

# Comments of the Independent Regulatory Review Commission



## Environmental Quality Board Regulation #7-548 (IRRC #3226)

### Water Quality Standards; Class A Stream Redesignations

June 6, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the March 23, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

#### **Whether the regulation is supported by acceptable data; Economic or fiscal impact.**

This proposed rulemaking will update designated uses for streams that qualify as High Quality (HQ)-Cold Water Fishes (CWF) waters, based on species-specific biomass for Class A Wild Trout set by the Pennsylvania Fish and Boat Commission (PFBC). EQB states that Department of Environmental Protection (DEP) staff conducted an independent review of the trout biomass data in PFBC fishery management reports for relevant streams to ensure that the HQ conditions were met. The proposal affects 42 stream segments totaling 204 stream miles.

A document prepared by DEP's Division of Water Quality Standards that was submitted with this proposal states that while DEP generally followed PFBC requested stream reach delineations, "adjustments were made in some instances based on land use, confluence of tributaries or considerations based on electronic mapping limitations."

PFBC submitted comments suggesting that the zone for recommended designated use for seven streams be amended from Main Stem to Basin. They also suggest that the Basin designation be applied to entire reaches of two streams instead of just the streams themselves. It is our understanding that adopting the recommendations of the PFBC would increase the number of stream miles affected by the proposal.

We ask EQB to review the comments of the PFBC to determine if the suggestions are supported by acceptable data and to provide an explanation of why it will either adopt or not adopt the suggested amendments. If changes are made, we ask EQB to update the number of stream miles that will be affected and also to quantify any potential economic or fiscal impact that may result.