

5/6/97

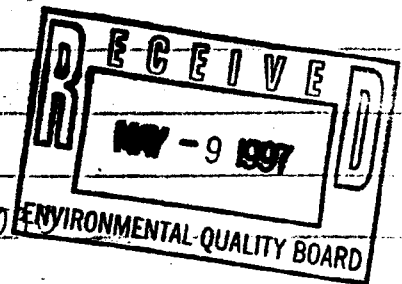
STANDARD MAIL PERMIT NO. 1000
WASHINGTON, DC 20501

To The E.Q.B.

Please reject the D.E.P. anti-
degradation proposal! We can
not let our waters get any
poorer. We mustn't go the way of
other countries. Making it easier
for businesses and polluters now
will not help things in the
future - or for our children.

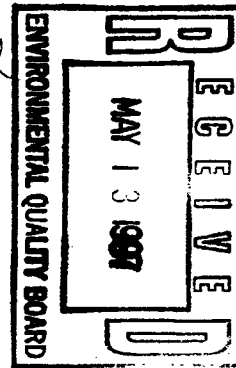
A PA Taxpayer,

Maureen B. Payne
3140 Woodland Rd
Willow Grove PA 19080



7500 Roseway Rd.
Pittsburgh, PA 15221
May 6, 1997

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

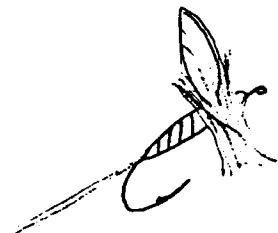


Dear Sir or Madam:

We need standards that protect our waterways from any more degradation. I do not want the DEP to lower water quality standards.

Sincerely,

Mary L. Pretz-Lassen
Mary L. Pretz-Lassen



Mark A. Sturtevant
Outdoor Writer
2878 Fillmore Drive
Chambersburg, Pennsylvania 17201
(717)263-7811 (717)267-0897

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

May 6, 1997

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 pursuant to the public comment period on the above referenced changes proposed to the antidegradation regulations. The regulations proposed by DEP are vastly inferior to those already in effect. Pennsylvania Trout has offered specific comments on the problems with DEP's proposal.

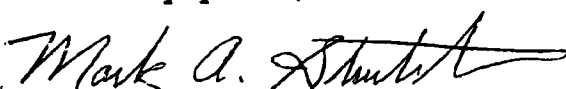
The DEP proposal weakens protections on our most precious resources, the clean waters of the Commonwealth. They would allow degradation of High Quality (HQ) streams and our most precious Exceptional Value (EV) watersheds. That the existing regulations are not strong enough is witnessed by the travesty taking place on Elk and Pine Creeks in Penns Valley.

DEP is allowing mining degradation to these EV streams under the current regulations, and they now propose to weaken those regulations even further. We who love the clean wild waters of Pennsylvania beseech you to stop this madness and complete disregard for the public trust in the name of economic gains for a few.

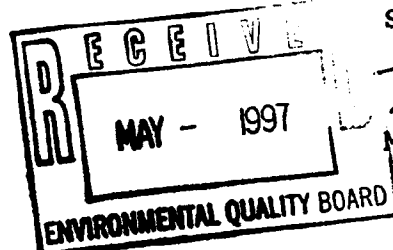
Pennsylvania's numerous world class trout waters attract thousands upon thousands of visiting anglers every year. Their positive economic impact on Pennsylvania communities is tremendous. Preservation and enhancement of these watersheds is the greater good for the citizens of the Commonwealth, naturally, environmentally, socially and economically.

Please maintain the existing antidegradation regulations and send DEP back to the drawing board to promulgate new regulations which will better protect our priceless waterways. Insist that they carry out their responsibilities to the citizens of Pennsylvania by protecting our natural resources from all degradation.

Sincerely yours,


Mark A. Sturtevant

cc: Public Opinion



97 MAY 27 AM 8:55

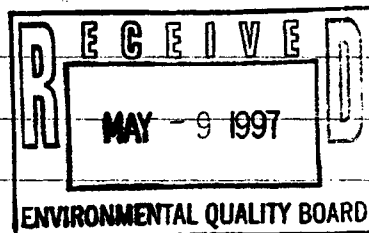
May 6, 1997

EQB.

MEMORANDUM FOR THE
MEMBER OF THE BOARD

I am writing to let you know that we need standards that protect our waterway from any more degradation! Please reject the OBP's current anti-degradation proposal. Adopt the simpler, better standards of the EPA.

Sincerely,
Rinaldo Colón



ORIGINAL: #1799
COPIES: NONE
(PER CAT)

971.12.11.15

INTEROFFICE MEMORANDUM

Date: 06-May-1997 07:05am EST
From: Robert Sloboda
rsloboda@Elliott-Turbo.com@PMD
Dept:
Tel No:

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

Subject: Proposed Antidegradation Regulations (PA Code Chapters 92,93, and 95)

Mr. James Seif
Chairman, Environmental Quality Board

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

Dear Mr. Seif:

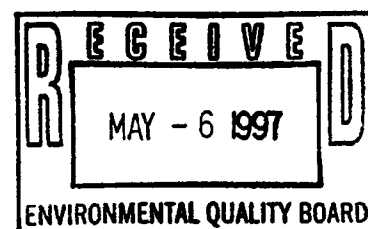
I am writing to express my opposition to the proposed new antidegradation regulations for Pennsylvania. The proposal weakens the protections that exist under current regulations promulgated for Pennsylvania by the U.S. Environmental Protection Agency and does not ensure that this state's highest quality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

Robert J. Sloboda
411 McCabe Drive
Greensburg, PA. 15601
412-834-4930



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Date 5/6/97

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.

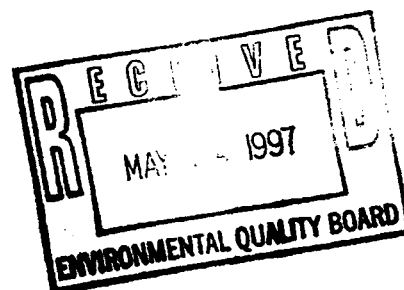
Sincerely,



Name:

Address:

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



97 MAY 13 AM 10:13
RECEIVED PA DEP
DIV OF WQ ASSESS & STDS

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

97 MAY 27 11 01 AM '97

The PA Environmental Water Quality Board
Department of Environmental Protection
PO Box 8465
Harrisburg, PA 17105

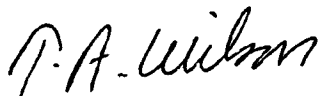
May 6, 1997

Dear Madam or Sir,

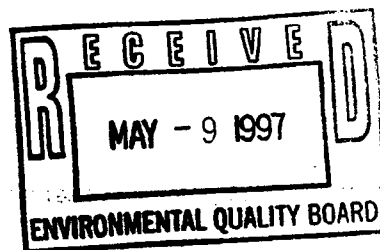
It has been brought to my attention that your organization is proposing new regulations that will lower the state's current water quality standards by permitting additional discharges into the streams and rivers. My initial reaction is that the existing standards may not be strict enough and that lax enforcement is the more serious concern to the next generations.

I must know more about your proposed changes in order to make a reasonably informed judgment. I request a response from you about the proposed changes, the reasons behind the initiation of the changes, and the justification thereof.

Yours truly,



Thomas A. Wilson
10595 Crest Road
Wexford, PA 15090-9445

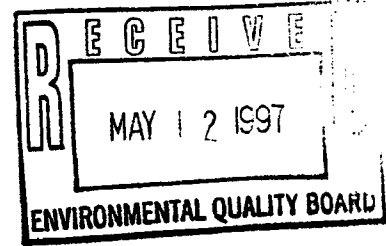


William H. M. Gould
817 Spruce Avenue
West Chester, Pennsylvania 19382-5412

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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 black ink that reads "William Gould". The signature is fluid and cursive, with the first name "William" and last name "Gould" clearly distinguishable.

William Gould

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

401 Cornell Ave
Swarthmore
PA 19081

May 7, 1997

Environmental Quality Board
PO Box 8465
Harrisburg
PA 17105

To Whom It May Concern:

I am writing to express my deep concern regarding the possible weakening of regulations controlling the discharge of industrial waste into our local rivers and streams. As a scientist who deals with water quality on a daily basis, I find it deeply disturbing that there is consideration of lowering standards. It is crucial to continue to move forward, not backward, when dealing with pollution issues. I urge you not to support any legislative changes that would negatively impact on our natural resources. I ask you to respond to my concerns at the above address and thank you in advance for your consideration.

Sincerely



Bette Seamonds Nadler





CLEAN WATER ACTION

97 MAY 15 11 05 16

PROPOSED ANTI-DEGRADATION REGULATIONS
TESTIMONY OF SUSAN GOBRESKI, ORGANIZER
MAY 7, 1997

ORIGINAL: #1799
COPIES: STAND. DIST.
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

My name is Susan Gobreski, and I represent Clean Water Action, a non-profit environmental group with over 80,000 members in Pennsylvania. On behalf of our members, we are here today to oppose the adoption of the proposed anti-degradation regulations.

The Pennsylvania Department of Environmental Protection has proposed these new regulations for the stated purpose of preventing degradation of our waterways, as mandated by the Clean Water Act. However, these regulations do not accomplish this goal, and do not protect Pennsylvania waterways from any further degradation. Indeed, these rules are, in many ways, less protective than the EPA rules currently in place, and in some ways are weaker than the previous DEP regulations that were overturned by the courts.

We urge the EQB to reject this current proposal and to direct the DEP to prepare new regulations that carry out the anti-degradation requirements of the Clean Water Act.

We are concerned about the following provisions in the proposed regulations:

- Exceptional Value and High Quality classification should not be removed from being defined as protected "uses". This will remove EPA oversight on the redesignation of streams. We oppose making it easier to downgrade a stream classification, without a system of checks and balances. Exceptional Value and High Quality streams should have the most stringent protection, and these classifications should remain protected uses.

•Exceptional Value:

Clean Water Action recognizes that the DEP's old Exceptional Value category was broader than the federal Tier III category. However, we believe that the proposed new regulations have diminished this category, reducing the number of waterways which will qualify for Exception Value status. We urge the DEP to return to its prior standards for classifying streams as Exceptional Value, while also adopting EPA's "No New Discharges" language as the level of protection for EV waters.

Clean Water Action opposes the new proposal for Exceptional Value qualification. In order for a stream to qualify as Exceptional Value, it would have to pass both a chemical and a biological test with high scores. Other factors that the DEP has used in the past apparently will not affect a stream classification; endangered species, ecological features, inclusion in public lands, state forests or parks will not be considered in granting EV status. Streams like Valley Creek that were given EV status in part due to its wild brown trout population and its flow through a national park and other public lands could well lose their EV status under the new proposed regulations.

The new proposal will also allow new and increased discharges into Exceptional Value streams. This does not mandate the level of protection that our best streams should receive. Quite simply, new discharges or increased discharges should not be allowed. The proposed rhetoric of "no measurable change" is not good enough, and could allow increased levels of chemicals like dioxin,

37 North 8th Street, Allentown, PA 18101 ■ (215) 434-9223 ■ FAX (215) 434-5790
1128 Walnut Street, Suite 300, Philadelphia, PA 19107 ■ (215) 629-4022 ■ FAX (215) 629-3973
607 Penn Avenue, Suite 212, Pittsburgh, PA 15222 ■ (412) 765-3053 ■ FAX (412) 765-1737
1320 18th Street NW, Suite 300, Washington, DC 20036-1811 ■ (202) 457-1286 ■ FAX (202) 457-0287

♻️ RECYCLED PAPER



where even small discharges can have a serious impact on stream life.

The net result of DEP's proposal is that fewer streams will qualify for EV status, and those that do qualify will not receive sufficient protection. This is unacceptable. EV criteria must return to the previous level, and EV streams must be protected against additional discharges.

- High Quality:

The proposed regulations call for a stream to pass both a biological and a chemical test in order for it to qualify as High Quality. This is more difficult than DEP's previous rule requiring passage of either test and this means that fewer streams will qualify for this level of protection. We urge the EQB to retain the current standard which qualifies streams for High Quality based on passing either a chemical or a biological test.

