assess with alacrity the 29,000 miles of streams which it has thus far ignored. Pending final designation, all such waters should receive High Quality status.

Blair County Trout Unlimited believes that the proposed antidegradation policy is not in compliance with the spirit or letter of the Clean Water Act, which provides minimum standards which are to be met. Pennsylvania, which has more stream miles than any of the lower 48 states, is called upon to protect her streams at more than just the minimum level!

Sincerely,



Stan Kotala, M.D.

Conservation Chairman
Blair County Trout Unlimited

cc: Jennifer Barto, Chesapeake Bay Foundation
Peter Colangelo, Pennsylvania Fish Commission
Mark Henry, Pennsylvania Federation of Sportsmen's Clubs
Mark Henry, U.S. Fish and Wildlife Service
Jan Jarrett, Pennsylvania Organization for Watersheds and Rivers
Hon. Robert Jubeliner, Pennsylvania Senate
Vern Ross, Governor's Sportsmen's Advisor

Date *May 3, 1997*

071 MAY 27 10 27 AM '97

Edward R. Brezina
Bureau of Watershed Conservation
P.O. Box 8555
Harrisburg, PA 17105-8555

RE: Proposed Antidegradation Regulations

Dear Mr. Brezina:

I am completely opposed to your gutting everything that is good about the current antidegradation regulations and replacing them with weaker laws that will not protect our streams. These new regs will not protect existing uses, will make it harder for streams to get protection as high quality and exceptional value streams, and worst of all, will allow the redesignation of existing streams to lower categories that offer less protection.

The few good elements of your proposed scheme cannot be separated from the overall bad language. I would suggest, therefore, that you withdraw the entire package and rewrite it so that it protects the environment. In the alternative, keep the regulations now in place.

In addition, these proposed regulations do not meet minimum federal requirements, and you know that they do not. You were hired to protect the environment, so please do your job and stop wasting taxpayer money by refusing to comply with the law.

Sincerely,

Ronni Weiss

Name:

Address:

*567 East End Ave
Pgh Pa 15221*

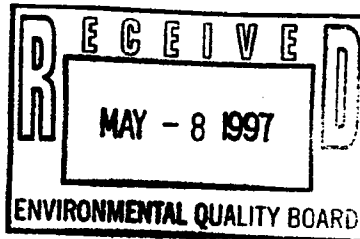
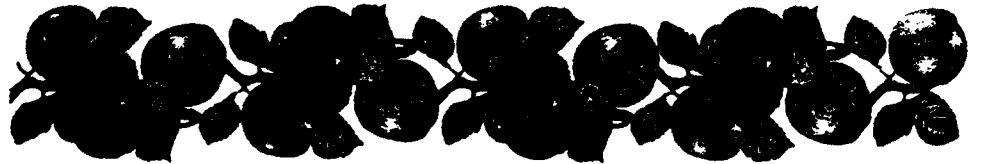
cc: Michael McCabe,
EPA Regional Administrator
841 Chestnut Building
Philadelphia, PA 19107



RECEIVED PA DEP
DIV OF W D ASSESS & STDS
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(PER JHJ)

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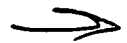
Paul Berkobin
530 Westgate Dr.
State College PA
16803

May 3, 1997

EQB
DEP
POB 8465
Harrisburg, PA 17105

Dear Madam and/or Sir -

Regarding New Proposal/Water Quality
rules, I am not happy about
the changes the board proposes.
HQ & EU designations must remain
in force & unchanged. We cannot
allow any degradation of these
regulation - such as discharges,
wetlands & public lands must
be accounted for & protected.
And, Unassessed waters need



STRONG protection until they
are assessed.

Please communicate ~~my~~ feelings
to the entire board. Please
DO NOT change current
water quality rules.

Thank you.

Sincerely,



PAUL BERKOBEN

ORIGINAL: #1799
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(PER JHJ)

3 May 1997

Environmental Quality Board (EQB)
Department of Environmental Protection
Post Office Box 8465
Harrisburg, Pennsylvania 17105

97 MAY 27 11 09 AM

RECEIVED

Dear Sir or Madam:

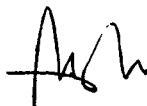
I understand that the Department of Environmental Protection is proposing new regulations that would allow lower water quality standards of the Clean Water Act. This proposal reportedly allows for additional discharges into our best streams and would eliminate many streams from qualifying for strong protection.

I have seen a marked improvement in water quality. Since moving to Pennsylvania eleven years ago, my family and I have sailed in state park recreation areas and canoed on numerous rivers and their tributaries. Those friends who have accompanied us have enjoyed the resources as well.

I must remark that I am distressed when I witness discharges from manufacturing or municipal facilities and think that regulations may allow for more pollution. I suggest that you might draw the same conclusions I have. As dependent as all inhabitants are, our environment is too valuable to compromise further.

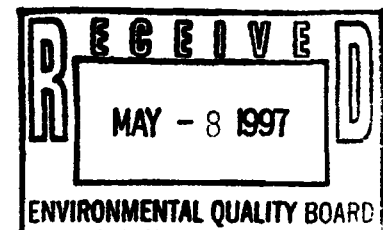
I would request that you express an opposition to this new deregulation and would welcome hearing of your position if you support this proposal.

Sincerely,



U.S. Mail - Peter S. Morgan, Jr.
12 Croton Road
Strafford, Pennsylvania 19087-2621
fax - (610)254-9481
email - PSMorganJr@aol.com
home phone - (610)254-0606
work phone - (215)209-7032

cc: Clean Water Action
1128 Walnut Street #300
Philadelphia, Pennsylvania 19107



Andrea Campitelli
302 Rockland Avenue
West Chester, PA 19382



May 04, 1997

MAY 27 11 01 AM '97

Environmental Quality Board (EQB)
DEP, PO Box 8465
Harrisburg, PA 17105

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Environmental Quality Board (EQB),

I am writing to ask you to reject the DEP's current anti-degradation proposal. Please adopt the simpler, better standards of the EPA.

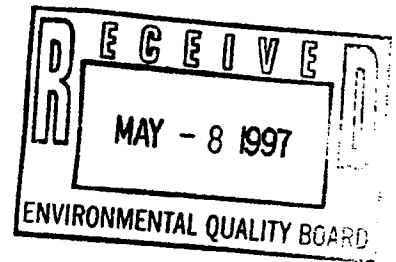
Sincerely,

A handwritten signature in cursive script that reads "Andrea Campitelli".

Andrea Campitelli

WILLIAM T. ANDREWS
~~R.D. 5 BOX 20~~
~~MALVERN, PENNSYLVANIA 19355~~

WILLIAM T. ANDREWS
1700 INDIAN RUN RD.
MALVERN, PA 19355



May 4, 1997

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(PER JHJ)

ENVIRONMENTAL QUALITY BOARD
Dept. of ENVIRONMENTAL PROTECTION
HARRISBURG, PA. 17105

RE: New Proposal
WATER Quality Rules

THE PRESENT PROPOSAL FOR WATER QUALITY RULES
SHOULD BE REJECTED.

HQ & EV NEED TO STAY AS PROTECTED WATER
USES - SO THAT OUR BEST STREAMS WILL NOT
BE DOWNGRADED.

WEIGHT SHOULD BE GIVEN TO PUBLIC LANDS IN THE
SELECTION PROCESS

NO DISCHARGES SHOULD BE ALLOWED IN EV WATERS

WETLANDS SHOULD BE BETTER PROTECTED

Sincerely

William T. Andrews
Suzanne E. Andrews

Chief Counsel



COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA FISH & BOAT COMMISSION
 P.O. Box 67000
 Harrisburg, PA 17106-7000
 (717) 657-4525

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MAY 30 1997

INDEPENDENT REGULATORY
REVIEW COMMISSION

RECEIVED

MAY 28 1997

PA Fish & Boat Commission
Division of Environmental Services

May 20, 1997

The Honorable James Seif
 Chairman
 Environmental Quality Board
 P.O. Box 8477
 Harrisburg, PA 17105-8477

ORIGINAL: #1799
 COPIES: COCCODRILLI
 TYRRELL
 JEWETT
 SANDUSKY
 WYATTE
 BERESCHAK

Re: Water Quality Amendments/Antidegradation
 Regulation Number #7-310
 27 Pa. B. 1459 et seq. (Mar. 22, 1997)

Dear Secretary Seif:

The Pennsylvania Fish and Boat Commission is submitting the following comments on the subject proposed amendments to 25 PA Code Chapters 92, 93 and 95. I have also attached a one-page summary of these comments for the Board's use.

The Fish and Boat Commission's mission is to provide fishing and boating opportunities through the protection and management of the Commonwealth's aquatic resources. The protection of water quality is perhaps the most important tool that the Commonwealth has to ensure the future protection of aquatic resources. The linkage between water quality, aquatic resources and recreational fishing and boating is obvious. This relationship is much like the food chain pyramid that explains the way of life in aquatic systems. If you degrade water quality then you affect the animals that depend upon it to survive and ultimately affect the anglers and boaters that use the resource for recreation or subsistence. This is the reason that the PFBC participated in the regulatory negotiations that preceded this rulemaking. Clean water is essential to achieving our mission and, a strong, scientifically-based antidegradation regulation is vital to protecting our Commonwealth's water resources into the future.

Over the years the PFBC has worked closely with the DEP and its predecessor agencies, the Environmental Quality Board and the Pennsylvania General Assembly on various statutory, regulatory and policy matters that involve clean water. The PFBC is somewhat disappointed that the approach to crafting changes in this program apparently was based on the notion that Pennsylvania should not be any more stringent than the guiding federal Clean Water Act program.

Pennsylvania has been long regarded as a leader, and not a follower, in efforts to provide clean water. Our Clean Streams Law was used as a blueprint by the federal government when it created the

*Environmental Quality Board
May 20, 1997
Page 2*

federal Water Pollution Control Act (Clean Water Act), and our Surface Mining Conservation and Reclamation Act was used as a model for the federal Surface Mining Control and Reclamation Act.

The PFBC staff are offering the following specific comments concerning this proposed rulemaking:

Background of the Amendment

It is noted that the US EPA "generally lauded the Commonwealth's antidegradation program as an excellent vehicle to protect valuable resources...." The PFBC would like to echo these observations and comment that we generally are satisfied with the Commonwealth's existing antidegradation program. While we also believe that there are areas that could be strengthened to fully meet the requirements of the Clean Water Act, these changes are minor and do not require a complete overhaul of the entire program.

In many of the proposed changes, the DEP staff have attempted to strike a balance between the industry and conservation comments that were contained in reports that resulted from the regulatory negotiation efforts. However, we believe that many of these issues require the Board to take a position on one side of the issue or the other. In these cases, we believe that when there is potential to do harm to our water resources then we should not take the risk of changing our program without a scientific basis.

