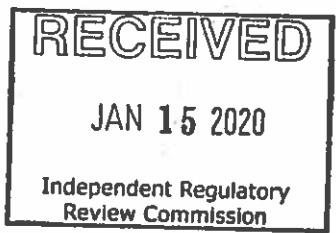


# 3182



January 14, 2020

Jonathan E. Rinde  
MANKO, GOLD, KATCHER & FOX, LLP  
401 City Avenue, Suite 901  
Bala Cynwyd, PA 19004

Dear Mr. Rinde:

Thank you for your letter regarding the *Triennial Review of Water Quality Standards* final-form rulemaking.

The Department of Environmental Protection (Department) appreciates and understands your concern regarding your comments submitted February 16, 2018, on behalf of the Monroe County Clean Streams Coalition (Coalition), for this rulemaking. The Department acknowledges timely receipt of the comments and apologizes for the oversight in addressing the comments in the Comment and Response document that accompanies the final-form rulemaking. However, it is important to note that the Department carefully reviewed and considered all comments in the development of the final-form rulemaking, including those of the Coalition.

The Department more comprehensively addresses your comments below. This letter will be provided to the Chairpersons of both the Environmental Quality Board (EQB) and the Independent Regulatory Review Commission (IRRC), and it will be included as part of the public record for this final-form rulemaking.

The Coalition's comments received on Proposed Rulemaking; Triennial Review of Water Quality Standards, 47 Pa.B. 6609 (Oct. 21, 2017) address two primary issues. Comments request the EQB add provisions to Chapter 93, as outlined in the Coalition's February 16, 2018 comments, to provide additional notice of the Department's stream classification activities to affected landowners and municipalities with a meaningful opportunity for participation. Comments also request the EQB consider modifications on the Department's proposed revisions to the definition of "*outstanding National, State, regional or local resource water*" and the Department's proposed definition of "*conservation easements*."

With regard to the notification processes, the Department offers multiple opportunities, as part of the stream evaluation process, for the public to provide data and information. First, the Department provides public notice of its intent to assess the candidate streams. The Department provides notices to the public requesting additional water quality data for the streams through several distribution pathways: publication in the *Pennsylvania Bulletin*; direct notification to all affected municipalities, county planning commissions, conservation districts and Commonwealth agencies; and postings on the Department's website.

Once the data solicitations are completed, the Department prepares draft stream evaluation reports and makes them available for public review and comment. The Department uses the same notifications, as mentioned above, to reach interested parties. In addition, if a petition is filed with the EQB, letters are sent to the petitioners to inform them of opportunities for comment.

To further address concerns about notice of the Department's stream evaluation activities, the Department created a new *eNotice* subscription specifically for stream redesignation evaluation notifications. *eNotice* is the Department's electronic notification system that allows users to subscribe to receive email notifications for all opportunities to provide data and for public review and comment relating to stream evaluations. When the subscription was created, the Department promoted this new opportunity to stay informed of stream evaluations by sending emails to all NPDES permittees with valid email addresses on file, advertising on social media outlets, sending letters to NPDES permittees, and posting the availability of the subscription on the Department's website.

With regard to the comment pertaining to modifications to definitions, the Department appreciates the Coalition's comments on the definitions of "*outstanding National, State, regional or local resource water*" and "*conservation easements*."

As stated in the Preamble to the proposed rulemaking, the Department was seeking comments on whether the definition of "*outstanding National, State, regional or local resource water*" in 25 Pa. Code § 93.1 (relating to definitions) should be amended in the next triennial review of water quality standards to clarify how conservation easements can be considered in an evaluation for a stream redesignation. The Department was also seeking comment on adding a suggested definition of "*conservation easements*" to describe which types of easements may be considered in the stream evaluation. Based on the comments received, including those received from the Coalition during this triennial review, the Department may recommend, in a future proposed rulemaking for a future triennial review of water quality standards, that the EQB clarify the use of conservation easements in the water quality program.

Thank you for your interest in this rulemaking. If you have further questions, please do not hesitate to contact Gary Walters, Environmental Program Manager, by e-mail at [gawalters@pa.gov](mailto:gawalters@pa.gov) or by telephone at 717.783.7964.

Respectfully,



Laura F. Edinger  
Regulatory Coordinator

cc: Chairperson, Environmental Quality Board  
Chairperson, Independent Regulatory Review Commission