Clean Water Action opposes allowing general NPDES permits in either EV or HQ watersheds. General permits allow for degradation without the proper safeguards. This should be rejected. Similarly we oppose allowing degradation of up to 25% of an HQ stream's assimilative capacity. This does not protect the water from further degradation. Any proposed discharger into a High Quality stream must meet all the High Quality requirements, including the alternatives assessment, social/economic justification, and using the best available technology.

Existing Uses:

We oppose the language conditioning protection of existing uses on "Department evaluation of technical data". The protection must be unconditional, and the DEP should use the exact language in the EPA regulations that says that existing uses shall be maintained and protected. Any review of technical data should not delay protection of existing uses, but could occur once temporary protection has been put in place.

We urge the EQB to reject these proposed regulations. They do not protect Pennsylvania's waterways from degradation and do not meet the requirements of the Clean Water Act. We urge you to direct the DEP to develop new regulations that incorporate the standards that the EPA has put in place, while adding the broader EV category in the previous DEP regulations and handbook.

Approximately 40% of Pennsylvania's stream miles are still not meeting the Clean Water Act's standards of being fishable and swimmable. We can't afford to lower our water quality regulations and allow degradation of these waterways which do not meet this standard. This would mean that things will get worse, not better. Rather, we must strengthen and improve our protections to bring all of our waterways up to the goals of the Clean Water Act, a law that is as relevant today as it was twenty-five years ago when it was enacted. Thank you.



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

Environmental Quality Board

May 7, 1997

ORIGINAL: #1799
COPIES: NONE
(PER CAT)

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. Mary Agnes Bushner
2. Mr. Dennis W. McCune
3. Mr. Theo F. Lumia
4. Mr. Len Lichvar, Mountain Laurel Trout Unlimited
5. Mr. David Head
6. Ms. Tracy Keller
7. Phila Back, Friends of the Saucony Marsh
8. Ms. Mary L. Kane
9. Alan S. Peterson, M.D.

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

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

Mr. Craig Cheselske
RD1 Box 95C
Markleysburg, PA, 15459
May 7, 1997

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

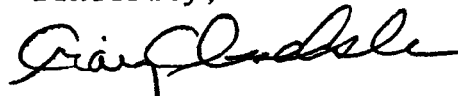
Dear Mr. Seif:

I am writing in reference to the antidegradation regulations proposed in the March 22, 1997 Pennsylvania Bulletin. The DEP proposes to end HQ and EV as "protected water uses". I am very much against this change.

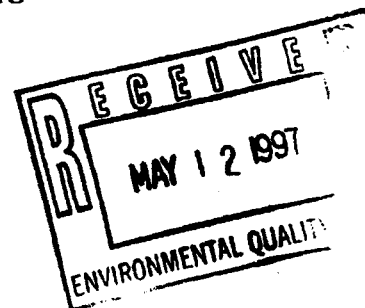
Here in southwestern PA, we have long suffered from stream degradation due to poor mining, logging, and other practices. A growing regional population presents other challenges. It is imperative that you assist us in our efforts to preserve what remains.

In this light, I would like to invite you to meet with a group of citizens and organizations interested in the Youghiogheny River, its watershed and importance to the quality of life in southwestern Pennsylvania. We welcome your support.

Sincerely,



Craig Cheselske



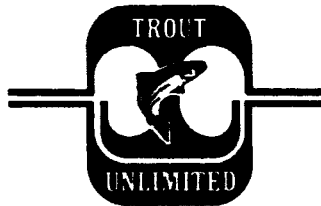
Youghiogheny River Symposium



Chestnut Ridge Chapter, Trout Unlimited
Penn State University, Fayette Campus
June 6, 1997

Objectives Of Symposium: To assemble individuals and representatives of groups, organizations, agencies and municipalities with an interest in the Youghiogheny River in one location to provide a forum for communication about issues affecting the river, our river communities and their future. Specifically, symposium goals are:

1. To raise community and regional awareness of the value of the Youghiogheny River as a natural resource and as a tourism asset.
2. To initiate a planning process designed to minimize conflicts among diverse uses of the river and its resources.
3. To identify common goals and objectives of various groups and individuals so that the symposium might serve as a catalyst toward greater cooperation in promoting and protecting the river resource.
4. To review efforts already underway to improve the water quality of the river and its watershed.
5. To communicate to state and federal natural resource management agencies, and political leaders that there exists a high level of local interest in the Youghiogheny River, and that local people are willing to commit time and energy to the river's future.



A COUNCIL OF TROUT UNLIMITED

Audience: Municipal leaders, river recreation groups, conservation groups, sportsmen, government agency personnel, industry groups, tourism interests and any other persons interested in the Youghiogheny River and its watershed.

For more information: Contact CRTU President Craig Cheselske, (412) 329-4898, Youghiogheny Symposium Co-Chairmen; Tom Shetterly, (412) 736-2549 or Ben Moyer, (412) 329-5772.

97 MAY 27 10:09 AM

RECEIVED

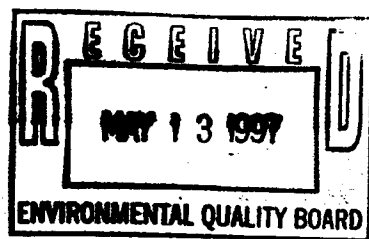
May 7, 1997

Dear Sir:

I would appreciate if you would
reject the DEP's current anti-degradation
proposal lowering our clean water standards.
Please adopt the simpler, better
standards of the EPA.

Do right by our people and our state.

David Page
Swanton



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)



Ms. Dorothy Moniger
8831 Lincoln Blvd
Pittsburgh PA 15237-4486

The Humane Society of the United States

May 7 - 1997

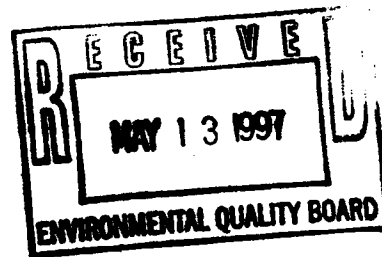
Dear EQB:

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

Please adopt simpler
better standards of the EPA.

May I please have your
reply.

Thank you,
Dorothy S. Moniger



May 7, 1997

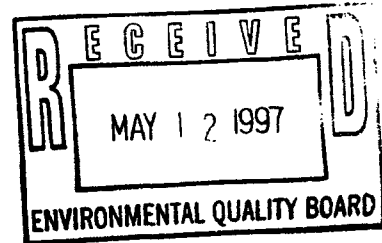
Dear EQB ,

I am writing to stress that you please reject the DEP's current anti-degradation proposal. This proposal would let many sorts of discharges into our streams. This would disqualify many streams from strong protection.

Sincerely,



Jennifer K. Hall



6

**COMMENTS OF THE PENNSYLVANIA ENVIRONMENTAL DEFENSE
FOUNDATION ON DEPARTMENT OF ENVIRONMENTAL PROTECTION
ANTIDEGRADATION REGULATION AMENDMENTS
FOR HEARING ON MAY 7, 1997**

ORIGINAL: #1799
COPIES: STAND. DIST.
TYRRELL
JEWETT
SANDUSKY
WYATTE
BERESCHAK

*John E. Childe, Attorney
970 Amber Drive
Hummelstown, PA 17036*

I will begin with a general overview of the purpose of our Special Protection Regulations which are the subject of the proposed amendments. The purpose for Special Protection Regulations is obviously to provide protection for water quality of our high quality streams. The goal of the special protection is to keep the high quality of the water of these streams at the level that they are, and not degrade that quality to the point where the stream is simply able to maintain the uses of the stream.

The anti-degradation portion of the Special Protection Regulations, which is presently in Chapter 95, 1(b) of the Department's Regulations, states that the Department must maintain the higher water quality of these waters by not allowing new or expanded discharges into these waters, unless the applicant can establish three things:

1. The applicant for the proposed discharge must prove that there is no alternative but to have the stream discharge.
2. The applicant must prove that the project that is driving the new discharge is necessary, and the necessity must be of significant public value.
3. The applicant must prove that the discharge will not lower the water quality below that necessary to protect the uses in the stream.

Protection of that higher quality of water is for the benefit of the public, for all the citizens of the Commonwealth to enjoy. It is not a privilege, it is a right. It is mandated both by the Pennsylvania Clean Streams Law, the Federal Clean Water Act, and Pennsylvania's Environmental Amendment to our Constitution, Article I, Section 27. To justify taking that benefit away by lowering the water quality must require that whatever generates that change is necessary and provides a significant value to the public.

The Department is proposing to change this antidegradation Regulation by no longer requiring that the project be necessary, but merely important; and to allow for exceptions for certain new or increased discharges so that these dischargers do not have to offer any proof of importance or necessity. The existing regulation is worded as follows:

- (1) The proposed new, additional or increased discharge or discharges of pollutants is justified as a result of necessary economic or social development with is of significant public value.”

The proposed changes to this regulation is worded as follows:

“The proposed discharge is ‘necessary to accommodate important economic or social development in the area which the surface water is located and will result in economic or social benefits to the public which outweigh any water quality degradation which the proposed discharge is expected to cause.’”

The new wording can provide that any new development in the area which would add any taxes to the area would justify a proposed project. The proposed balancing test, that the economic or social benefit must outweigh any water quality degradation which the proposed discharge is expected to cause, will allow a minimal change in water quality degradation to justify a project. This is not the meaning of antidegradation. The quality of the water must be maintained or improved. We cannot justify degradation simply because it is minimal by comparison to a cost benefit to the project. The project must be necessary and of significant public value, even though the degradation could be considered minimal. The Clean Water Act, the Clean Streams Law and Pennsylvania’s Constitution do not ask us to preserve pure water unless we get some economic benefit by degrading that water.

Article 1, Section 27 of the Commonwealth of Pennsylvania’s Constitution states:

“The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations to come.”

You, the members of the Environmental Quality Board, as the policy makers for the Department, are as well, the trustees for the people of our State; you are mandated to apply the environmental protection guaranteed by our Constitutional Amendment, to ensure that pure water is maintained. You must demand exacting proof by the Department that the proposed change is justified under Article 1, Section 27 of Pennsylvania’s Constitution.

The Department is also proposing two new exceptions to the requirement to justify a new or increased discharge prior to allowing the discharge. The first exception is a general permit for industrial storm water discharges. This may seem innocuous, if it is only storm water, however, it is not. Many industrial storm water discharges contain pollutants that can be serious harm to our natural waters. The Foundation has had experience recently with the Pittsburgh Airport, which discharged deicing materials into the streams adjacent to the new airport premises. These discharges have caused fish kills and stream degradation since the airport was moved.

The permit requirements for a general permit have no specific parameters to be met in order to allow the discharge. The permit simply states that the discharger is not allowed to harm the

stream. The difficulties with this type of permit are obvious to those of you who have experience with regulatory processes.

The second exemption is for those proposed dischargers that prove that the new or increased discharge will not take up more than 25 percent of the assimilative capacity of the stream. What this exception does is to allow some degradation below the existing water quality, but not enough to take it below the arbitrary figure of 25 percent degradation. The problem with this exemption, is that it is arbitrary and difficult, if not impossible, to enforce. It will be a numbers game for engineers to play with. Degradation is guaranteed, but does not have to be justified.

Again, as members of the Environmental Quality Board, you are the Commonwealth's Trustees to guarantee pure water, and you have the duty to require the Department to prove the need for these exemptions.

The Department has repeatedly referenced in their publications of this proposed regulation change, that the basis for these changes is found in the regulatory negotiation process ("the reg-neg process"), the process that was entered into by the Department and the members of the "regulated community" and the "conservation community".

First, those of us who were part of the reg-neg process on the conservation side did not agree to allow our discussions to be submitted to the public in the form of proposed regulations. No final agreement was ever reached. All of us on the conservation side of the reg-neg process have specifically objected to the proposed provisions that are presently before you, even before the reg-neg process was finalized.

More important, regulations should not and cannot be based on compromises between the parties affected by those regulations. They must be driven by the statutes that they are based upon. Those proposed regulations go far beyond the purpose and intent of either the Pennsylvania Clean Streams Law or the Federal Clean Water Act. Nor are they in conformance with Pennsylvania's Constitution. I urge each and every one of you to compel the Department to prove with exact facts, figures and circumstances the reason for these changes to our regulations that will provide dischargers easy access to our high quality streams.