The PFBC is in general support of the findings and recommendations contained in the Conservation Stakeholder's Report of August 21, 1996. We are supplementing this report with the following comments:

Section 92.81. General Permits, and Section 92.83. Inclusion of individual dischargers in general NPDES permits.

The changes to these sections provide for the use of general permits in High Quality watersheds where they are now prohibited. We continue to strongly support this prohibition in EV watersheds. We still have some questions about the general exception for HQ watersheds. During the negotiated rulemaking discussions, there was consensus agreement that some general permits (i.e. aerial transmission line stream crossings) might be applicable in HQ watersheds if they pose no potential threat to water quality. The wording of the proposed rulemaking sets no clear boundaries on which permits may or may not be used. The Board should require DEP to do an analysis on which permits may or may not qualify for use in HQ watersheds prior to making this change.

Section 93.1 Definitions.

The changes in definition to EV Waters were extensively discussed at the reg neg meetings. We believe that the word "watershed" should be included in the new definition in much the same

*Environmental Quality Board
May 20, 1997
Page 3*

way it is used in the existing definition. The special protection designations are presently watershed (basin) designations and not stream-specific designations except for some special exceptions (certain mainstem segments of larger streams and rivers). We are very concerned that this change would greatly weaken the existing EV protection program and could eventually lead to a far less protective program for our best natural resources.

Section 93.3. Protected Water Uses.

The PFBC staff believe that it is inappropriate to remove EV and HQ waters as protected water uses unless there is some assurance that to prevent DEP from independently (without EQB or EPA approvals) downgrading waters from these special protection classifications. The Conservation Stakeholders report contains language to provide these safeguards while removing EV and HQ waters as protected uses. The PFBC staff recommend use of this wording.

Section 93.4. Statewide Water Uses.

The PFBC staff concur with the proposed change, which will insure that the designated uses will reflect the existing uses at all times.

Section 93.4a. Existing Uses.

We suggest that the first sentence be amended to read:

Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. ~~When the Department's evaluation of technical data establishes that a surface water attains or has attained an existing use.~~

We recommend that the last portion of this sentence be eliminated since it conditions the protection of the existing use on a DEP evaluation which is not supported by federal regulation or policy. The federal program requirements are simple: The Commonwealth has a duty to protect and maintain all existing water uses.

The reference to the Pennsylvania Natural Diversity Inventory (PNDI) should be changed since this is one of several databases that is used to house information about the location of state and federally listed threatened and endangered (T&E) species. Agencies (Fish & Boat Commission, Game Commission, Department of Conservation and Natural Resources, and US Fish and Wildlife Service) with the direct responsibility for state and federally listed plants and animals should be the ultimate contact for confirmation of their presence or absence in particular watersheds. Although the agencies contribute information to PNDI, it should not be the sole source of information. Excluding it from the discussion doesn't limit the Department to one source for the information.

Environmental Quality Board
May 20, 1997
Page 4

The proposed language states that "discharges to these waters shall be limited to ensure protection of these species and critical habitat" and the *Summary of Proposed Revisions* explains that this will be done by "specifically limiting mixing areas, in permitting discharges that may impact these species." The following language would be more acceptable. It would allow the Department to be more comprehensive in fully protecting state and federally-listed T&E species:

Where necessary, the Department will restrict activities, including limiting discharges, to ensure protection of federal or Pennsylvania endangered or threatened species or their critical habitat.

PA FISH COM

Section 93.4b. High Quality Waters.

(a) Qualifying as High Quality Waters

The PFEC staff do not believe that a water should have to pass both a biological and water quality test in order to qualify for protection as an HQ water. One or the other should be sufficient based on EPA guidance. To require both is too restrictive for Tier 2 protection.

The EPA Rapid Bioassessment Protocols (RBP) that are referenced in the regulations are scientifically-based procedures that are widely supported in the literature and are designed to evaluate whether or not a particular water may or may not be impaired. DEP has taken this process an extra step and developed a procedure to conduct comparisons of Ecoregion reference sites and sites which are being considered for HQ or EV (Special Protection). To the PFEC staff's knowledge, this particular modification has not been subject to peer review. However, we agree that this approach is more credible conceptually than the manner by which waters were designated in the past. There is much more objectivity involved with these decisions and, as a result, the decisions are far more defensible. On the other hand, although the procedures seem to be fixed, they are periodically adjusted to produce a result that may be more politically or socially acceptable. It is difficult or impossible to devise a flawless procedure, but the process should be well explained in policy so that the Board understands the ground rules that DEP is using to make these decisions.

Reference streams (waters of substantial ecological significance) are presently being used to make the comparisons. Once identified as an Ecoregion Reference, these streams need to be protected as EV to insure that they are not degraded, which would prevent them from being used as reference streams in the future. More importantly there have been some recent interpretations that a water cannot merit EV if it is not judged by comparing it to an EV

Environmental Quality Board
May 20, 1997
Page 5

reference. This makes it even more urgent to reclassify all of our reference streams EV. Since the HQ comparisons require only an 83% score for the candidate site/reference site comparison, it is reasonable to require EV for all reference streams.

The PFBC staff suggest that HQ designations should not be limited to just Class A Wild Trout Streams but should include Class A, B, C and D Wild Trout Streams since these streams support good, clean water as indicated by the presence of wild trout.

(b) Level of Protection/social or economic justification (SEJ)

We recommend that this section explicitly reference both point-sources and non-point sources of pollution. Although "discharges" may be interpreted to include both, they are sometimes thought to only include point sources.

PA FISH COM

It is very important that the ultimate measure of whether or not a stream passes the test is measured by creating social or economic benefits to the public which outweigh the degradation expected to be caused by the discharge. How DEP will perform this balancing should be subsequently defined in a policy document so that the Board is aware of how DEP staff is conducting these tests.

(f) Special provisions for minimal impact discharges.

The offer of an "off ramp" for certain de *minus* discharges was a discussion point in the negotiations during the reg-neg. The PFDC staff objects to a procedure that would suspend an SEJ analysis for the first 25% assimilative capacity of a receiving stream since it will exempt a discharger from SEJ and the public participation requirements that go along with it. If general permits are allowed in HQ watersheds, they should also pass the SEJ test.

Section 93.4 c. Exceptional Value Waters.

(a) Qualifying as Exceptional Value Waters

The PFBC staff concur with the two-test approach for EV since it is appropriate for a water to pass more stringent tests to receive a greater level of protection. However, the same comments are noted for the biology test as were explained in the review of 93.4b (a) for High Quality Waters. Reference Streams should be immediately designated EV because of their ecological significance.

The PFBC designation of waters as Wilderness Trout Streams should not be listed as a biology test. The PFBC staff concur that Wilderness Trout Streams should be EV but this designation should not be used as an example of a biology test. Streams enter the PFBC's Wilderness Trout Stream program because they are in a remote location and support naturally reproducing trout populations to offer sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular use (58 Pa. Code § 57.4). The

Environmental Quality Board
May 20, 1997
Page 6

Wilderness Trout Stream designation would more appropriately qualify as a recreational test rather than a biological test.

Section 93.4d. General requirements for High Quality and Exceptional Value Waters.

(a) The PFBC staff applaud the requirement that all permit applicants in HQ and EV watersheds must evaluate non-discharge alternatives. We recommend including the pollution prevention language from the Conservation Stakeholders report in this section.

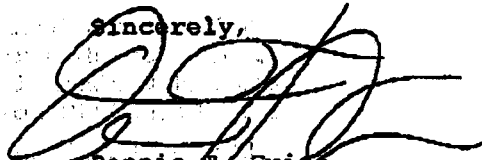
(b) We are unclear about how DEP will promote non-point pollution programs. We recommend that the existing regulation be retained since it assures that there shall be achieved Best Management Practices (BMPs).

Section 93.7. Specific Water Quality Criteria.

The PFBC staff strongly support the higher dissolved oxygen criteria for HQ waters and encourage DEP to evaluate the existing DO criteria for CWF and WWF and update these in accordance with the most recent US EPA Water Quality Criteria guidance.

Thank you for the opportunity to provide these comments. The PFBC staff contact for these comments is John Arway, Chief, Environmental Services Division, 450 Robinson Lane, Bellefonte, PA 16823, 814/359-5140, email: jxa18@psu.edu.

Sincerely,



Dennis T. Guise
Deputy Executive Director
Chief Counsel

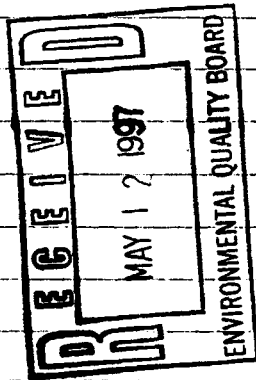
5/11/97 11:07

5-5-97

Dear EQR -

Please reject the DEP's
current Anti-degradation
proposal.

Amanda Germs





BENJAMIN L. DUGGER
42 MEADOW LARK TRL
FAIRFIELD PA 17320-8109

5-5-97

Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Re: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92, 93,
and 95 published on January 21, 1997)

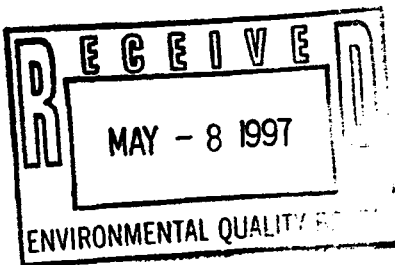
Dear Mr. Seif:

I am writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under the current regulations promulgated for Pennsylvania by the U.S. Environmental Protection Agency and does not ensure that this state's highest quality waters will not be degraded.

As a member of Trout Unlimited, I am acutely aware of the ecological damage that can be done by any degradation of water quality. Pennsylvania is home to many outstanding trout streams that attract anglers from all over the world. These waters and their fisheries are threatened from a variety of sources, including coal mining and its after effects, increased development, polluted run-off, and industrial pollution. These sources are so pervasive and diverse that unless we make protecting high water quality a top priority, we will lose it.

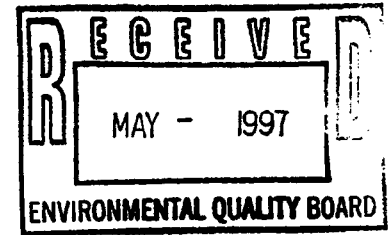
I understand that Pennsylvania Trout is submitting comments on the regulations pointing out their specific shortcomings. The regulations should not be adopted unless all of the problems pointed out in those comments are fixed. The existing regulation is vastly preferable to the new proposal as it is now written.