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

INTEROFFICE MEMORANDUM

Date: 07-May-1997 08:53am EST
From: GOVEMAIL
govemail@SMTPGATE.gois.state.p
Dept:
Tel No:

TO: hartman.shirley

(hartman.shirley@a1.dep.state.pa.us@P

Subject: DEP stream degradation

Code C- Due 5/21/97

Forward Header

Subject: DEP stream degradation
Author: John Nordberg <laurelmtwine@jane.penn.com> at SMTPGATE
Date: 5/6/97 12:00 PM

Gov Ridge,

Please do not allow our PA streams to be degraded. The DEP proposal may invite further damage to streams and drinking water by mining and garbage interests.

John Nordberg, DuBois, PA

MAY - 9 1997

Lawrence A. Swartzlander
422 Aggie Street
Hollidaysburg, PA 16648-9627

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

May 7, 1997

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

97110777 000008
MAY 12 1997

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

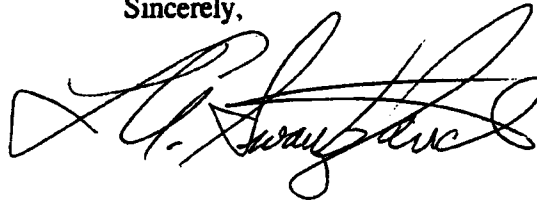
Dear Mr. Seif:

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.

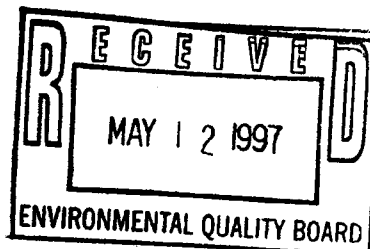
As a member of Trout Unlimited, I am acutely aware of the ecological damage that can be done by any degradation of water quality. Pennsylvania is home to many outstanding trout streams that attract anglers from all over the world. These waters and their fisheries are threatened from a variety of sources, 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,



Lawrence A. Swartzlander



**STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA
 BEFORE THE
 PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD
 ON PROPOSED AMENDMENTS TO 25 PA CODE CHAPTERS 92, 93 AND 95
 WATER QUALITY AMENDMENTS - ANTIDEGREDATION
 HARRISBURG, PA - MAY 7, 1997**

The proposed regulations we are discussing today have been prepared in order to address concerns which led to the US EPA disapproval, in June 1994, of portions of Pennsylvania's water quality protection program. In addition, the Department has attempted to use the public input and comment it has received through various avenues since the EPA disapproval to improve the program and address concerns specific to Pennsylvania.

Today I would like to discuss with you the public participation provisions in these regulations and the water quality program as a whole. Further comments may be submitted at a later date on other aspects of the proposed regulations.

The EPA June 1994 disapproval did not mention any concerns with the public participation portions of the Pennsylvania water quality program. The Department has, however, included some changes in those requirements in this regulatory package. The effort should be commended. But the changes made do not do enough to correct what we see as a major weakness in the state's water quality program.

For some years now, the League of Women Voters of Pennsylvania has urged the Department to improve public understanding of the state's water protection program. We believe, and have so stated in many public hearings and statements, that better public understanding of the program and a more open process would lead to improved public input on proposed projects and better decision-making by the Department. We also believe that opening the decision-making process at the municipal level would lead to better decisions and, we hope, less litigation involving the Department.

It is no secret to many of the Department staff who work in the water quality program that I have personal experience and involvement with the water quality program. I live and own property along a High Quality Cold Water Fisheries stream. This stream has been listed as degraded in several Department reports - degraded by activities that required, and received, Department permits. I am presently involved in litigation with the Department over its approval of an expansion of one of those activities.

I believe this experience has been very valuable to me in gaining a better understanding of how the water quality program really works and it has led to my firm conviction that a more open decision-making process, at both the municipal and Department level, would solve a lot of problems.

According to the PA Bulletin notice of March 22, 1997, the Board is seeking comment on the public participation provisions for EV waters. I would like to take this opportunity to comment on the provisions of section 93.4e which deal with public participation in High Quality and Exceptional Value Waters.

ORIGINAL: #1799
 COPIES: STAND. DIST.
 TYRRELL
 JEWETT
 SANDUSKY
 WYATTE
 BERESCHAK

The PA Bulletin notice, in summarizing section 93.4e, calls the requirements "early and often" and says they "expand the opportunities for public input to the antidegradation process." I must respectfully disagree.

This new section 93.4e provides:

- * a new requirement that the Department publish in the PA Bulletin and in a local newspaper its intent to assess surface waters for potential reclassification and also to notify all municipalities containing the waters to be assessed.
- * a statement that a proponent of a sewage facility in high quality or exceptional value waters must comply with the existing public participation requirements in Chapter 71.
- * a new requirement that an applicant for a permit to discharge to HQ and EV waters must publish a notice in a local newspaper, seek comment for a 30 day period and provide those comments and a response to the Department.
- * a new requirement that the Department hold a public hearing on any proposed discharge to EV waters.

The new requirements are all good ones. What is lacking are provisions that will force public input to be considered in the local, and the Department, decision-making processes.

Let's look at reality. How many times do we hear of angry meetings of residents affected by new sewer rates, rates that were set in motion by a planning decision made years before? Often this is the first time local residents become aware of how those decisions will affect them. They haven't been asked to be involved in the planning process and don't buy into the results. Their local officials may lose the political will to implement the plans they have made and the planning expenses they have incurred are all for naught.

Wouldn't it be better to involve everyone affected by those plans in the process? The people who will pay the bills, the people concerned about impacts to streams, the people who are promoting growth they believe is needed in the area, the people who believe infrastructure planning should be part of regional growth management plans?

I hope you find it hard to disagree with that ideal. The question we all have is how to make it happen. I do not have all the answers - or a magic wand, which might work even better - but here are some suggestions for improvements in the proposed regulations.

FIRST - Don't simply refer to the existing requirements of Chapter 71. Improve on them.

The existing requirement in Chapter 71 is found in section 71.31 and states that the municipality must submit evidence to the Department that "documents the publication of the proposed plan adoption action at least once in a newspaper..." The notice must contain a summary description of the planning area and major recommendations and provide for a 30-day public comment period.

This doesn't sound too bad - there is local public notice and opportunity for public comment.

But consider when this occurs -- after all the planning decisions have been made and thousands of dollars have been spent. And consider what information is provided - there's no information about the classification of the stream receiving a new or increased discharge, no information about what the social or economic justification is for this new or increased discharge (a requirement for a discharge to a High Quality stream), no information about where new sewer lines will be built or the cost to residents and property owners.

How can any public comment received so late in the game be of any value to the municipal planners or to the Department reviewers?

The public must be involved in all the decisions that make up a municipal Official Sewage Plan, and they can only be involved if the planning process is an open one. The planning requirements must include a requirement that broad public input is sought throughout the planning process.

The second time the public gets to hear about an Official Sewage Plan is when the Department publishes its decision in the PA Bulletin. No notice is given when the Department receives the Plan for review. In other words, there is no opportunity under the regulations for the Department to solicit or receive public comment.

The Department's notice about its decision doesn't even give the name of the receiving stream, let alone the classification of that stream.

The lawyers will tell us that the decisions regarding a discharge are permitting decisions and such matters as the social or economic justification for a discharge must be considered at the time a discharge permit is applied for. That is technically correct. The federal Clean Water Act drives the requirement for permits for discharges and social or economic justification for a discharge to a High Quality stream.

The reality is that decisions are made at the planning stage, decisions that will drive future permit decisions. The Department's practice is to require a social and economic benefits analysis in the Plan if a discharge to a High Quality stream is proposed. This makes it all the more important that the public be involved early in the decision-making process.

SECOND -Improve on the requirements for public notice and involvement in permitting decisions.

The new requirement is that an applicant for a discharge must publish a notice of the application in a local newspaper and provide a 30 day comment period. The notice must provide the name of the receiving water and its antidegradation classification.

This is a good addition. One local notice is minimal however, as it is very easy to miss a single notice. Most notice requirements call for two or more publications.

There is no change however, in the Department's public notice procedure (except that the receiving

waters' antidegradation classification must be included in their notice). The present practice contains a major flaw. The Department does not publish a notice that it has received an application. The first publication is after a "draft decision" has been made.

I think we all know how difficult it is to turn the ship around when a "draft decision" has been made. The Department needs to provide notice and solicit public comment when it first receives the application. It needs to hear concerns about what it has before it to review. Presently, it receives comments on its decision. That is much too late for any comment to be useful.

I can assure you that better decisions would be made and fewer lawyers will be involved if Department solicits input during its review of an application rather than after a decision is made.

THIRD - Improve public involvement requirements for the stream redesignation process.

This is another area of the regulations where politics and misunderstanding rule the decision-making process. The addition of public notice by the Department when it plans to assess surface waters for potential classification as High Quality or Exceptional Value waters is good. More importantly, the request for additional information about the waters to be assessed is excellent. This sounds like the Department plans to use information submitted by the public in its decision-making process.

However, the weak link in the petition process now is a lack of understanding about what these classifications mean and how they affect adjacent landowners. Both the Department and petitioners need to work to improve public understanding of the water quality program as a whole and the stream classification system in particular.

As I have observed, and participated in, the controversy about water quality protection in the northeastern Pennsylvania, one thing has become very clear. If the public understood, was involved in, and trusted the Department's decision-making process we would see fewer petitions for reclassification of streams, less controversy about petitions that are submitted, and probably cleaner streams.

I apologize for the length of this statement and the time I have taken today. I believe it was necessary however, in order to help you understand the weaknesses of the public participation program both as it is today and as it is added to in these regulations. And to make clear my firm conviction that an improved program will improve water quality protection in Pennsylvania.

A subcommittee of the Special Protection waters Reg-Neg group developed suggestions for improved public participation in the planning for and permitting of new discharges in Special Protection waters. Their report focuses on the need for early involvement in the planning process. A copy is attached. I urge you to consider those suggestions, in addition to the suggestions I have made today, in developing an improved process for public involvement in water quality protection in Pennsylvania.

Thank you for the opportunity to express these views.

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

To Special Protection Waters
Full Regulatory Negotiation Group

From: Jolene Chinchilli

Date: July 31, 1996

REPORT OF SEJ WORKGROUP

After reviewing available information on the current Special Protection Waters SEJ process and similar processes for other programs, and identifying the issues and concerns of the stakeholders about the current SEJ process, the SEJ workgroup determined that we would focus our discussions on public participation and decision criteria. The group agreed that many of the problems associated with the current SEJ process were related to the timing and adequacy of public participation and the perceived bias and interpretation of the decision criteria.

The workgroup addressed the following issues: Improved and expanded public participation, revision of decision criteria, sequence of alternatives analysis and SEJ determination and the language of the HQW definition related to SEJ.

RECOMMENDATIONS FOR PUBLIC PARTICIPATION

1. Act 537 (sewage facility) planning:

* During development of a 537 plan. Where a discharge to a High Quality Water is to be evaluated during the development of alternatives for wastewater management, a municipality shall provide public notice highlighting the HQ issue and soliciting public comment and participation in the planning process.

* When a municipality adopts a proposed plan. Public participation is currently required at this time under Section 71.31(b) & (c). The workgroup recommends that language be added to this section requiring that the municipality again highlight the HQ issue during the public participation process, demonstrate that it provided for informed public participation during the planning process and provide that comments on the proposed plan be submitted to DEP as well as the municipality.

* Prior to DEP approval of the plan. DEP has 120 days to act on a plan submitted by a municipality. There is currently no formal public participation at this point in the process. The workgroup recommends that public comment be solicited and considered by the DEP during this time.

* After DEP approval of the plan. Currently, DEP approval of 537 plans may be appealed to the Environmental Hearing Board. The workgroup recommends retaining this provision.