Sincerely,



Benjamin L. Dugger

May 5, 1997



Mr. James Seif, Chairman
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17101-8477

ORIGINAL: #1799
COPIES: COCCODRILLI
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

Dear Mr. Seif:

This letter is intended to serve as written comment in response to the proposed rulemaking on antidegradation as published in the March 22, 1997 Pennsylvania Bulletin.

I support a strong antidegradation policy for Pennsylvania's waters. The Pennsylvania Constitution guarantees the right of all Pennsylvanians to enjoy the benefits of pure water. While I recognize that many diverse and legitimate opinions exist regarding the best way of achieving a proper balance between resource protection and economic development, I cannot support the current proposal which, I believe, will inevitably lead to significant degradation of Pennsylvania's waters.

My comments regarding the proposal are as follows:

A. Chapter 92: NPDES

1. The prohibition of General NPDES permits for discharges into both HQ and EV waters must remain. Individual permits enhance protection. That is why the prohibition was instituted originally. The use of General NPDES permits to allow discharges into HQ waters will constitute a significant reduction in protection. Individual permits should be required when considering any discharge to either HQ or EV waters.

B. Chapter 93.1 Definitions

- The unit of designation for the definition of Exceptional Value waters should be the "watershed" not surface waters as currently proposed. We must begin to manage our aquatic resources on a landscape scale and recognize that overall water quality cannot be adequately protected, maintained, or enhanced on a stream by stream basis. We must seek to manage and protect aquatic systems, not just selected parts thereof.

C. Chapter 93.3 Protected Water Uses

- I do not support the removal of the HQ and EV designations from the list of protected uses. While the federal regulations do not require antidegradation categories, there is no reason to delete the HQ and EV designations as protected uses. Removal of HQ and EV from the protected uses list removes stream designation changes

from EPA scrutiny. I believe that joint EQB and EPA oversight is crucial to the continued protection of these waters.

D. Chapter 93.4a. Antidegradation requirements

(a) Untitled

- The language of subsection (a) conditions protection of existing uses on the "...Department's evaluation of technical data..." This means that protection standards may vary as the prevailing political winds change over time. This section should contain an unequivocal statement that existing uses must be protected.

- The sentence concerning the presence of either endangered or threatened species or their habitat is ambiguous. The grammatical construction of the sentence makes the phrase "listed in the Pennsylvania Natural Diversity Inventory (PNDI)" modify both Federal and Pennsylvania aquatic species. Thus, the sentence could be construed to mean that protection of a federally designated species or it's habitat might not be required if the species is not listed in the PNDI. The sentence should simply state that if Federal or Pennsylvania threatened or endangered species or habitat are present, no activity will be permitted that could adversely affect either the species or the habitat.

(b) High Quality Waters

(1) Qualifying As High Quality Waters. The current proposal requires that, in order to qualify as a HQ water, a surface water must pass both a chemical and a biological test. This is more stringent than the Federal regulations. It is quite possible that a surface water may be biologically exceptional without meeting the exact standards of the chemical tests, and vice-versa. Under the proposed testing scenario, many waters deserving of HQ status may receive lower classification. A surface water should qualify for HQ designation if either the biological OR the chemical criteria is met.

(2) Level of Protection/SEJ. The current Federal regulations for Pennsylvania protect HQ waters from both point and nonpoint sources. The proposed wording limits the scope of this section only to discharges. This constitutes a significant reduction in the level of protection for HQ waters. HQ waters must be protected not only from point source discharges, but from activities that generate non-point source pollution as well.

(6) Special Provisions.

(i) This section is an unacceptable loophole. How can one argue that water quality is being maintained and protected if degradation is permitted for up to 25% of a surface water's assimilative capacity? This proposed

section eliminates the protections currently afforded by the Federal Tier 2 requirements. Applicants wishing to degrade HQ waters should be required to justify the proposals outlined in subsection (2) above, as well as conduct alternative analysis, and use BAT as is currently proposed.

(ii) As set forth above, I strongly urge that the prohibition against allowing General NPDES permits for discharges to HQ waters be retained.

(c) Exceptional Value Waters.

(1) Qualify as Exceptional Value Waters. For the reasons stated above regarding HQ waters, a water should be designated EV if it passes either the chemistry OR the biology test criteria, not both. Compared to the current Federal Tier 3 regulations, the proposed language severely restricts the ways in which surface waters can qualify for EV status. No added significance is given to waters on public lands; no attempt is made to assess economic, recreational, or ecological values beyond the significance attributed to Wilderness Trout Waters; no weight is given to the presence of threatened or endangered species. The protocols outlined in the "Special Protection Waters Implementation Handbook" are far superior to the current proposal. I strongly urge the retention of the procedures set forth in the Handbook.

(d) General Requirements for HQ and EV Waters.

(1) Discharge Alternatives/Use of BAT. Section 93.4(c)(2) explicitly states that "The quality of exceptional value waters shall be maintained and protected." (Emphasis supplied). While I support the use of BAT when considering discharges to HQ waters, I believe that it is impossible to maintain and protect the quality of EV waters while allowing any new, additional, or increased discharges.

Section (d) (1) requires that a discharger must use an alternative that is "environmentally sound." What exactly does this phrase mean? Who determines which alternatives are environmentally sound and which are not? Aren't such ambiguities invitations to protracted litigation?

This section also requires that any alternative must be "cost-effective when compared with the cost of the proposed stream discharge." This is ambiguous. What is meant by "...the cost of the proposed stream discharge?" Is this (1) the environmental cost that the public pays when its waters are further degraded; or, (2) the anticipated cost that the discharger will incur to construct the proposed treatment system that will discharge to the waters; or, (3) a combination of both? If environmental cost is a factor, how is that cost to be quantified? Who makes this determination?

The very fact that a search for alternatives to discharges to HQ and EV waters is required is a tacit admission that such discharges are inherently undesirable. Yet, if an "environmentally sound" alternative is available, but does pass some undefined test of cost-effectiveness, the undesirable discharge will be permitted. Does this make sense?

The ambiguity of the language used throughout this section is a result of a failed attempt to reconcile two mutually exclusive policies i.e. (1) EV waters will be maintained and protected; and, (2) discharges and degradation will be allowed in EV waters. No new, additional, or increased discharges should be permitted to EV waters.

(2) Nonpoint Sources. The proposed language employed in this section is less stringent than the Federal Tier 2 requirement. Tier 2 language concerning nonpoint sources requires that states must assure (i.e. guarantee) that all cost-effective and reasonable BMPs for nonpoint controls are "achieved" (i.e. performed), before degradation of Tier 2 waters may be permitted. The proposed language requires that the Department only implement programs to promote these BMPs. To promote a goal is not the same as achieving that goal. The Tier 2 level of protection should be adopted for both HQ and EV waters. I urge that the Federal Tier 2 language be adopted verbatim.

(e) Public Participation

(5) Public Hearings. Public hearings should be held on any proposed discharge to both HQ and EV waters. The waters belong to the people of the Commonwealth. The quality of those waters should not be degraded without the people being given the opportunity to express their opinions.

New Chapter 15: Implementation of Antidegradation Requirements-Statement of Policy.

15.1 Implementation of Tests for HQ Waters.

(a) and (d) As stated above, a surface water should be designated HQ if it passes either the chemistry or the biology test.

(e) I support the proposition that Class A Wild Trout Streams automatically receive HQ designation. Wild trout constitute a unique biological, genetic, and recreational resource. Streams containing populations of wild trout meet the Federal Tier 2 definition. I urge that all streams harboring populations of wild trout be given HQ status.

(f) Fecal coliform counts should not be used as a measure of water quality. High fecal coliform levels indicate often indicate the need for increased enforcement

of sewage disposal regulations. Failure to enforce existing regulations should never justify a reduction of protection.

15.2 Identification of EV waters.

The comments set forth in 15.1 section (a), (d) and (f) above are incorporated by reference herein.

Additional Issues. Over half of Pennsylvania's streams are currently unassessed and fall under the Tier 1 classification. The Department recognizes that many of these waters have better-than-standard quality. The current policy results in under-protection of many streams. I believe that these waters should be afforded HQ status pending actual assessment. While adoption of this policy will inevitably result in some temporary over-protection of streams, I believe it best to err on the side of more, rather than less, protection.

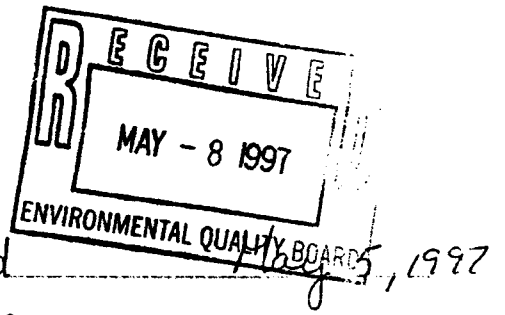
In short, I believe that many provisions of the proposed rulemaking are designed to reduce the level of protection afforded to Pennsylvania's waters by EPA's current regulations. I urge that these provisions be changed. If the final rulemaking permits a reduction in the current level of protection for the Commonwealth's waters, I will join with those who will ask the EPA to retain the current Federal regulations.

Thank you for providing the opportunity to comment on these important issues.

Very truly yours,

Brian J. McCullough

PA Cooperative Fish and Wildlife
Research Unit
113 Merkle Building
University Park, PA 16802
(814) 865-3972



Environmental Quality Board

MR James Seif, Chairman

P.O. Box 8477

HARRISBURG PA 17105-8477

Dear MR Seif:

ORIGINAL: #1799

COPIES: COCCODRILL
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

I am writing in regard to the proposed Rulemaking on anti-degradation as published in the March 22, 1997 Pennsylvania Bulletin.

There is insufficient protection for endangered species in this proposal.

The language in the "existing uses" section is insufficient.

Endangered species need protection from more than just "discharges."

The anti-degradation policy applies to more than point source discharges; it applies to all activities that could affect water quality.

I also disagree with the removal of the presence of endangered species as an attribute worthy of an Exceptional Value designation.

Surely the presence of our rarest aquatic species constitutes ecological significance and deserves

10/10/08
10/10/08
10/10/08

the highest protection possible.
This proposal falls short
of the current regulation in
place and the old state regulations.
It should be rejected by the EQB.

Yours truly,
Cathy Cobrando
Cathy Cobrando
719 Lehmer St
Latrobe PA 15650

May 5, 1997

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Environmental Quality Board (EQB)

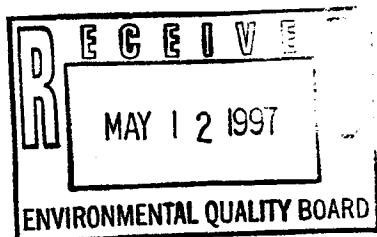
Please reject the DEP's current anti-degradation proposal and please make an effort to adopt the simpler, better standards of the EPA.

Please respond to my letter and let me know what is happening.
Thank you.

Cecelia Cory 1216 Paoli Pk.
W. Chester PA

19380

(610) 431-1156





p.o. box 8477 • harrisburg, pa. 17105-8477 • (717) 787-4526

Environmental Quality Board

May 5, 1997

ORIGINAL: #1799
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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Mr. Drew Carlson
2. Mr. W. E. "Pete" Goodman, III
3. Mr. John P. Courtney
4. Mr. Brian Haegele and Scott Chaney
5. Ronald and Susan Koder
6. Ms. Cara Schiavino
7. Barbara and Vernon Rochlin
8. Ms. Nancy Paevshork
9. Ms. Deb Bassett and Ms. Marlene B. Wolf
10. Ms. Margaret E. Hanna and Mr. Alan Zeig
11. Ms. Stephanie Frost
12. Mr. Kenneth T. Skoller
13. Mr. Jeff Sansore
14. Ms. Pauline Dibella
15. Ms. Violet Shenkman
16. Mr. Ernie McGinty
17. Ms. Lois M. Richards
18. Ms. L. Nichol Barrowson
19. Ms. Cecilia Chun
20. Ms. Nancy Sargent
21. Mr. Jay H. Lowden

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure



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Environmental Quality Board

May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Thelora Stenger
2. Mr. and Mrs. Gary Phillip
3. Mr. Donald F. Haley
4. Mrs. Leonard Mastripolito
5. Ms. Marilyn Williams
6. Ms. Susan Howard
7. Dr. Tristram Nagle
8. Ms. Lorraine E. Connors
9. Mr. Thomas K. Morris
10. Ms. Dorothy Luong
11. Ms. Maureen Homewood
12. Mr. Dale A. Hardcastle
13. Ms. Barbara Jancic
14. Ms. Lois J. Gemma
15. Ms. Helen Lawler
16. W. M. Martindale
17. Ms. Ann Mae Neel
18. Ms. Terri Chanoux
19. John J. Schrogie, M.D.
20. Ms. Suzanne O. Snyder

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,


Sharon K. Freeman
Regulatory Coordinator

Enclosure



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Environmental Quality Board

May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Ms. Charlotte De Gregoris
2. Mr. Todd Besch and Ms. Rebecca Besch
3. Mr. Kenneth I. Saler
4. Ms. Sue Harvin
5. Ms. Christine C. Bullen
6. Ms. Donna Freund
7. Ms. Judy Zielinski
8. Ms. Susan Raezer
9. Ms. Mary C. Landis and Mr. Gary J. Landis
10. Ms. Kimberle Sposito
11. Mr. William Mihalyak
12. Mr. James E. Leslie
13. Mr. Lance L. Morien
14. Ms. Donna Buzdygan
15. Dietrich
16. Ms. Betty Huffman and Ms. Judy McFarland
17. Mr. Neal Colligan
18. Mr. Clifford M. Sayre
19. Mr. Neil R. Dreibelbis
20. Ms. Hilary Burton

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure



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Environmental Quality Board

May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Mr. Dale Morgan
2. Mr. Thomas M. Coblentz
3. Mr. John F. McGlenn II and Ms. Melissa W. McGlenn
4. Ms. Elizabeth White Wilson
5. Mr. W. Daniel Rudloff
6. Mr. Edward B. Penry
7. Ms. Dianne Yaunches and Mr. David Yaunches
8. Mr. Timothy F. Hough
9. Mr. Greg J. Weiss
10. Mr. Warren E. Linehan
11. Ms. Carole A. McClain
12. Ms. Gertrude Lueders
13. Mr. Michael T. Ventrone
14. Mr. Erik N. Shuman
15. Ms. Diane N. Kelly
16. Ms. Lorrie Clare
17. Mr. Charles A. Blauvelt
18. Mr. Chester R. Salisbury
19. Mr. Stephen J. Swider
20. Mrs. D. A. Duncan

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure



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Environmental Quality Board

May 5, 1997

97 MAY 13 PM 4:16

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Ms. Lois M. Hoffman
2. Lynn Vogt
3. Ms. Katya Davis and Mary Ellen Wilkes
4. Mr. Donald J. Potter
5. Mr. Howard Irving, The Harleysville Insurance Companies
6. Mr. Sean P. Colgan
7. Ms. Cynthia Mench
8. Mr. Thomas J. Zervas
9. Dale D. Goodman, Security Elevator Company
10. Mr. Michael L. Dixon
11. Ms. Mary Mc Cracken
12. Mr. Joseph A. Hawke
13. Ms. Jeanne Truschel
14. Ms. Susan M. Smith (Johnson)
15. Mr. Todd Brown
16. Mr. Stephen Koran
17. Martha Ann Terry, Ph.D.
18. N. LeRoy Hammond, III, M.D.
19. Mr. Jim Tate
20. Mr. Terry Nesmith

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure



Environmental Quality Board

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May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Ms. Marilyn Sameroff
2. Mr. Tom Prusak
3. Ms. Marie Zorn
4. Mr. Gene A. Salay
5. Mr. David Kilpatrick
6. Ms. Veronica Hredocik
7. Ms. Susan Armbrust
8. Mr. Robert S. Giangliulio
9. Ms. M. Pagenkemper
10. Ms. Carolyn Murray
11. Ms. Jennifer Giunta
12. Mrs. Dow E. Emerson, Jr.
13. Ms. Annelle Weakley
14. Ms. Nancy A. Brey
15. Nicholas and Theresa Vastardis
16. Ms. Lindsay Manko
17. Resident and Mr. Jim Hahn
18. Ms. Amy Smith
19. Mr. Danny Sullivan
20. Ms. Rhoda Cuffee

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure

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(PER JHJ)

MAY 27 11 00 AM '97

1005 Pine Valley Circle
West Chester, PA 19382
May 5, 1997

Environmental Quality Board (EQB)
DEP
PO Box 8465
Harrisburg, PA 17105

To Whom It May Concern:

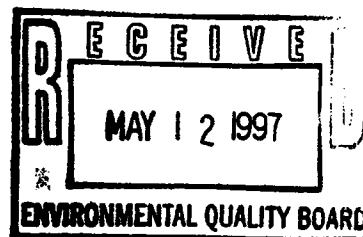
Since I am concerned about our environment, I am writing to request that you reject the DEP's current anti-degradation proposal and adopt the simpler, better standards of the EPA. We need standards that protect our waterways from any more degradation.

Thank you for considering this request.

Regards,



Doris K. McDaniel





Environmental Quality Board

p.o. box 8477 • harrisburg, pa. 17105-8477 • (717) 787-4526

May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Mr. Andrew Kozloski
2. Ms. Anna Marie Kelly
3. Mr. Juan Rivera
4. Mr. Regan A. McLaughlin
5. Jamie M. Trimbur
6. Ms. Megan Chambers
7. Mr. Derek J. Blackwell
8. Ms. Matty Novak
9. Mr. David Duray
10. Ms. Jessica Whiteside
11. Mr. Robert Graham
12. Ms. Felicia Sam Herman
13. Mr. George W. Gephart, Jr.
14. Rudolph and Betsy Marolt
15. Mr. Lee Tabas
16. Brooke Suter
17. J. Klemick
18. Mr. Thomas C. Hayes
19. Ms. Shelly Erin Nofsker
20. Mr. Robert Higgs

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure



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Environmental Quality Board

May 5, 1997

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Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

RE: Proposed Rulemaking - Water Quality Amendments - Antidegradation (#7-310)

Dear Mr. Nyce:

The Environmental Quality Board has received comments regarding the above referenced proposed rulemaking from the following:

1. Ms. Corinne A. Pipp
2. Ms. Julie S. Mueller
3. Ms. Lois M. Dixon
4. Mr. A. Joseph Armstrong
5. Paul A. Litka, M.D.
6. Mr. Rodney L. Horton
7. Mr. Richard Vanaken, Jr.
8. E. P. Messikomer
9. Mr. Samuel G. Coccia, Jr.
10. Ms. Deborah Durig
11. Lynn Opdyke
12. Mark B. Boas, O.D., M.S., Family Eye Care
13. Mr. Thomas J. Kelly
14. Ms. Brenda Fenton
15. Ms. Julie W. Coffey
16. E. J. Lewis
17. J. Turner
18. Nova Mackentley
19. M. John Johnson, West Chester Fish, Game & Wildlife Assn., Inc.
20. Annette and M. John Johnson, Hi Lair Acres

These comments are enclosed for your review. Copies have also been forwarded to the Senate and House Environmental Resources and Energy Committees. Please contact me if you have any questions.

Sincerely,

Sharon K. Freeman
Regulatory Coordinator

Enclosure

11179 5/177 +

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(PER JHJ)

ENVIRONMENTAL QUALITY BOARD,

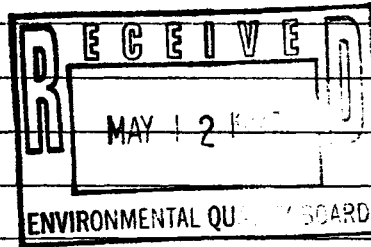
I AM WRITING TO ASK THAT YOU
REJECT THE DEP'S CURRENT ANTI-
DEGRADATION PROPOSAL.

MY ADDRESS IS: MARISA FOX
117 MAPLE LANE
WEST CHESTER, PA 19382.

PLEASE REPLY.

THANK YOU,

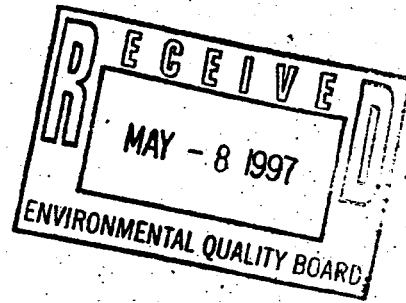
Marisa L. Fox



NATIONAL
MINISTRIES

WITNESS
RENEWAL
JUSTICE

May 5, 1997



Environmental Quality Board
DEP
POB 8465
Harrisburg, PA 17105

Dear Environmental Quality Board Members:

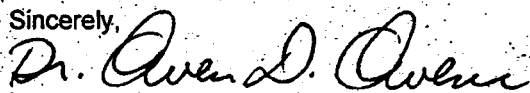
The new DEP proposal on water quality rules fails to provide reasonable protection of Pennsylvania waters. Our American Baptist Policy on Ecology urges us to be good stewards of the waters God has entrusted to our care. DEP policy, therefore, in the spirit of the 1937 Pennsylvania Clean Streams act should aim at cleaning up the waters of Pennsylvania—as the late Dr. Bus Grove so clearly stated.