2. All permits:

* At permit application. The workgroup recommends that public participation be included at this stage and should include the following elements (similar to the mining program):

a) 4 newspaper notices (1/week for 4 weeks) provided by the applicant highlighting the fact that the permit proposes a discharge to a HQ water. The notice solicits comments and provides opportunity to request a public hearing.

b) application to be made available and updated by the applicant at an accessible public place in the area of the project.

c) DEP publishes notice of application in PA Bulletin.

d) DEP notifies by letter the appropriate parties including the following: municipality, water suppliers, planning agencies, PFBC, FWS, Historical and Museum Commission.

* At draft permit stage.

a) DEP's PA Bulletin notice should highlight that the discharge is to a HQ water and explicitly solicit input on antidegradation issues (alternatives, SEJ).

b) Add requirement for applicant to provide 2 newspaper notices (on consecutive weeks) stating that draft permit (including fact sheet and other information pertinent to antidegradation issues) is available at a locally accessible site.

c) DEP sends copy of notice to all who commented on permit application.

The workgroup recommends that these public participation requirements be in regulation.

RECOMMENDATIONS FOR SEJ REVIEW CRITERIA

The workgroup agreed that the "Social or Economic Benefits Analysis Checklist for Proposed Discharges to HQ Waters" found at A-7-2 of the current DEP Special Protection Waters Handbook is a good framework. It was also agreed that rather than providing a simple yes/no/NA response as in the current checklist, the applicant should provide more detailed narrative responses as well as documentation where appropriate. The group also agreed that the nature of the SEJ analysis will always be somewhat subjective, but there should be an explanation and record of the Department's analysis and decision for public review.

The revised checklist is attached to this report.

The workgroup recommends that a reference to the review criteria be in regulation, Chapter X.X, but that details be in policy.

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Leslie Brennan

222 Rutgers Avenue
Swarthmore PA 19081
610 543-2273

97 MAY 27 11 01 AM

OFFICE OF THE
SECRETARY

7 May, 1997

Environmental Quality Board
DEP
PO Box 8465
Harrisburg PA 17105

Dear EQB:

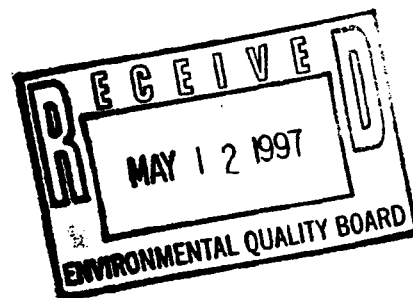
It has come to my attention that the Department of Environmental Protection has proposed new standards to comply with the Clean Water Act. I am concerned that the proposed new regulations do not protect our waterways from degradation, and I urge adoption of EPA standards instead.

I look forward to your reply.

Very truly yours,



Leslie Brennan



Letort Regional Authority
97 MAY Community Center, 414 Franklin Street Carlisle, PA 17103
Phone: (717) 245-0508

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

Comments Presented to the EQB May 7, 1997

Implementation of Antidegradation Requirements

Presented by: John R. Lake, Member-Middlesex Township, (717) 796-0590

The Letort Regional Authority

The Letort Regional Authority is a municipal authority created under the authority of the Municipality Authorities Act of 1945. Members include representatives appointed by the local governments in which the Letort Spring Run watershed is located, these include Cumberland County, the Borough of Carlisle, North Middleton Township, South Middleton Township, and Middlesex Township. The Authority is dedicated to working with other governmental bodies, community conservation and environmental institutions, adjacent landowners, and the general public to protect, preserve and ultimately return the Letort to as close to it's natural state as possible. For more information on the Authority please contact Mr. Brian L. Fischbach, Executive Director, at (717) 245-0508.

Comments on Proposed Amendments to Pennsylvania Water Quality Regulations to Meet the Antidegradation Standard Mandated Under Federal Clean Water Act (CWA)

The Letort Regional Authority is pleased to have this opportunity to address the Pennsylvania Environmental Quality Board and offer our suggestions on the proposed amendments to the Department of Environmental Protection (DEP) regulations as published in the Pennsylvania Bulletin on March 22, 1997. In principal the Authority supports the adoption of the federal regulations under title 40 CFR, Sec. 131.32 which took effect on January 8, 1997. We regret however that DEP was unable to propose regulations acceptable to the Agency prior to the federal regulations becoming effective, and that DEP has not implemented any significant changes in the process for issuing NPDES permits in response to the Antidegradation mandate.

DEP has proposed a number of changes to it's current regulations to satisfy EPA requirements and thus have the Agency withdraw 40 CFR, Sec. 131.32. We offer the following suggestions for changes to the proposed regulations with the intent of ensuring that at the very least the proposed regulations will provide the minimum level of protection to the surface waters of the Commonwealth of Pennsylvania that Congress had intended to be the minimum level of protection for surface waters of the United States when it passed the Clean Water Act. However we hope that DEP will take into consideration the true value of the vast surface water resources that this state is blessed with, and apply higher standards than the minimum federal requirements for protecting these resources for current and future generations of Pennsylvania citizens to enjoy and profit from.

Changes Suggested to the EOB 5/7/97 - Proposed Antidegradation Regulations

1) Preamble Item F. Benefits, Costs and Compliance

Under benefits, DEP has failed to recognize the benefits of preserving our limited resources for future generations. While DEP states that the proposed regulations reflect the reg-neg process (which failed to produce a consensus) it fails to acknowledge that the future quality of life in this state is totally dependent upon what we do now, and that the quality of our water resources is critical to our quality of life.

2) Preamble Item F. Compliance Assistance Plan

DEP has proposed to update the "Special Protection Waters Implementation Handbook. Since the CWA requires that the antidegradation standard applies to all surface waters of the United States, including Tier 1 streams, this handbook should be totally revised and titled the Pennsylvania Antidegradation Water Quality Handbook. In addition, DEP should be exploring additional funding to assist affected parties in improving their wastewater and nonpoint source pollution control technologies.

3) Sec. 93.1 Definitions

DEP should have proposed a definition for "Antidegradation" as the first definition added.

4) Sec. 93.1 Definitions - Exceptional Value Waters (iii)

In addition to streams that the Pa. Fish & Boat Commission (PFBC) has designated as "Wilderness Trout Streams" DEP should add the sections of streams PFBC has designated as being under the "Heritage Trout Angling" regulations due to the unique environmental and historical importance of these streams.

5) Sec. 93.4a Existing Uses

In order to be consistent with 40 CFR, Sec. 131.32 (a) this section should begin with the statement that; "This antidegradation policy shall be applicable to all waters of the United states within the Commonwealth of Pennsylvania, including wetlands.

(This should be added to clarify that Tier 1 streams are covered by this policy)

6) Sec. 93.4b (b) Level of protection/social or economic justification (SEJ)

DEP should include the last part of 40 CFR, sec. 131.32 (a) (2) in this section of the proposed regulations (i.e. "the Commonwealth shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for all nonpoint sources.")

7) Sec. 93.4b (e) Social or economic justification approval in sewage facilities planning and approval.

DEP should add the following:

(6) Shall demonstrate that the proposed discharge will not result in a reduction in water quality that would adversely impact existing in stream uses

8) Sec. 93.4b (f) Special provisions for minimal impact discharges. If a proposed discharge to High Quality Waters meets one of the following conditions, that discharge maintains and protects water quality and is not subject to subsection (b).

This is a clear attempt by DEP to provide a loophole in the requirements under 40 CFR 131.32 (2) and should be removed from the proposed regulations. If this section is maintained in the proposed regulation EPA should find that DEP has failed to propose regulations that comply with the requirements of the CWA.

9) Sec. 93.4c Exceptional Value Waters - (a) (2) (iii)

In addition to streams that the Pa. Fish & Boat Commission (PFBC) has designated as "Wilderness Trout Streams" DEP should add the sections of streams PFBC has designated as being under the "Heritage Trout Angling" regulations due to the unique environmental and historical importance of these streams.

10) Sec. 93.4e. (a) Submission of antidegradation evaluation reports and petitions.

Since the antidegradation protection applies to Tier1 streams as well as EV and HQ waters pursuant to the CWA, this section should be removed from the proposed regulations.

In conclusion DEP should complete their assessment of Pennsylvania streams (approximately 22,000 miles still not classified) as soon as possible. DEP must apply antidegradation protection to all surface waters of the Commonwealth, or they will have failed to propose regulations that are acceptable to meet the requirements of the CWA. EPA should maintain and **enforce** title 40 CFR, Sec.131.32 until such time as Pennsylvania has regulations in effect that comply with the CWA.

Lillian M. Li
308 Chestnut Avenue
Swarthmore, PA 19081

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

May 7, 1997

Environmental Quality Board
DEP
PO Box 8465
Harrisburg PA 17105

To whom it may concern:

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

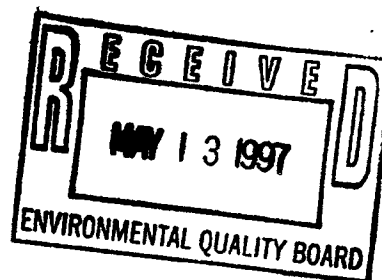
Thanks very much.

Sincerely yours,



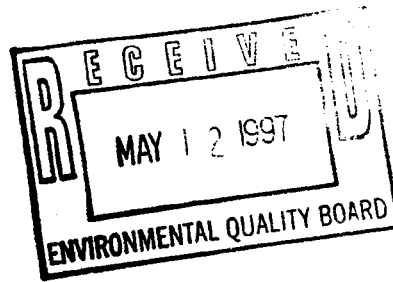
Lillian M. Li

I would appreciate your response.



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

May 7, 1997
PO Box 410
Pine Grove Mills, PA 16868



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

Dear Mr. Seif:

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

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.

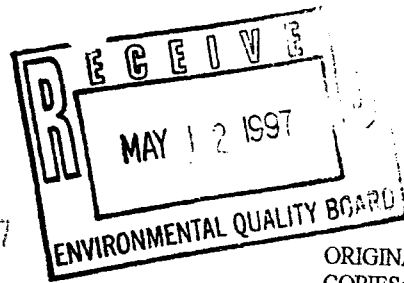
I understand that Pennsylvania Trout is submitting comments on the regulations pointing out their specific shortcomings. The regulations should not be adopted unless all of the problems pointed out in those comments are fixed. The existing regulation is vastly preferable to the new proposal as it is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

Sincerely,

Mark S. Henry

May 7, 1997

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



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Dear EQB Members,

Something is radically wrong with those who are entrusted to protect our precious natural resources in Pennsylvania. It is not your responsibility, or the obligation of any other governing body, or legislative member in Pennsylvania to try their best to circumvent EPA guidelines that have been established to protect the quality of our waters in this Commonwealth and across our nation.

The public does not want special interest groups, or political pressure from the governor's office to be the compelling forces that influence your decisions on the health of our state's water resources.

This state has been sued for failing, miserably, to comply with standards the EPA has established for states to use in determining the proper classification, and protection of water. Doesn't common sense tell you Pennsylvania is DOING THINGS THE WRONG WAY.

I adamantly opposed the revision of the antidegradation regulations printed in the Pennsylvania Bulletin, March 22, 1997.

It is time DEP does the job it is supposed to, and protects our state's water resources as determined by the EPA. The DEP has been making excuses for years for not complying with it's obligation to properly classify all of our state's waters. Now, with their promises unfulfilled, the DEP wants to compromise water standards so it is easier for business and industry to degrade our state's unclassified waters, which include many miles of high and exceptionally quality water. Why should these waters be sacrificed and degraded because the DEP didn't do its job? It is also maliciously irresponsible of any governing body in this Commonwealth to enact laws that will allow the degradation of waters already properly classified and deserving of protection.

Finally, do any of you have families, children, grandchildren, or other people you love or care for? How can you sleep at night if you allow the water these people use to be degraded, which is still a form of pollution. What are you leaving future generations to live with? WATER IS THE MOST PRECIOUS NATURAL RESOURCE, AND NO STANDARD SHOULD BE ENACTED THAT WILL COMPROMISE ITS QUALITY.

Michael S. Robertson
R D #1, Box 41 B
Indiana, PA 15701

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

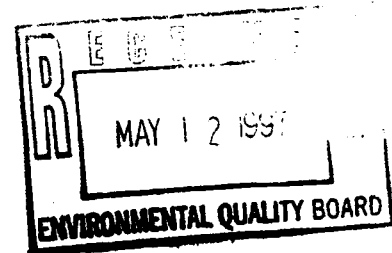
Monocacy Creek Watershed Association, Inc.