The regulations must be strengthened:

- 1) High Quality (HQ) and Exceptional Value (EV) waters should stay as protected water uses, and the regulations expanded by law so that many other rivers may receive this classification.
- 2) Weight must be given to public lands in the HQ and EV selection process.
- 3) No discharges or degradation can be allowed in EV waters.
- 4) Wetlands protection must be integrated with anti-degradation.
- 5) Waters not yet assessed should be protected at the highest levels, thus helping assure protection until studies can be done.

As one who grew up in Wisconsin and lived with the economic devastation when the forests were destroyed, it is clear that clean, ample water supplies are essential to the future of the people of this state. Again and again I have seen short-term gains for the few result in long-term losses, and even worse cancers and other terrible environmental diseases (as in Paoli, Chester, etc.). As a pastor I know what it means for parents to rear a child with birth defects caused by toxic pollution.

It is time to clean up our streams in this commonwealth, and leave a healthy legacy for the children. Rewrite the DEP codes so that they exceed EPA standards.

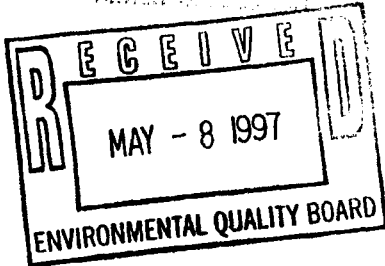
Sincerely,

Dr. Owen D. Owens, Director
Ecology & Racial Justice

National Ministries 
American Baptist Churches USA
P.O. Box 851 • Valley Forge, PA 19482-0851
Phone 610.768.2000 • Fax 610.768.2470
1.800.ABC.3USA

Incorporated as: The American Baptist Home Mission Societies

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5/5/97

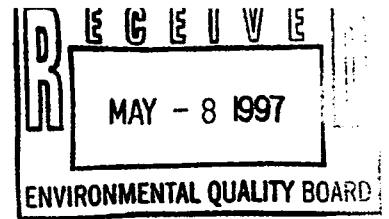


REJECT DEP CURRENT
ANTIDEGRADATION PROPOSAL.

Yours,
Juanita L. Moehring

JUANITA L. MOEHRING
645 WITTMAN ST
P6H, PA 15220-4649

John J. Forebaugh
Two Highgate Rd
Ligonier, PA 15658



Mr. James Seif
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

97 MAY 27 AM 8:35

Trans 51997
ORIGINAL: #1799
COPIES: COCCODRILLI
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

Dear Mr. Seif:

I oppose the antidegradation proposal published in the March 22, 1997 Pennsylvania Bulletin. There are several bad provisions which are addressed in my following comments.

General Provisions:

DEP proposes to get rid of High Quality and Exceptional Value as "protected water uses." This will remove the redesignation of streams from EPA oversight. Once our streams are designated for greater protection, they should stay that way. Under the proposal, polluters could damage them, then claim that they don't meet the standards, and then ask for a roll back. The proposal intends to make receiving the HQ or EV designations much tougher. Dischargers will petition DEP to re-assess these streams with the new standards. With this proposal, DEP will help polluters to roll back protection on our best streams.

Also, DEP only plans on extending antidegradation protection in HQ and EV watersheds when considering "discharges." Proper antidegradation protection would require that DEP consider all activities, not just discharges.

I am also disappointed that DEP did not mention wetlands in their antidegradation proposal. The current regulation, put into place by EPA, gives this protection to wetlands. How can wetlands be given HQ or EV protection if the criteria to designate a "surface water" HQ or EV are based on streams, lakes and rivers? DEP needs to integrate wetland protection and antidegradation.

I see where DEP has recently settled a lawsuit, and plans to "assess" the one-half of our streams that are currently

"unassessed." Even with DEP's "best efforts," that is estimated to take 10 years. The proposal does not address the 29,000 miles of unassessed streams. DEP plans on continuing only basic protection for these streams. DEP should instead protect these unassessed streams at a Tier 2 level, unless a permit applicant can demonstrate otherwise. The public's resources should get the benefit of the doubt.

Currently DEP designates "watersheds" as HQ or EV. The proposal makes it easier to ignore, springs, seeps, wetlands and tributaries, because HQ and EV are defined as "surface waters" rather than "watersheds." While seeps, springs, and wetlands are in the definition of surface waters, DEP also has no mechanism for these other surface waters (springs, seeps, and wetlands) to pass the biological test needed for an HQ or EV designation.

Tier 1 (Existing Uses):

The proposal tinkers with the current regulation protecting the "existing uses" of our waters. Right now, we have language protecting existing uses because DEP failed to include such language, and EPA was ordered to write a regulation by a Federal judge. At last we have protection that the Clean Water Act intended. Unfortunately, the proposal says that the existing use will be protected only after DEP evaluates the technical data. Until then, DEP is under no obligation to protect the existing uses. With DEP's misguided "money back guarantee," DEP will not have time to evaluate "existing uses" and will simply not do so. Under the regulation, the protection is qualified, so the regulation will not be violated.

DEP only plans on protecting endangered species from discharges. Endangered species merit protection from any activity that will eliminate them. Existing use protection applies to activities, not just discharges. Endangered species habitat needs to be protected also.

Tier 2 (High Quality)

The new rules make it more difficult for streams to receive an HQ designation. DEP wants only to give the HQ designation to streams that pass a chemistry and biology test. EPA considers only a water chemistry test. How will wetlands, seeps, and springs be assessed when the methods were designed for streams?

DEP now proposes to allow "general NPDES permits" in HQ streams. These are not tracked by DEP, and will allow degradation of these waters without any type of social or economic justification. This is not permitted by the current regulation.

DEP also plans on allowing the first 25% of the stream to be degraded without any social or economic justification. This has no basis in federal regulation. One of the points of High Quality is to ensure that the degradation has a good reason, and that the public interest is served. DEP included social or economic justification language that mentions the public interest, but then exempted many dischargers from it.

Also, the language mentioning non-point source pollution is weaker than the current language for HQ streams. Our good streams are under pressure from developments and agriculture, so strong non-point source language is essential.

Tier 3 (Exceptional Value)

The definition of "Exceptional Value" streams still mentions State Parks, Forests, Game Lands and other public lands, but the "selection criteria" in the proposed Chapter 15 does not consider public lands in any way. The old "Special Protection Waters Implementation Handbook" considered all these things and more. It is vastly superior than the present proposal. Currently, we are under Federal regulations that consider many streams on public lands to be "Outstanding National Resource Waters." Why are we giving our best streams less consideration than before?

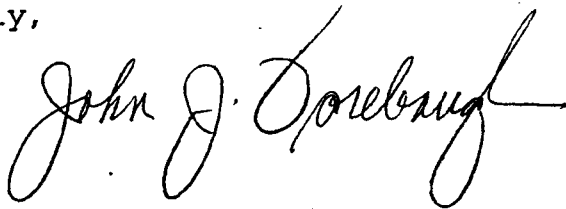
EPA believes that DEP's EV program does not "protect and maintain" water quality. DEP should close the major loophole that allows water quality degradation, but calls it "no measurable change." It is hocus-pocus.

As far as "public participation" in EV waters is concerned, the guidance should be set up and the streams given the designation if they merit it. We don't need polluters and profiteers wanting to degrade our streams having a "veto" power over protecting our best streams.

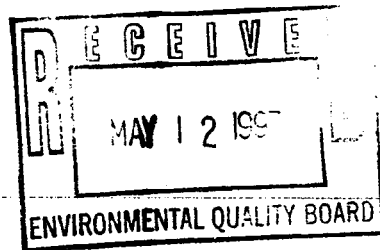
Summary:

This regulation should be rejected or re-written so that it is as good as the old DER's regulations and guidance, but incorporates the minimum Federal features that we have now. The EQB should reject this regulation.

Sincerely,

A handwritten signature in cursive script, reading "John J. Lovecraft". The signature is written in black ink and is positioned below the word "Sincerely,".

ORIGINAL: #1799
COPIES: NONE
(PER JHL)



STATION 27 11:0:57

850 LITTLE CONESTOGA

GLENMOORE PA 19343

ENVIRONMENTAL QUALITY BOARD

MAY 5, 1997

DEP

Box 8465

HARRISBURG PA 17105

RE: NEW "WATER QUALITY" RULES

GENTLEMEN:

SOME QUESTIONS ON THE NEW WATER QUALITY RULES PROPOSAL. WHY ARE EV AND HQ WATERS NOT PROTECTED WATER USES? WHY WILL DISCHARGES PERMITS ALLOW DEGRADATION OF EV WATERS? WHY ARE DEP QUALIFICATION FOR HQ WATERS MORE EXCLUSIVE THAN FEDERAL STANDARDS? WHY HAVE STREAMS LOCATED ON PUBLIC LANDS NOT BEEN GIVEN ANY WEIGHT IN EV SELECTION CRITERIA, CONTRARY TO FEDERAL REGS? WHERE IS THERE THE PROTECTION OF WETLANDS? WHY ARE UNASSESSED WATERS GIVEN THE LOWEST LEVEL OF PROTECTION? WHY DO THESE RULES JUST ABOUT GUARANTEE THAT INORDINATE AMOUNTS OF TAXPAYER MONIES BE SPENT ON DEFENDING IN COURT THOSE STANDARDS THAT ARE FAR BELOW FEDERAL STANDARDS? FINALLY, WILL BUSINESS INTERESTS (READ: POLITICAL CONTRIBUTORS) BE GIVEN VETO POWER OVER EV WATERSHEDS, AGAIN,

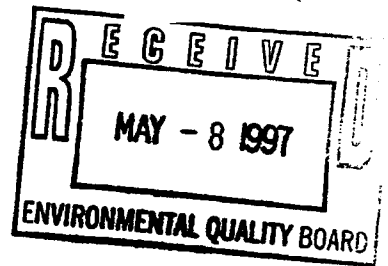
CONTRARY TO FEDERAL REGS?

THESE PROPOSALS, FOR THE MOST PART, ARE
A SICK JOKE AND SHOULD BE REJECTED.

James R. Clackett

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

R. D. #1, Box 166
Penn Run, Pa. 15765
May 5, 1997



MAY 27 11 01 AM '97

Mr. James Seif
Environmental Quality Board
P. O. Box 6477
Harrisburg, Pa. 17105

Dear Mr. Seif:

The members of the Indiana County Sportsmen's and Conservation League have reviewed the proposed changes to regulations concerning Special Protection Waters. We believe that these proposed changes are not in the best interests of the citizens of the Commonwealth. We request that the Environmental Quality Board support the recommendations of conservation groups that would continue to provide proper protection for the waters of the state.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Glen Foster".