P.O. Box 1041
Bethlehem, PA 18016

(215)257-5711

STRIKED
MAY 7 1997

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



Re: *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 new anti-degradation regulations proposed by the PA DEP. These regulations, if enacted, will dramatically weaken the protection that currently exists for our states finest waterways.

Many of Pennsylvania's finest trout streams are being degraded by increased run-off, pollution and sedimentation caused by over-development. Mining and forestry industries are also major polluters of our streams, rivers and lakes. If we do not continue to make protecting these high quality waters a top priority, we will surely lose them...Forever!

I have seen many of our state waterways make remarkable comebacks in the last twenty years, however, our finest streams, such as the Letort, The Little Lehigh, Penns Creek, etc. will never return to their pristine state if we allow any degradation to occur in their watersheds.

The existing regulations are preferable to the proposed regulations as written. Thank you for your consideration in this matter.

Very truly yours,
Monocacy Creek Watershed Association, Inc.

Philip A. Burtner
President

cc: Board of Directors

P.O. Box 379
Swarthmore, PA 19081
May 7, 1997

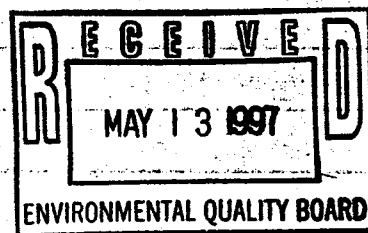
Environmental Quality Board
DEP P.O. Box 8465
Harrisburg, PA 17105

To Whom It May Concern:

Reject the DEP's current
anti-degradation proposal. Adopt the
simpler, better standards of the EPA.

I await your reply.

Sincerely yours,
Nancy J. Field



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

97 MAY 15 AM 9:17

RECEIVED
GENERAL SERVICES

**PENNSYLVANIA BUILDERS ASSOCIATION
600 N. TWELFTH STREET
LEMOYNE, PA 17043**

**TESTIMONY
DEP PROPOSED WATER QUALITY ANTIDEGRADATION
REGULATIONS
May 7, 1997**

GOOD AFTERNOON. I AM MEGAN MILFORD. I AM THE PENNSYLVANIA BUILDERS ASSOCIATION'S REGULATORY SPECIALIST. I AM TESTIFYING TODAY ON BEHALF OF THE PENNSYLVANIA BUILDERS ASSOCIATION (PBA) WHO REPRESENTS HOUSING CONSUMERS AND THE HOUSING INDUSTRY. OUR ASSOCIATION CURRENTLY HAS OVER 12,000 MEMBER FIRMS AND 350,000 EMPLOYEES THROUGHOUT PENNSYLVANIA.

PBA BELIEVES REASONABLE ENVIRONMENTAL REGULATIONS AND WATER QUALITY PROTECTION ARE ESSENTIAL. THEY ENHANCE THE QUALITY OF LIFE. THERE ARE INSTANCES, HOWEVER, WHEN REGULATIONS CAN BE USED TO UNJUSTLY INHIBIT GROWTH. FOR SEVERAL YEARS THE PBA HAS BEEN, AND STILL IS, VERY CONCERNED ABOUT THE CURRENT WAY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) DESIGNATES STREAMS FOR SPECIAL PROTECTION STATUS.

UNDER PENNSYLVANIA'S EXISTING WATER QUALITY PROGRAM ALL STREAMS ARE PROTECTED AT A MINIMUM FOR POTABLE WATER SUPPLY, RECREATION AND FISHERY USES AND SPECIFIC WATER QUALITY CRITERIA IS MAINTAINED (TIER 1).

PBA'S CONCERN FOCUSES ON THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S SPECIAL PROTECTION WATERS PROGRAM. THIS INVOLVES DESIGNATING A PARTICULAR STREAM EITHER HIGH QUALITY (TIER TWO) OR EXCEPTIONAL VALUE (TIER THREE). BECAUSE OF THE DESIGNATION, HIGH QUALITY OR EXCEPTIONAL VALUE, THE VIABILITY OF A PARTICULAR PROJECT LOCATED IN THE WATERSHED MAY BE IN JEOPARDY.

THE CURRENT STREAM DESIGNATION PROCESS IS INCREASINGLY USED AS A TOOL TO HALT FUTURE ECONOMIC GROWTH AND DEVELOPMENT IN PARTICULAR WATERSHEDS. MANY TIMES, IT APPEARS THAT STREAM DESIGNATION UPGRADES TO EXCEPTIONAL VALUE STATUS HAVE BEEN GRANTED BASED MORE ON POLITICALLY-DRIVEN ANTI-GROWTH SENTIMENT RATHER THAN EMPIRICAL KNOWLEDGE AND SCIENTIFIC FACT.

PBA PARTICIPATED IN THE REGULATORY NEGOTIATION PROCESS THAT FOCUSED ON THESE REGULATIONS. DURING THAT PROCESS WE NEGOTIATED POSITIONS AND CAME TO SOME CONSENSUS ON HIGH QUALITY ISSUES, SOME OF WHICH ARE CONTAINED IN THIS PROPOSAL, WITH THE UNDERSTANDING THAT THIS OPPORTUNITY WOULD ALSO OCCUR WITH THE EXCEPTIONAL VALUE PROGRAM. IT DID NOT.

PBA SUPPORTS THE DEPARTMENT'S EFFORTS TO PROPOSE A MORE OBJECTIVE ANTIDegradation PROGRAM, HOWEVER THE PROPOSAL DOES NOT GO FAR ENOUGH. HERE ARE OUR SPECIFIC COMMENTS ON THE PROPOSAL:

FIRST, THIS REGULATORY PROPOSAL FAILS TO MEET THE STANDARDS ESTABLISHED IN GOVERNOR RIDGE'S EXECUTIVE ORDER 1996-1. ONE OF THE KEY POSITIONS OF GOVERNOR RIDGE'S ADMINISTRATION IS THAT NO STATE-RUN PROGRAM SHOULD BE MORE STRINGENT THAN REQUIRED BY FEDERAL LAW, UNLESS JUSTIFIED.

THE MORE STRINGENT REQUIREMENTS CONTAINED IN THIS PROPOSAL HAVE NOT BEEN EXPLAINED. BASED ON THE REALITY OF THE EPA'S PROGRAM AND THE STATE PROPOSAL, PENNSYLVANIA MAY BE THE ONLY STATE IN THE COUNTRY IMPLEMENTING A FOUR TIERED WATER QUALITY PROGRAM. CAN THIS BE JUSTIFIED?

OVER THE YEARS, PBA HAS WITNESSED THE INCREASING, FAR REACHING IMPACTS OF PENNSYLVANIA'S EXISTING PROGRAM. THIS INCLUDES LIMITING ECONOMIC GROWTH AND DEVELOPMENT IN SPECIFIC DEVELOPING AREAS TARGETED BY SPECIAL INTERESTS. THIS IS DONE WITHOUT REGARD TO WHETHER OR NOT THE STREAM IN QUESTION MAINTAINS WATER QUALITY BETTER THAN THE ESTABLISHED CRITERIA AND TRULY DESERVES THE DESIGNATION.

IN PARTICULAR, WHEN DEP ASSESSES A STREAM THEY USE A CONCEPT OF "GENERALLY BETTER THAN" WATER QUALITY FOR DESIGNATING A HIGH QUALITY OR EXCEPTIONAL VALUE STREAM. THIS IS NOT APPROPRIATE. IT IS NOT CONSISTENT WITH FEDERAL LANGUAGE. EPA'S ANTIDegradation REGULATION REQUIRES STREAMS TO "EXCEED" WATER QUALITY STANDARDS TO QUALIFY FOR TIER TWO PROTECTION AND BE "AN OUTSTANDING NATIONAL RESOURCE" TO QUALIFY FOR A TIER THREE DESIGNATION. DEP SHOULD NOT CONSIDER A STREAM FOR HIGH QUALITY OR EXCEPTIONAL VALUE STATUS IF ANY ONE WATER QUALITY STANDARD IS VIOLATED.

THE DEP MUST ALSO BASE ITS DETERMINATIONS ON MORE THAN JUST ONE GRAB SAMPLE. THIS IS BECAUSE OF THE LASTING IMPLICATIONS A DESIGNATION WILL HAVE ON A PARTICULAR COMMUNITY. ADEQUATE AND SOUND SCIENTIFIC BACKGROUND INFORMATION MUST BE OBTAINED BEFORE AN ACCURATE ASSESSMENT CAN OCCUR AND A DESIGNATION MADE.

PBA APPLAUDS THE DEPARTMENT'S EFFORTS TO REDUCE THE REGULATORY BURDEN ON APPLICANTS THAT HAVE DISCHARGES WITH MINIMAL IMPACTS. WE SUPPORT THE USE OF GENERAL PERMITS ON HIGH QUALITY STREAMS. PBA ALSO BELIEVES THE CURRENT PROHIBITION FOR USE OF A GENERAL PERMIT IN AN EXCEPTIONAL VALUE STREAM SHOULD BE ELIMINATED. THE "DE MINIMUS" PERMIT THRESHOLD CONTAINED IN THE PROPOSAL TO EASE THE PERMITTING BURDEN FOR APPLICANTS WITH MINOR DISCHARGES IS ALSO SUPPORTED AND COMMENDED.

AN AREA OF GREAT AND CONTINUING CONCERN TO PBA IS DEP'S CURRENT DEFINITION OF EXCEPTIONAL VALUE (EV) WATERS IS BROADER (MORE RESTRICTIVE) THAN THE FEDERAL STANDARD BECAUSE IT INCLUDES PROTECTION FOR STREAMS CONSIDERED AS OUTSTANDING REGIONAL OR LOCAL RESOURCES. SOME STREAMS CURRENTLY PROTECTED BY A DEP EV DESIGNATION DO NOT MEET CRITERIA CONTAINED IN THE FEDERAL PROGRAM.

DEP'S EXCEPTIONAL VALUE PROGRAM HAS BEEN USED BY SPECIAL INTEREST GROUPS AS A SURROGATE FOR LAND USE LAW TO RESTRICT GROWTH IN PARTICULAR AREAS. IT IS SO FAR REACHING THAT AN UNJUSTIFIED EV DESIGNATION CAN PUT PEOPLE OUT OF BUSINESS.

PBA BELIEVES DEP'S POLICY ON EV DESIGNATIONS GO BEYOND THE INTENT OF THE FEDERAL REQUIREMENT. WE STRONGLY URGE THE DEP TO REVISE ITS REGULATION TO INCORPORATE THE FEDERAL DEFINITION OF TIER THREE WATERS. WHILE THE PREAMBLE TO THE FEDERAL REGULATION RECOGNIZES PENNSYLVANIA'S EXISTING EXCEPTIONAL VALUE PROGRAM, THE FEDERAL REGULATION ITSELF ONLY ESTABLISHES THREE TIERS OF PROTECTION, NOT FOUR.

DESIGNATIONS OF EXCEPTIONAL VALUE STREAMS SHOULD BE BASED SOLELY ON THEIR UNIQUENESS TO PENNSYLVANIA OR THE NATION. TO PUT IT IN PERSPECTIVE, OTHER STATES, SUCH AS COLORADO AND VIRGINIA, HAVE NOT YET DESIGNATED A SINGLE STREAM IN THEIR STATE AS EXCEPTIONAL VALUE DUE TO THE ADVERSE ECONOMIC IMPACTS THIS DESIGNATION CARRIES. PENNSYLVANIA SHOULD NOT BE PLACED AT AN ECONOMIC DISADVANTAGE IN COMPARISON TO OTHER STATES.

AN ASSOCIATED MAJOR CONCERN WITH THE TIER THREE PROGRAM IS EPA'S INTERPRETATION OF THE FEDERAL TIER THREE REQUIREMENTS REGARDING DISCHARGES TO EXCEPTIONAL VALUE STREAMS. THE EPA INSISTS THAT DEP ADOPT THE PROHIBITION OF PERMITTING FOR NEW OR EXPANDED DISCHARGES ON EV STREAMS. PBA BELIEVES THAT CURRENT EPA AND DEP RULES ALLOW FOR THE CONSIDERATION OF SUCH DISCHARGES.

WITH THE USE OF SOUND TECHNICAL PRACTICES, DISCHARGES, WHICH RESULT IN NO ADVERSE MEASURABLE CHANGE TO LONG-TERM WATER QUALITY, SHOULD BE ALLOWED. WE SUPPORT DEP'S POSITION THAT A "NO DISCHARGE" POLICY IS CLEARLY NOT IN THE PUBLIC INTEREST.

ANOTHER AREA PBA FEELS NEEDS TO BE IMPROVED IS PUBLIC PARTICIPATION IN THE SPECIAL PROTECTION WATERS PROCESS. PBA BELIEVES THAT PUBLIC PARTICIPATION NEEDS TO BEGIN AT THE START OF THE REDESIGNATION OF A STREAM. THE DEP NEEDS TO ENSURE BETTER PUBLIC PARTICIPATION AT THE EARLY STAGES OF THE STREAM PETITIONING AND/OR ASSESSMENT PROCESS.

UNDER THE PRESENT POLICY, THE DEPARTMENT PUBLISHES A NOTICE OF ACCEPTANCE OF A PETITION IN THE *PENNSYLVANIA BULLETIN* HOWEVER, NOT EVERYONE SUBSCRIBES TO THIS PUBLICATION.

MANY PEOPLE THAT MAY BE ADVERSELY AFFECTED BY A STREAM UPGRADE ARE NEVER MADE AWARE OF THE PETITION OR ASSESSMENT. THEY NEVER FIND OUT UNTIL A PROPOSED REGULATORY PACKAGE IS ALREADY IN FRONT OF THE ENVIRONMENTAL QUALITY BOARD (EQB). IN ADDITION, THESE PEOPLE ARE NOT FULLY APPRISED OF THE IMPACTS A REDESIGNATION CAN HAVE ON THEIR ACTIVITIES IN THE AREA.

TO REMEDY THIS, THE PENNSYLVANIA BUILDERS ASSOCIATION RECOMMENDS THE DEPARTMENT NOTIFY POTENTIALLY AFFECTED PARTIES DURING THE PRELIMINARY STAGES OF THE STREAM ASSESSMENT PROCESS. THIS INCLUDES NOTICE BY FIRST-CLASS MAIL TO ANY APPLICANT WITH A PENDING PERMIT APPLICATION, ANY EXISTING DISCHARGE PERMITTEES, THE APPROPRIATE MUNICIPALITIES, PLANNING COMMISSIONS AND ALL APPLICANTS THAT HAVE RECEIVED PLANNING OR SUBDIVISION AND LAND DEVELOPMENT PLANNING APPROVAL WITHIN THE PREVIOUS 5 YEARS.

THIS WILL HELP THE DEP TO ELIMINATE OVERSIGHTS AND TO OBTAIN A COMPLETE PICTURE OF THE STREAM, INCLUDING PRESENT AND PLANNED GROWTH AND ECONOMIC DEVELOPMENT IN THE AREA. THIS INFORMATION MAY ELIMINATE SUBMITTAL OF FRIVOLOUS PETITIONS CURRENTLY BEING USED TO HINDER DEVELOPMENT.

DURING THE ASSESSMENT PROCESS THE DEPARTMENT SHOULD ALSO BE REQUIRED TO CONSIDER THE SOCIAL AND ECONOMIC IMPACTS ASSOCIATED WITH ALL ITS HIGH QUALITY AND EXCEPTIONAL VALUE DETERMINATIONS. THIS INFORMATION SHOULD BE MADE AVAILABLE TO THE PUBLIC.

THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE PENNSYLVANIA BUILDERS ASSOCIATION. WE BELIEVE WITH THE INCORPORATION OF OUR COMMENTS INTO A REVISED STREAM DESIGNATION PROGRAM, DEP CAN CRAFT BALANCED REGULATIONS TO PROTECT OUR VALUABLE NATURAL RESOURCES WHILE ALSO ALLOWING FOR ECONOMIC GROWTH IN PENNSYLVANIA.

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

57 MAY 27 11 01 AM '97

RECEIVED
MAY 27 11 01 AM '97

5-7-97

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

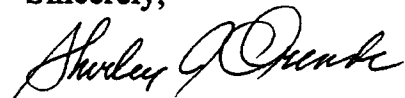
Dear Sirs:

Re: Federal Clean Water Act

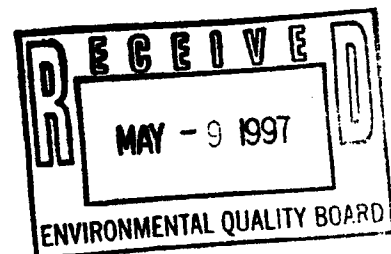
It has been brought to my attention that the board is going to vote on the DEP Anti-degradation policy. I strongly suggest that you reject this policy and start following to the letter the Federal Clean Water Act already in effect.

Thank you for considering my opinion in this matter.

Sincerely,



Shirley J. Orendi
726 Corbin Street
West Mifflin, PA 15122



5/7/97

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

To: EQB

Please reject DEP Anti-Degradation Proposal

Stephen Golub

STEPHEN GOLUB

215 COLLEGE AVE

SWARTHMORE PA 19081



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Susan Sauvé Meyer
316 Ogden Avenue
Swarthmore, PA 19081

STANDARD

RECEIVED

7 May 1997

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

To whom it may concern,

I am concerned that the Pennsylvania DEP is proposing new regulations that would lower water quality standards. I urge you to reject the DEP's current anti-degradation proposal. Instead, Pennsylvania should adopt the standards of the EPA.

I would appreciate a reply concerning the action you take on this proposal.

Sincerely



Susan Sauvé Meyer



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

401 Cornell Ave
Swarthmore
PA 19081

May 7, 1997


Environmental Quality Board
DEP
PO Box 8465
Harrisburg
PA 17105

To Whom It May Concern:

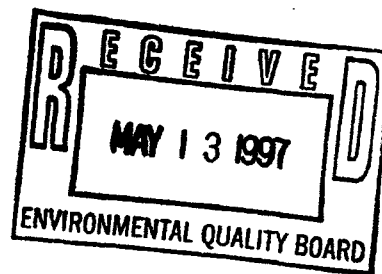
As a resident Delaware County I enjoy the many creeks and streams that are virtually in my backyard. Over the years I have watched the quality of water improve due to stronger regulations. I want the regulations to continue to keep tight control on what is discharged from local industries into the water. Any relaxation of the current regulations would be detrimental and I am opposed to modifying them in any way. I ask you to respond to my concerns and provide assurance that there will be no changes in Harrisburg that would lead to lowering the protection we currently have.

Thank you for your attention.

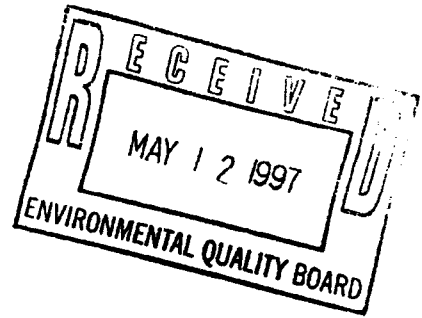
Yours sincerely



Wolfgang Nadler



Allen Oil Corp.
John D. Allen
39 Fairview Road
Bradford, PA 16701



May 8, 1997

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

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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.

Allen Oil Corp.
John D. Allen
39 Fairview Road
Bradford, PA 16701

- 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 the 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.

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

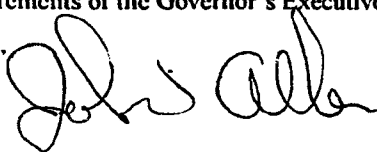
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



Allen Oil Corp.
John D. Allen
39 Fairview Road
Bradford, PA 16701

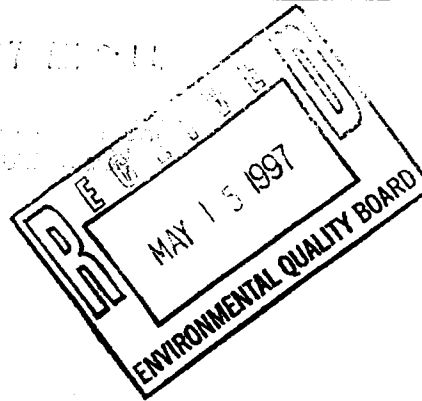


ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

Baron Crest Energy Co.

May 8, 1997

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



601 First Street
Apollo, PA 15613-8902
(412) 478-1121
FAX (412) 478-3109

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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.

PRODUCERS OF OIL AND NATURAL GAS

- 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 the 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.

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

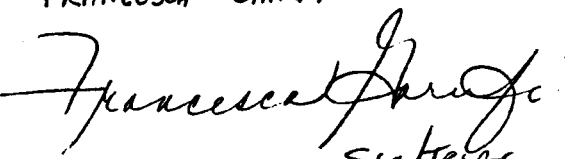
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,

FRANCESCA GARUFI

 SECRET

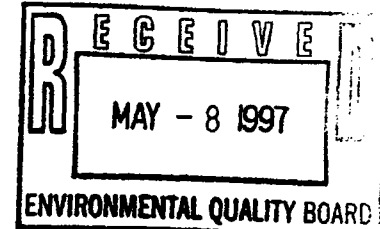


CARLTON OIL & GAS COMP. NY

A. A. LOLLAR 316-788-6076 Box 208 Derby, KS 67037-0208

May 8, 1997

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



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

COMMENTS ON THE PROPOSED WATER QUALITY ANTIDegradation REGULATION

One of the most significant promises made by Governor Ridge during his campaign was to cut back on excessive environmental regulations. He asked you to help him fulfill that pledge 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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

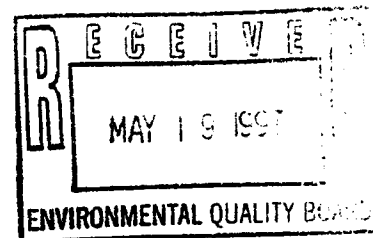
AA Zoller President
AA Zoller

CLARK & SULLIVAN, INC.
P.O. Box 144
Youngsville, Pa. 16371

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

May 8, 1997

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



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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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.

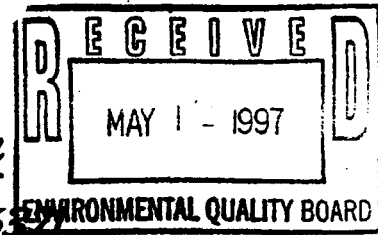
Thank you for considering these comments. I hope that you will hold the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



Clark Oil Company

PO Box 161 ~ Youngsville, Pa 16321



May 8, 1997

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

Jared B. Clark
Parsons



May 8, 1997

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

COMMENTS ON THE PROPOSED WATER QUALITY ANTIDegradation REGULATION

One of the most significant promises made by Governor Ridge during his campaign was to cut back on excessive environmental regulations. He asked you to help him fulfill that pledge 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's Executive Order. It includes many elements that are substantially more stringent than what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,





May 8, 1997

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

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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.

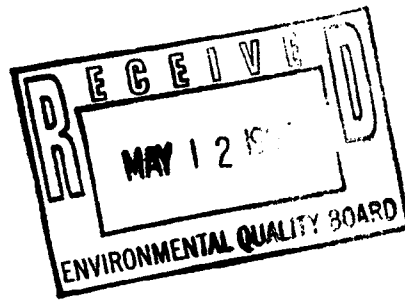
Eliminate the requirement for two public comment periods for permits on Special Protection streams.

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

STANDARD 07 01 19 08
MAY 12 1997
RECEIVED



May 8, 1997

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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.

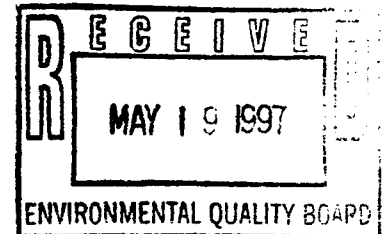
The proposed regulation requires NPDES permit applicants to solicit public comment on proposed discharges to HQ and EV streams before applying for the permit. This is an unnecessary burden on the permit applicant that is not required by the federal regulations. It also serves no purpose because the department 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

Elizabeth M. Allen

SULLIVAN & CLARK, Partners
P.O. Box 144
Youngsville, Pa. 16371



May 8, 1997

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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.