Glen Foster, President
Indiana County Sportsmen's and
Conservation League



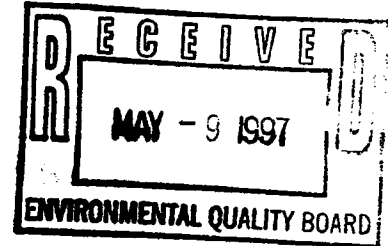
ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

97 MAY 27 11 04 26

502 Keystone Drive, Warrendale, PA 15086-7537 • Phone (412) 772-3500 • FAX (412) 772-3505

May 5, 1997

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477



Re: **COMMENTS ON THE PROPOSED WATER QUALITY
ANTIDegradation REGULATION**

One of the main reasons I voted for Governor Ridge was his promise to cut back on excessive environmental regulations. He asked you to help him fulfill that promise when he issued Executive Order 1996-1.

Governor Ridge's Executive Order requires any state regulation that is more stringent than its federal counterpart to be brought into line with the federal standards unless there is a state law that requires a stronger program or there is some overriding Pennsylvania interest that warrants tougher controls.

The proposed water quality antidegradation regulation ignores Governor Ridge's Executive Order. It includes many elements that are substantially more stringent than what is required by the EPA's antidegradation program without any justification other than a failed regulatory negotiation.

The Department of Environmental Protection should have drafted the proposed regulation to satisfy the mandates of the Governor's Executive Order. Since it did not, you should change the regulation to do so before you approve it as a final rule.

I urge you to amend the final regulation as follows:

Change the Exceptional Value Waters Program so that it only applies to outstanding waters on public lands.

The EV water standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulations. The EPA's program only applies to Outstanding National Resource Waters on public lands, but DEP's proposal goes much further.

The EV designation should be reserved for streams that are truly unique or exhibit statewide or national significance. Many of the Pennsylvania streams currently classified as EV cannot meet that standard, and the proposed regulation lets DEP continue to designate EV streams that could never meet such a standard.

Almost half of the streams now classified by DEP as EV waters are on private lands. DEP should not be permitted to designate waters that flow through private lands for EV protection because of the extreme restrictions the designation imposes on individuals and communities who wish to use the waters responsibly to improve their quality of life.

PC EXPLORATION, INC.

Expand public participation in the EV designation decision.

If the final regulation allows the EV designation to be placed on private watershed lands, you should provide for more public participation in the decision to designate EV waters. The proposed rulemaking asks for more public input on technical issues, but it brushes aside any public discussion of the serious economic and social impacts that the EV designation can have for the people who live and work in the affected watershed.

The regulation should be changed to require DEP to get the people affected by an EV upgrade to buy into it. Specifically:

- DEP should be required to inform the owners of private watershed lands that would be affected by a new EV designation how it will limit what they can do on their property.
- The regulations should allow the affected property owners to decide whether they want the EV designation.
- DEP should be required to get a formal commitment from the owners of the affected watershed lands to preserve the resource at the strict EV standard before recommending the designation to the EQB.

Make general permits available on all Special Protection waters.

The proposed regulation allows general permits for minor discharges on HQ streams. This is a positive step, but it should go further. Many private individuals own the minerals under EV watershed lands. If their discharge qualifies for a general permit, they should be able to use that permit on both HQ and EV streams. Otherwise, they may not be able to extract minerals economically.

Keep the "de minimis" permit threshold to ease the permitting burden.

I support the proposal to ease the permitting burden for minor discharges to HQ streams.

Change the High Quality Waters program to match federal standards.

DEP's proposal allows streams to qualify for HQ status if they have water quality that is "generally better" than water quality standards. The EPA regulation, on the other hand, requires a stream to "exceed" water quality standards before it can be elevated to HQ status. A stream should never qualify for Special Protection if even one of its water quality parameters violates the required standard.

Use sound science to evaluate streams for Special Protection.

DEP should also be required to conduct a valid scientific investigation of water quality to determine if a stream qualifies for Special Protection. It is bad science to rely on one grab sample to assess a stream. While it may be a bureaucratic convenience, this limited sampling does not generate enough information to accurately determine whether a stream's background condition exceeds water quality standards.

PC EXPLORATION, INC.

Change the Social and Economic Justification requirements for High Quality Waters to match federal regulations.

The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

Eliminate the requirement for two public comment periods for permits on Special Protection streams.

The proposed regulation required NPDES permit applicants to solicit public comment on proposed discharges to HQ and EV streams before applying for the permit. This is an unnecessary burden on the permit applicant that is not required by the federal regulations. It also serves no purpose because the Department will also ask for public comments after the application is submitted. The requirement that permit applicants must ask for public comments is costly, time-consuming, and redundant, and it should be eliminated.

Thank you for considering these comments. I hope that you will hold DEP accountable for living up to the requirements of the Governor's Executive Order.

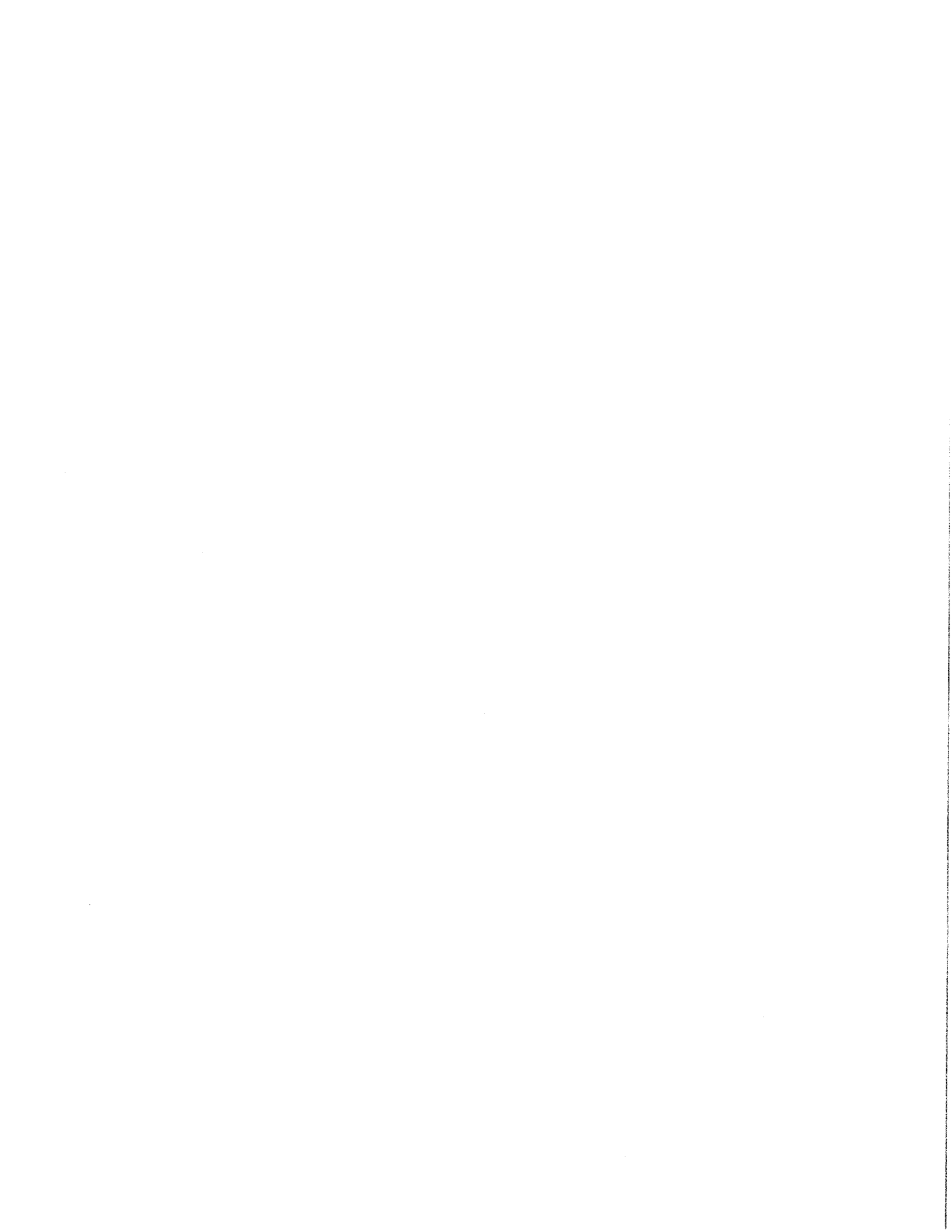
Very truly yours,

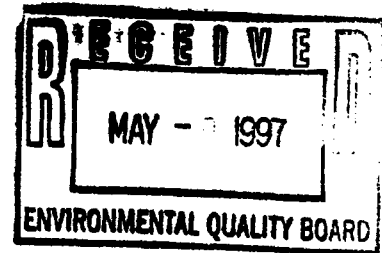
PC EXPLORATION, INC.



Samuel E. Fragale, Petroleum Engineer

SEF/fmv





502 Keystone Drive, Warrendale, PA 15086-7537 • Phone (412) 772-3500 • FAX (412) 772-3505

May 5, 1997

ORIGINAL: #1799
COPIES: COCCODRILLI
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

**Re: COMMENTS ON THE PROPOSED WATER QUALITY
ANTIDegradation REGULATION**

One of the main reasons I voted for Governor Ridge was his promise to cut back on excessive environmental regulations. He asked you to help him fulfill that promise when he issued Executive Order 1996-1.

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Almost half of the streams now classified by DEP as EV waters are on private lands. DEP should not be permitted to designate waters that flow through private lands for EV protection because of the extreme restrictions the designation imposes on individuals and communities who wish to use the waters responsibly to improve their quality of life.

PHILLIPS PRODUCTION COMPANY

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PHILLIPS PRODUCTION COMPANY

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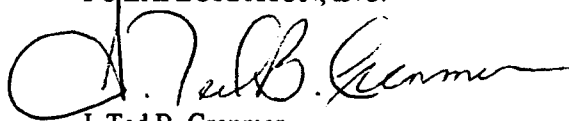
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Thank you for considering these comments. I hope that you will hold DEP accountable for living up to the requirements of the Governor's Executive Order.

Very truly yours,

PC EXPLORATION, INC.