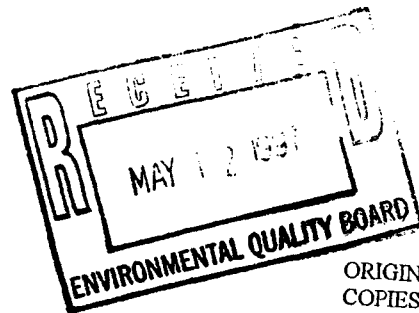
Thank you for considering these comments. I hope that you will hold the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



May 8, 1997

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



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,

Francis Johnston

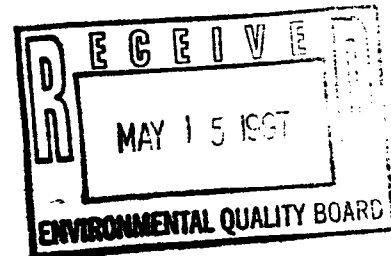
GARUFI OIL AND GAS



5/11/97 10:00 AM

601 FIRST STREET
APOLLO, PA 15613-8902
(412) 478-4470

RECEIVED



May 8, 1997

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

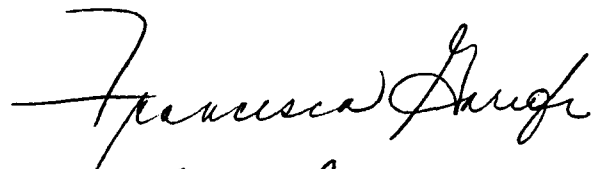
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,



FRANCESCA GARUFI

GENERAL AMERICAN INDUSTRIAL CORPORATION

101 INDUSTRIAL PARK ROAD
SHEARWOOD INDUSTRIAL PARK
P.O. BOX 337
BLAIRSVILLE, PENNA. 15717

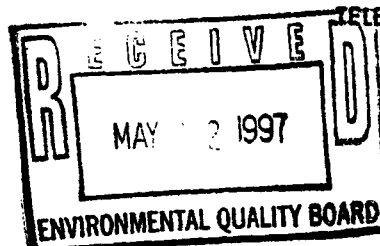
ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

57 MAY 27 11 00 AM '97

TWX 510 468-3895

May 8, 1997

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



TELEPHONE 412-459-7000

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

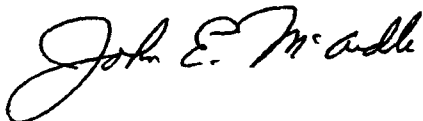
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

970507 07 11 07-41

RECEIVED
MAY 13 1997

Environmental Quality Board
DEP, PO Box 8465
Harrisburg, PA 17105

May 8, 1997

To Whom It May Concern:

I am quite concerned about the new regulations being proposed that would lower water quality standards. On behalf of all Pennsylvania citizens, and our children, I want you to not go through with the DEP's current anti-degradation proposal.

Thank you for your prompt attention to this matter.

Sincerely,

Helene Durland

Helene Durland
717 School Line Drive
King of Prussia, PA 19406



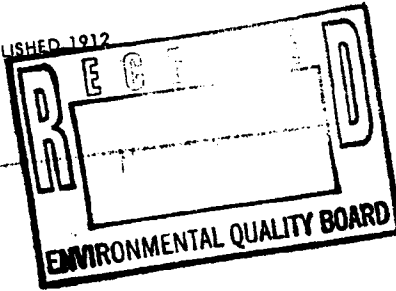


HUNTLEY & HUNTLEY, INC.
GEOLOGISTS AND ENGINEERS

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

CORPORATE ONE OFFICE PARK
BLDG. II, SUITE 100
4075 MONROEVILLE BLVD.
MONROEVILLE, PA 15146
(412) 380-2355
FAX (412) 380-4003

ESTABLISHED 1912



RUF
AN
INGINI
ENT

8, 1997

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

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 196-1.

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

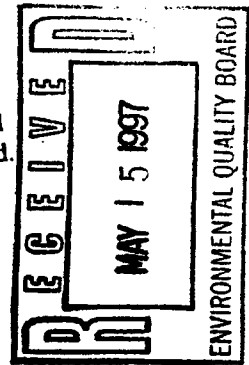
Almost half of the streams now classified by DEP as EV waters are on private lands. DEP should not be permitted to designate waters that flow through private lands for EV protection because of the extreme restrictions the designation imposes on individuals and communities who wish to use the waters responsibly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

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,


 Frank Garufi, Chairman

I. L. GEER & SONS

OIL FIELD SERVICES

P.O. BOX 126

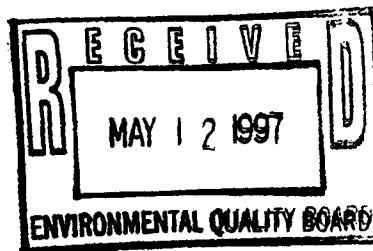
CLARENDON, PA 16313

GARAGE
RT 6, STONEHAM
CLARENDON, PA 16313

TELEPHONE
814-723-9430
814-723-1245 FAX

May 8, 1997

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



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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

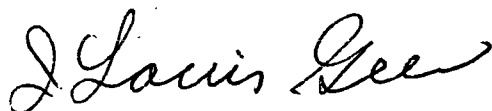
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,



I. L. GEER & SONS

OIL FIELD SERVICES
P.O. BOX 126
CLARENDON, PA 16313

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

GARAGE
RT 6, STONEHAMPTON
CLARENDON, PA 16313

TELEPHONE
814-723-9430
814-723-1245 FAX

May 8, 1997



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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

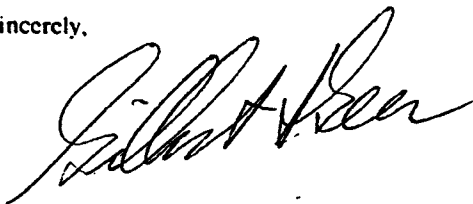
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,



JAMES DRILLING CORPORATION

436 Newport Road P. O. Box 337
Blairsville, PA 15717-0337

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

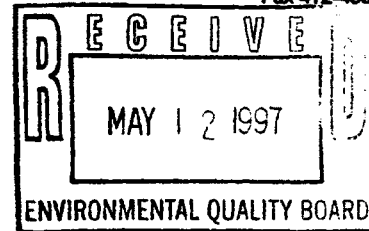
James I. Shearer
President

STRIKED 01 06 97

412-459-6000
Fax 412-459-8422

May 8, 1997

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



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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

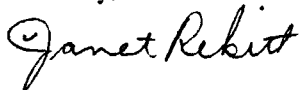
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

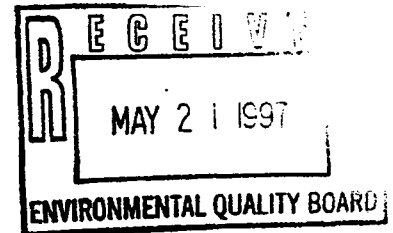




MEAD OIL COMPANY

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

James E. Mead
P.O. Box 667
Sheffield, Pennsylvania 16347
814-968-3947



May 8, 1997

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

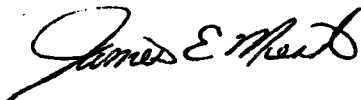
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

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

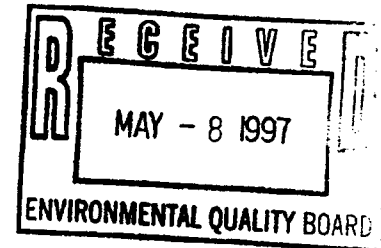
The proposed regulation requires NPDES permit applicants to solicit public comment on proposed discharges to HQ and EV streams before applying for the permit. This is an unnecessary burden on the permit applicant that is not required by the federal regulations. It also serves no purpose because the department 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



James W. Reynolds
Potter-McKean Resources, Inc.
Box 527
Shinglehouse, PA 16748



MAY 27 11 01 33

May 8, 1997

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

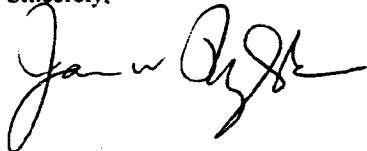
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,

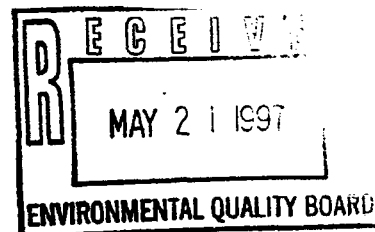




MEAD OIL COMPANY

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

James E. Mead
P.O. Box 667
Sheffield, Pennsylvania 16347
814-968-3947



May 8, 1997

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

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's Executive Order. It includes many elements that are substantially more stringent than what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

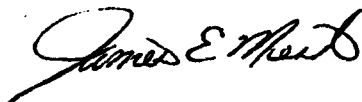
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

97MAY27 10:08:35

I N T E R O F F I C E M E M O R A N D U M

Date: 08-May-1997 08:58pm EST
From: Hobson McKown
hobson@jane.penn.com@PMDF@DERO
Dept:
Tel No:

TO: RegComments

(RegComments@a1.dep.state.pa.us@PMDF@

Subject: Revisions to 25 PA Code Chapters 92, 93, and 95 published on January 21

Dear Sirs:

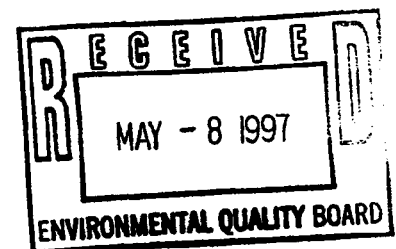
I am writing to express my opposition to the proposed new antidegradation regula
I have also been told that the new regulations do not prohibit additional discha
Another deficiency in the new regulations is the change in the scope of High Qua
If you are going to change the antidegradation regulations, then don't make them

Sincerely,

John McKown

11 Jefferson St.

Warren, PA 16365



5/8/97

DEAR EQB,

WE NEED STANDARDS THAT PROTECT
OUR WATERWAYS AND IMPROVE
THEIR QUALITY.

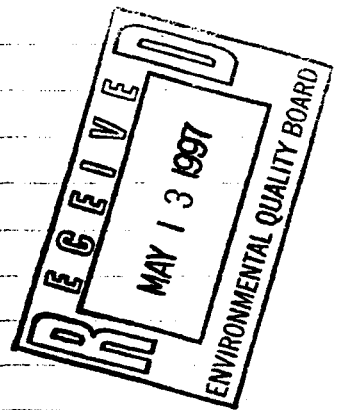
PLEASE REJECT THE DEB'S
CURRENT ANTI-DEGRADATION PROPOSAL
AND SUPPORT CLEAN WATER.

THANK YOU!

RESPECTFULLY,

Anneth A. Kupiec

K. A. KUPIEC
243 LANSDALE AVE.
KING OF PRUSSIA, PA 19406



P.S. I WOULD APPRECIATE HEARING FROM
YOU CONCERNING CLEAN WATER AND
YOUR SUPPORT.

5-8-97

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

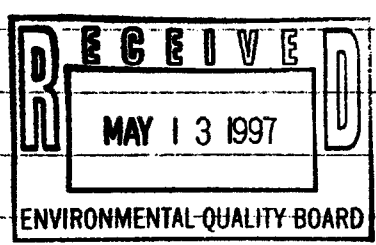
Attn:
Quality Board Affiliates,

Please reject the D.E.P. "Anti-Degradation Proposal"
and keep our clean water act strong...

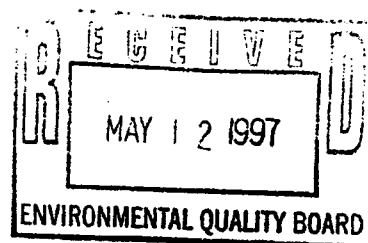
I would like an immediate response to this
basic request sent to:

Mrs. Maria J. Heller
Mrs. Maria L. Heller
5 Hodgson Avenue
Pittsburgh, Pa. 15205

Thank you for your time and attention
to this matter.