I. Ted B. Cranmer

Assistant Vice President-Operations

ITBC/fmv

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(PER CAT)

269 Stanton Court
Glen Mills, PA 19342
5 May 1997

Environmental Quality Board
Mr. James Seif, Chairman
P. O. Box 8477
Harrisburg, PA 17105-8477

Dear Mr. Seif:

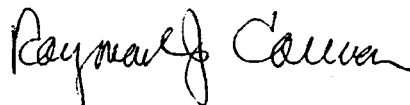
I am writing in regard to the proposed rulemaking on antidegradation as published in the March 22, 1997 Pennsylvania Bulletin. There is insufficient antidegradation protection for wetlands in this proposal.

The current regulation, put into place by EPA, gives this protection to wetlands. How can wetlands be given HQ or EV protection if the biological criteria to make a "surface water" HQ or EV are based on streams?

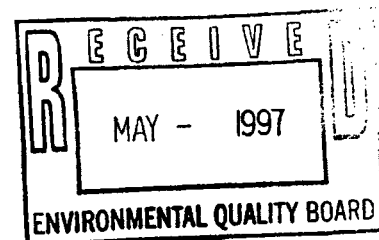
It is disappointing that the DEP did not take this opportunity to write regulations so that our wetlands could begin to receive antidegradation protection.

This regulation falls short in protecting one of our most valuable resources-wetlands. It should be rejected by the Board.

Sincerely,

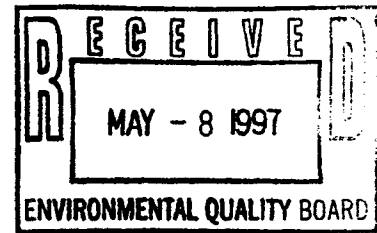


Raymond J. Cannon



May 5, 1997

97 MAY 27 01 03 25
MAIL ROOM



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COPIES: NONE
(PER JHJ)

Mr. James Seif, Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P. O. Box 8477
Harrisburg, Pa 17105-8477

Dear Mr. Seif:

I am writing to voice my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protection that exists under the current regulations promulgated for PA by the US EPA. The new regulations that are being considered will not ensure that our state's waters will not be degraded.

We boast some of the most degraded streams in the world in Pennsylvania, a result of mining and heavy industry. We do not need to risk the remaining high quality waters that we do have.

The new proposed antidegradation regulations should not be adopted unless they at least meet the federal standards, which the new proposals do not.

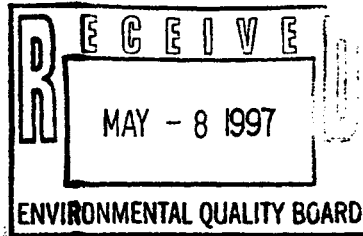
This is in reference to revisions to PA Code Chapters 92, 93, and 95 published on January 21, 1997.

We need to protect our waters to the fullest extent possible.

Sincerely,

A handwritten signature in cursive script that reads "Richard Tate".

Richard Tate
715 West Third Street
Williamsburg, PA 16693



5/6/97

Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92, 93,
and 95 published on January 21, 1997)

Dear Mr. Seif:

I am writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under the current regulations promulgated for Pennsylvania by the U.S. Environmental Protection Agency and does not ensure that this state's highest quality waters will not be degraded.

As a member of Trout Unlimited, I am acutely aware of the ecological damage that can be done by any degradation of water quality. Pennsylvania is home to many outstanding trout streams that attract anglers from all over the world. These waters and their fisheries are threatened from a variety of sources, including coal mining and its after effects, increased development, polluted run-off, and industrial pollution. These sources are so pervasive and diverse that unless we make protecting high water quality a top priority, we will lose it.

I understand that Pennsylvania Trout is submitting comments on the regulations pointing out their specific shortcomings. The regulations should not be adopted unless all of the problems pointed out in those comments are fixed. The existing regulation is vastly preferable to the new proposal as it is now written.

Sincerely,

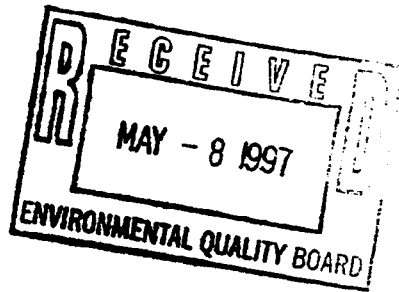
A handwritten signature in cursive script, appearing to read "Robb Platz".

ROBB PLATZ
1819 SWEETBRIAR RD
CITTSVILLE, PA. 18942
215-795-2346

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

57 MAY 27 21 06 PM

RECEIVED



Russell Heeter
P.O. Box 201
Sligo, PA 16255

May 5, 1997

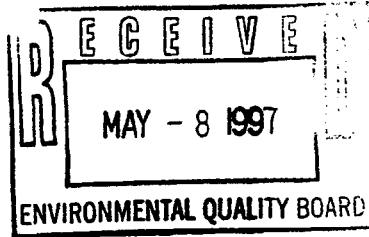
Dear Sir,

I'm against the allowance of NPDES permits on our high quality streams. We have too much pollution now and you want to allow more.

Please reject these NPDES permits as proposed in the 3/22/97 Penna Bulletin.

Thank you,
Russ Heeter

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)



Dr. Susan C. Knasko
201 S. 18th Street
Apt 510
Philadelphia, PA 19103

May 5, 1997

Mr. James Seif
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: Proposed Antidegradation Regulations

Dear Mr. Seif:

I am completely opposed to the proposal. This proposal will make it harder for streams to get protection as high quality and will allow the redesignation of streams to lower categories that offer less protection. There is no way for seeps, springs, and wetlands to get protection in this proposal.

If a stream is lucky enough to be High Quality according to your proposal, the protection is weak and contrary to the current state and the Federal regulation. Why are you weakening protection?

For all the rhetoric about DEP working with watershed groups, it is dismaying to see DEP undercut their efforts with this polluter-friendly proposal.

I would suggest, therefore, that you withdraw the entire package and rewrite it so that it protects the environment, and gives the public the protection as outlined in the Clean Water Act. In the alternative, keep the regulations now in place.

Sincerely,

Susan C. Knasko
Susan C. Knasko, Ph.D.

MAY 6, 1997

Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

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COPIES: NONE
(PER JHJ)

MAY 27 11 01 AM '97

RECEIVED

Re: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92, 93, and 95 published on January 21, 1997)

Dear Mr. Seif:

I am writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under the current regulations promulgated for Pennsylvania by the U.S. Environmental Protection Agency and does not ensure that this state's highest quality waters will not be degraded.

As a member of Trout Unlimited, I am acutely aware of the ecological damage that can be done by any degradation of water quality. Pennsylvania is home to many outstanding trout streams that attract anglers from all over the world. These waters and their fisheries are threatened from a variety of sources, including coal mining and its after effects, increased development, polluted run-off, and industrial pollution. These sources are so pervasive and diverse that unless we make protecting high water quality a top priority, we will lose it.

I understand that Pennsylvania Trout is submitting comments on the regulations pointing out their specific shortcomings. The regulations should not be adopted unless all of the problems pointed out in those comments are fixed. The existing regulation is vastly preferable to the new proposal as it is now written.

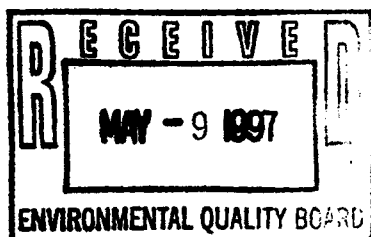
Sincerely,

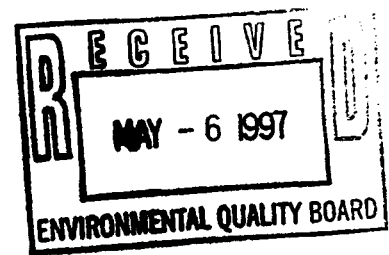
Allan W. Lilita

ALLAN W. LILITA
R.D.#3, BOX 250C
DuBois, PA.

15801-8834

(814) 371-5830





57 MAY 21 11 09 AM '97

ORIGINAL: #1799
COPIES: NONE
(PER CAT)

INTEROFFICE MEMORANDUM

Date: 06-May-1997 01:49pm EST
From: Barry Hannigan
hannigan@bucknell.edu@PMDf@DER
Dept:
Tel No:

TO: RegComments (RegComments@a1.dep.state.pa.us@PMDf@

CC: Iszeptycki (Iszeptycki@tu.org@PMDf@DER003)

Subject: - no subject (01IIJX86FYSY90Q8IS) -

RE: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92,93,and 95 published on Jan. 21, 1997)

I am writing to oppose the new regulations. This change would weaken the protections that now exist for Pennsylvania by the E.P.A. and would not ensure any real protection for our highest quality waters.

Pennsylvania, of all states, has a history of abusing our watersheds. Any one who drives through the coal region and looks at the yellow streams (made that way in the 1800s!) can see that protection is vital to our own interests.

Pennsylvania draws millions of dollars from tourists who come to fish, camp, hike and hunt in our watersheds. I personally see the dozens of cars with license plates from other states parked along streams like Penns Creek and Fishing Creek. We need to do everything possible to protect the quality of these and other streams in order to safeguard this industry! There are so many threats to these streams with the continuing intense development in the state that if we do not do our utmost to protect them, they will certainly be lost.

I understand that Trout Unlimited is commenting on the regulations and pointing out their specific problems. You should not adopt anything if it means a weakening of what we already have--and the new proposal is completely unacceptable for this reason.

Thank you,

Barry Hannigan
349 N. 4th St.
Lewisburg, PA 17837

411 Woodcrest Road
Strafford, PA 19087-5444

May 6, 1997

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

97 MAY 27 AM 8:11

Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

Subject: Pennsylvania Anti-Degradation Regulations – 25 PA CODE Chapters 92, 93, and 95 – January 21, 1997

Dear Mr. Seif,

I am writing to express my opposition to the new anti-degradation regulations proposed by the Pennsylvania Department of Environmental Protection (PA DEP). These regulations do not meet the minimum standard required under the federal Clean Water Act. They weaken the protections afforded by the current rules and do nothing to ensure that Pennsylvania's rivers and streams are protected at the same or a higher level.

As an avid outdoorsman and a member of Trout Unlimited, I am very concerned that this set of regulations will destroy the years of volunteer effort that thousands of Pennsylvanians have invested in the improvement of our environment. I will not comment at length on the specifics of the proposed regulations since Pennsylvania Trout is making a detailed submission.