Mark Aufiery
P.O. Box 2002
Media, PA 19063
(610) 543-5105



5/8/97

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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 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, pollution 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 black ink, appearing to read 'Mark Auflery', with a long horizontal flourish extending to the right.

Mark Auflery

MERIDIAN OIL and GAS ENTERPRISES, INC.

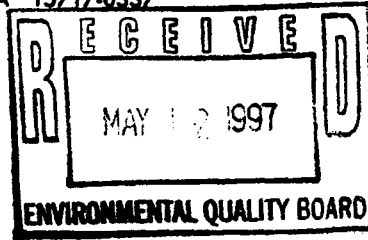
436 Newport Road — P.O. Box 337
Blairsville, PA 15717-0337

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

JAMES I. SHEARER
President

May 8, 1997

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



412-459-6000
FAX 412-459-8422

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

David J. Furt

MESSER OIL CORPORATION
PRODUCERS OF PETROLEUM
OLEAN, N. Y.



May 8, 1997

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

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

COMMENTS ON THE PROPOSED WATER QUALITY ANTIDegradation REGULATION

One of the most significant promises made by Governor Ridge during his campaign was to cut back on excessive environmental regulations. He asked you to help him fulfill that pledge 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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.~~

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 the 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.

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

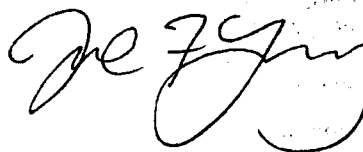
The Department's proposal imposes the basic federal SEJ standard and adds a second "balancing test" that has no federal counterpart. The balancing test should be removed from the final rule.

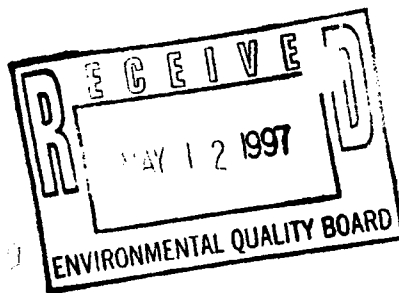
Eliminate the requirement for two public comment periods for permits on Special Protection streams.

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,





5/12/97 11:00:00

Mill Rift Civic Assn P.O. Box 481 • Mill Rift, Pa. 18340 • Telephone 717-491-2250

May 8, 1997

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

James M. Seif, Chairman
Environmental Quality Board
P.O. Box 8477
Harrisburg, Pa. 17105-8477

Dear Mr. Seif,

I once put in over 15 years as a Westfall Township Supervisor and planning board member and have more than 30 as a newspaper writer/editor. I know what it is like to be in the hot seat. I don't envy your board, always being caught in the middle of some stream of controversy, accused of being too zealous by business and too lax by environmentalists. It must feel like being up the proverbial creek without a paddle during duck-hunting season. Anyway, I have been asked by our executive board to proffer some comments on the proposed amendments to stream anti-degradation rules.

For background, your agency a few years ago approved an application for Exceptional Value status of the Mill Rift Brook (a tributary of the Delaware River in Pike County, officially known as Bush Kill in DEP records). A former president of our civic assn. initiated the application for EV status, an endeavor supported by the great majority of the approx. 150 households in the watershed. There was widespread concern over a proposal for a high-density residential development, hotel and restaurant with sewer plant, the effluent from which would have tripled the usual volume of the brook, which is so clean that a couple of cottages draw drinking water directly from it and I myself used to scoop it up and imbibe frequently without compunction until learning about giardiasis. I still like to swim in it occasionally, and so do the wild brook trout.

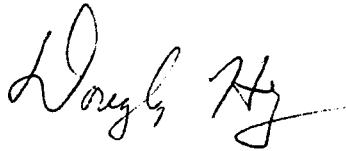
No surprise as to our comments: We support no degradation of surface water in general and the Mill Rift Brook in particular. But beyond that, it seems that you folks in the state bureaucracy could save yourselves a lot of headaches and a bundle of tax dollars not fighting lawsuits and paying printing costs if you would just follow the EPA's suggestion to create a new "Tier 3 ONRW" category of protection; then hold public hearings and evaluate data on which EV streams would fit in it; and then just ban all discharges in that category. After all the usual appeals, that would end the debate over whether or not you can dump treated sewage and still avoid a "measurable change" in water quality (Let's face it, if you had the right yardstick you could measure anything). In the literature you sent us, I noticed a disclaimer about DEP not having a legal or regulatory basis for a no-discharge policy, but — unless I am missing something here — you folks are the state environmental regulatory agency, the ones who make the rules that everybody gets so upset and polarized over anyway. Why not draw another one? It might just end a lot of unnecessary debate and uncertainty? Make a paddle and get down that creek, so to speak.

A no-discharge policy on EV streams makes sense because such streams are usually found in rural and mountainous regions like ours where there are more deer and bear than people and there is no social and economic justification for building anything more degrading than a few small mom and pop hotels for hunters and hikers, which can function fine on septic systems. Any developer with common sense would want to put his shopping center, hotel, condo complex, etc. on a highway interchange or some place where he stands a chance of filling it with a crowd and making some money; and he would look to place it on enough land to accommodate a spray irrigation system so he wouldn't foul the very resource that would attract his customers, or where there might be a stream that is either big enough to assimilate a discharge or is already so cloudy that nobody in their right mind would want to drink it or swim in it.

If this is politcally unfeasible, there should be a public hearing held on any proposed discharge into EV waters, and we are glad to see your rules propose that, at least.

While our concern is mainly with the EV rules, I cannot help noticing that there are also discrepancies in your proposed regs for High Quality streams: First, allowing 25% of the stream to be degraded, and then exempting NPDES permits, not making them subject to any social or economic justification. That seems like a break in the dam big enough to float a raft through.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Douglas N. Hay". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

By Douglas N. Hay, Chairman,
"Regulatory Review Committee"

NEW PROPOSAL/WATER QUALITY RULES

Gentlemen:

Please consider this letter to be my protest against the subject.

I am not at all satisfied with the continued effort on the part of DEP to avoid reasonable protection for Pennsylvania Waters. The persons operating as the state's representatives are still applying the dilatory tactics which have twice within memory resulted in litigation which found the DEP at fault and the EPA forced to step in.

And now the new proposal is, for all intents and purposes, worse! Such as:
HQ and EV need to stay as protected water uses, so that our best streams will not be downgraded.

Contrary to Federal regs no weight is given to public lands in the selection process;

Another loophole ---allows discharges and degradation in EV waters;

There is no integration of wetlands protection with anti-degradation;

Waters not yet assessed are protected at the lowest level. How long are they expected to last under these conditions.

This proposal is loaded with items which are damaging to the environment. It should not be given any credence in its present form--these regulations should be rejected!

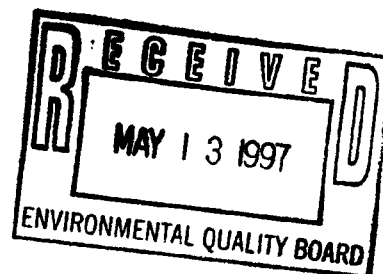
I am asking that my feelings be conveyed to the members of the Board. Thank You;

Yours Truly,

Milton R Beck

5-8-97

Milton R Beck
10 Ford Drive
Honey Brook, Pa. 19344-8669



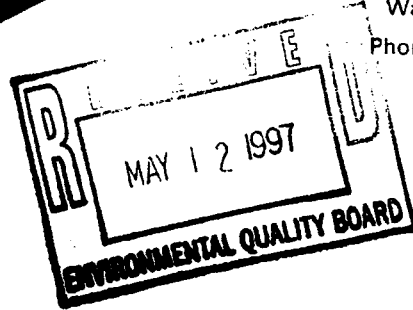
Wholesale Distributors of
OIL WELL, GAS WELL
and INDUSTRIAL SUPPLIES



Office & Warehouses
2351 Crescent Park
Dorcon Road
Warren PA 16365
Phone 814/723-3200

May 3, 1997

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



ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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.

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

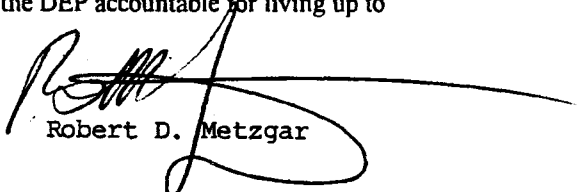
The Department’s proposal imposes the basic federal SEJ standard and adds a second “balancing test” that has no federal counterpart. The balancing test should be removed from the final rule.

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

The proposed regulation requires 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 the DEP accountable for living up to the requirements of the Governor’s Executive Order.

Sincerely,



Robert D. Metzgar

PENNSYLVANIA GENERAL ENERGY, CORP.

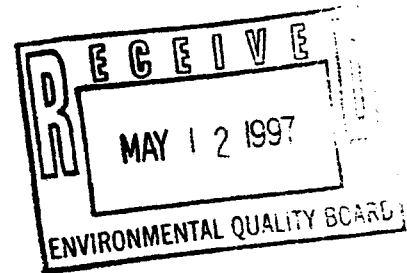
ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

208 LIBERTY STREET
WARREN, PA 16365

(814) 723-3230
FAX: (814) 723-3502

May 8, 1997

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



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 without any justification other than a failed regulatory negotiation.

The proposed water quality antidegradation regulation ignores Governor's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

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 the 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 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,

PENNSYLVANIA GENERAL ENERGY, CORP.

By 

David A. Lind, General Manager

DAL/bla

Patrick J. Lavin Sr.,
632 Village Lane
Pottstown, Pennsylvania
19464
May 8, 1997

Enviromental Quality Board
DEP
P.O. Box 8465
Harrisburg, Pennsylvania
17105

New Proposal/Water Quality Rules

Gentlemen:

Please consider this letter to be my protest against the subject!

I am not at all satisfied with the continued effort on the part of DEP to avoid resonable protection for Pennsylvania Waters. The persons operating as the state's representatives are still applying the dilatory tactics which have twice within memory resulted in litigation which found the DEP at fault and the EPA forced to step in.

And now the new proposal is, for all intents and purposes, worse! Such as:

HQ and EV need to stay as protected water uses, so that our best streams will not be downgraded;

Contrary to Federal regs no weight is given to public lands in the selection process;

Another loophole--allows discharges and degradation in EV waters;

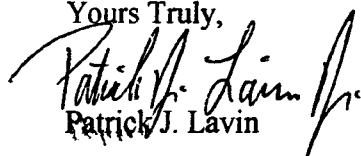
There is no integration of wetlands protection with anti-degradation;

Waters not yet assessed are protected at the lowest level. How long are they expected to last under these conditions.

This proposal is loaded with items which are damaging to the environment. It should not be given any credence in its present form -- these regulations should be rejected!

I am asking that my feelings be conveyed to the members of the Board. Thank You.

Yours Truly,


Patrick J. Lavin





PEMCO GAS, INC.

ORIGINAL: #1799
COPIES: NONE
(PER JHJ)

1300 PINETREE DRIVE • SUITE 13
INDIAN HARBOUR BEACH, FLORIDA 32937
407-777-1500 • FAX 407-777-8008

May 8, 1997

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

COMMENTS ON THE PROPOSED WATER QUALITY ANTIDegradation REGULATION

One of the most significant promises made by Governor Ridge during his campaign was to cut back on excessive environmental regulations. He asked you to help him fulfill that pledge 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's Executive Order. It includes many elements that are substantially more stringent than the what is required by 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 waters standard is the most glaring violation of the Governor's Executive Order contained in the proposed regulation. 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.

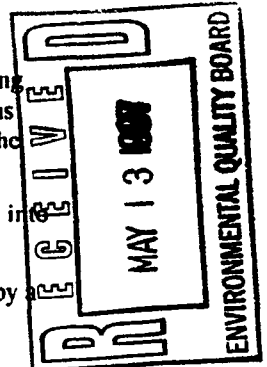
Almost half of the streams now classified by DEP as EV waters are on private lands. DEP should not be permitted to designate waters that flow through private lands for EV protection because of the extreme restrictions the designation imposes on individuals and communities who wish to use the waters responsibly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

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 the 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.

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 requires 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 the DEP accountable for living up to the requirements of the Governor's Executive Order.

Sincerely,


 Carl W. Dickinson
 President