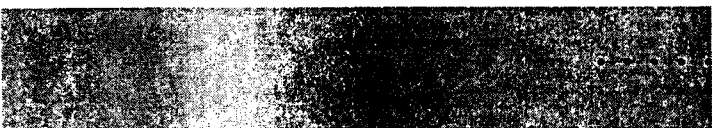
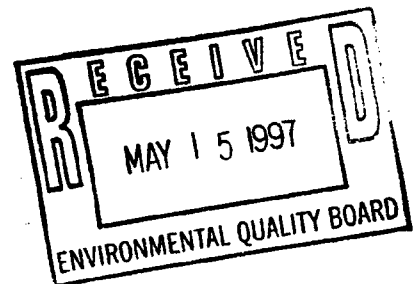
The EQB and the PA DEP should be promulgating regulations that protect and improve the condition of the Pennsylvania environment. When the Ridge Administration took office, I was hopeful that the stakeholder approach in DEP would result in a more sensible and flexible approach towards the achievement of these environmental goals. If these regulations are promulgated, the clear loser will be the environment and those who care about protecting and enhancing it.

Sincerely,



Bruce L. Beavis

Copy: Karl Heine, President – Valley Forge Trout Unlimited



Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

37 MAY 21 10 5:16
MAIL ROOM

Re: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92, 93,
and 95 published on January 21, 1997

Dear Mr. Seif:

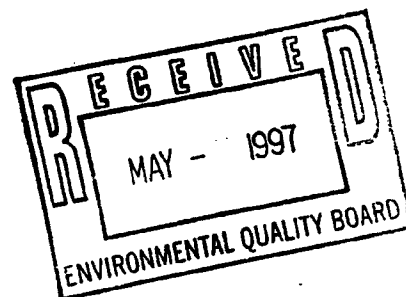
I am writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under the current regulations promulgated for Pennsylvania by the U.S. Environmental Protection Agency and does not ensure that this state's highest quality waters will not be degraded.

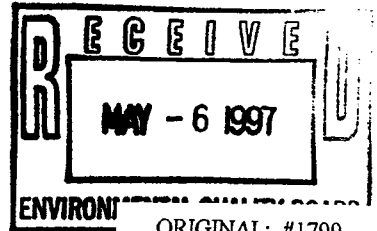
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I understand that Pennsylvania Trout is submitting comments on the regulations pointing out their specific shortcomings. The regulations should not be adopted unless all of the problems pointed out in those comments are fixed. The existing regulation is vastly preferable to the new proposal as it is now written.

Sincerely,

Charles M. Seif
5/6/97





ORIGINAL: #1799
COPIES: NONE
(PER CAT)

INTEROFFICE MEMORANDUM

Date: 06-May-1997 01:47pm EST
From: Edward Sowinski
easowinski@worldnet.att.net@PM
Dept:
Tel No:

TO: RegComments (RegComments@A1.dep.state.pa.us@PMDf@

Subject: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92,

May 6, 1997

Edward A. Sowinski
659 McCully Street
Pittsburgh, PA 15243
email: easowinski@worldnett.att.net

Mr. James Seif
Chairman
Environmental Quality Board
16th Floor, Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477
email: RegComments@A1.dep.state.pa.us

RE: Proposed Antidegradation Regulations (Revisions to PA Code Chapters 92,93, and 95 published on January 21,1997)

Dear Mr. Seif:

I am a concerned taxpayer writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under the current regulations promulgated for Pennsylvania by the US EPA and does not ensure that this state's highest quality waters will not be degraded.

As a member of Trout Unlimited, I am aware of the damage that can be done by a degradation of water quality. Pennsylvania has some of the finest trout fishing streams in the nation. These streams are under constant threat from coal mines, increased development, and pollution. Let's try to maintain the high quality of these waterways for everyone to enjoy in the future.

I understand PA trout is submitting comments pointing out the specific problems of the proposed regulations. I feel the regulations should not be adopted unless all of these problems are corrected. The existing regulations are vastly preferable to the new proposal as it is now written.

Sincerely,

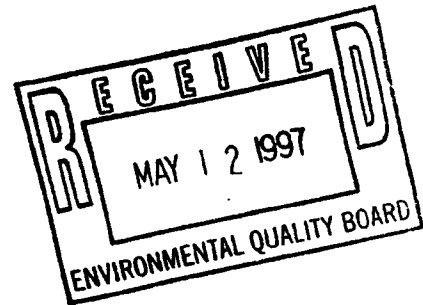
Edward Sowinski



May 6, 1997

Jack F. C. Lee
P.O. Box 236
Ludlow, PA 16333

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
re: Clean Water Act



Dear Sir,

We want antidegradation regulations as strong or stronger than the present federal regulations. We want to protect and improve the quality & quantity of our water.

Our state government is spending hundreds of thousands of dollars yearly to improve our three major watersheds starting at their headwaters — where I happen to live — and working downstream. Downstream past Pittsburgh where I lived over thirty years & watched the steel mills slowly choke the life out of three rivers before they choked themselves to death. Ever taste Allegheny County's water? Not so good!

With the Clean Water Act the rivers are coming back to life and, yes, the water tastes slightly better. Allegheny County bowed to Big Business and what did they get — businesses finally had to shape up or leave. Today Pittsburgh is highly recommended as a place to live & raise a family. The air & water are clean, but requires protection to maintain & improve.

Our small community of 200 families recently spent over

a million dollars to have a sewage treatment plant instead of
septic tanks. This to clean up the trout streams & springs where
we get our water supplies. We at the headwaters. Do
you want us to let down our regulations and start
polluting your water just a little. No, I guess not. So
please don't let others start!

Thank you,
Jack F. C. Lee

Date *MAY 6, 1997*

07 MAY 27 08 04 AM '97
Edward R. Brezina
Bureau of Watershed Conservation
P.O. Box 8555
Harrisburg, PA 171055-8555

RE: Proposed Antidegradation Regulations

Dear Mr. Brezina:

I am completely opposed to your gutting everything that is good about the current antidegradation regulations and replacing them with weaker laws that will not protect our streams. These new regs will not protect existing uses, will make it harder for streams to get protection as high quality and exceptional value streams, and worst of all, will allow the redesignation of existing streams to lower categories that offer less protection.

The few good elements of your proposed scheme cannot be separated from the overall bad language. I would suggest, therefore, that you withdraw the entire package and rewrite it so that it protects the environment. In the alternative, keep the regulations now in place.

In addition, these proposed regulations do not meet minimum federal requirements, and you know that they do not. You were hired to protect the environment, so please do your job and stop wasting taxpayer money by refusing to comply with the law.

Sincerely,

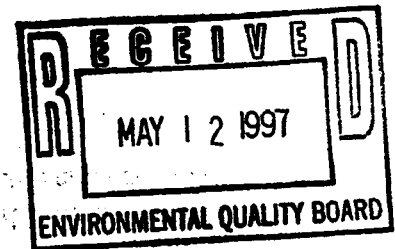


Name:

JOHN E. ENGELBERGER, PE
32 S. Lafayette Avenue
MORRISVILLE, PA 19067
(215) 295-0557

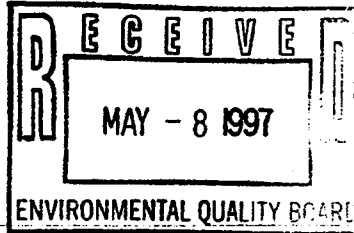
Address:

cc: Michael McCabe,
EPA Regional Administrator
841 Chestnut Building
Philadelphia, PA 19107



RECEIVED PA DEP
DIV OF WQ ASSESS & STDS
67 MAY -9 AM 10:33

STAFF 27 PA 35



May 6, 1997

To Whom it May Concern:

I am against any legislation that would further pollute our water sources or eliminate streams from qualifying for string protection.

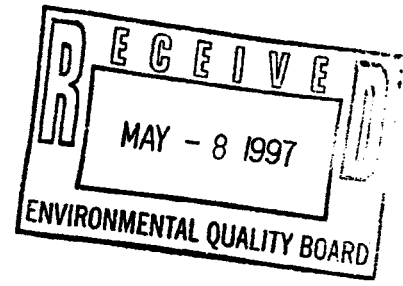
We need to improve our water quality not degrade it.

Yours truly,
Judy M. Snyder
720 N. Muhlenberg St.
Allentown, PA 18104

97 MAY 27 10 14:35

MAIL ROOM
HARRISBURG, PENNSYLVANIA

Louis J. Lekus
127 Drummers Lane
Wayne, Pennsylvania, 19087-1520
Home Phone: (610) 293-0391
FAX: (610) 293-0391
Email: loulekus@bellatlantic.net



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

May 06, 1997

Environmental Quality Board
Department of Environmental Protection
P.O.Box 8465
Harrisburg, Pennsylvania 17105

Subject: PA Water Quality Regulations-New Proposal

Dear EQB:

As a concerned citizen and tax payer who places a high priority on maintaining and improving our Pennsylvania environment, I am deeply Disturbed by efforts within your organization to weaken Pennsylvania's water quality regulations. It appears that several changes proposed by DEP are designed to weaken, rather than strengthen, our state's water quality.

I strongly believe that DEP is heading in the wrong direction and should refrain from loosening regulations in a manner which are certain to degrade our streams and watersheds. Please reconsider these proposed regulation changes and point DEP in the direction of upgrading our state's water quality and providing additional safeguards to High Quality and Exceptional Value streams.

Sincerely,

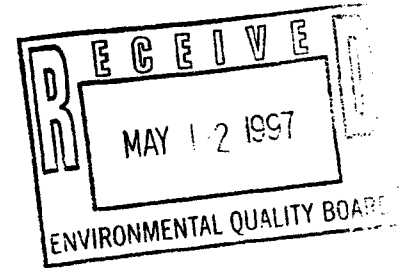
Louis J. Lekus
Louis J. Lekus

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Marguerite de V. Gould
817 Spruce Avenue
West Chester, Pennsylvania 19382-5412

May 6, 1997

Environmental Quality Board (EQB)
Department of Environmental Protection
P.O. Box 8465
Harrisburg, PA 17105



Reference: Penna. D.E.P.'s Water Quality Anti-Degradation Proposal

Dear Sirs:

We are very concerned about the Pennsylvania Department of Environmental Protection's proposal to lower the water quality standards when the Federal Clean Water Act requires states to protect waterways from further degradation. The DEP's proposal, as we understand it, would allow additional discharges into our cleanest streams and would eliminate many streams from qualifying for strong protection. We feel this is a foolish and backward proposal which will potentially jeopardize future environmental conditions for our children.

We strongly urge you to reject the DEP's current water quality anti-degradation proposal.

Rather, we urge you to adopt the far simpler and better water quality standards proposed by the Federal EPA.

We would appreciate your reply to this letter explaining how you intend to vote on this issue and what steps you will pursue to ensure that the water quality in this state is not only preserved, but improved for the sake of our children and all of our futures.

Sincerely,

A handwritten signature in cursive script that reads "Marguerite Gould".

Marguerite de V. Gould