Regulatory Analysis Form

(Completed by Promulgating Agency)

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INDEPENDENT REGULATORY REVIEW COMMISSION

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(1) Agency
Environmental Protection

(2) Agency Number:
Identification Number: 7-528

IRRC Number:
3140

(3) PA Code Cite: 25 Pa Code, Chapter 93

(4) Short Title:
Water Quality Standards – Class A Stream Redesignations

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

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

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

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

Section 303(c)(1) of The Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. Further, states are required to protect existing uses of their waters. This regulation is undertaken as part of the Department's ongoing review of Pennsylvania's water quality standards. The proposed regulation will update and revise water quality standards that are designated uses for surface waters of the Commonwealth.

This proposal modifies Chapter 93 to reflect the recommended redesignation of streams shown on the attached list. The proposed regulation will update and revise stream use designations in §§ 93.9a, 93.9c - 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n - 93.9q, and 93.9t. These changes may, upon implementation, result in more stringent treatment requirements for new and/or expanded wastewater discharges to the streams in order to protect the existing and designated water uses.

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

The Pennsylvania Clean Streams Law, Act of June 22, 1937 (P.L. 1987, No. 394) as amended, 35 P.S. § 691.1 et seq.

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

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

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

Section 303(c) of the federal Clean Water Act and 40 CFR § 131.10 require states to develop water quality standards that consist of designated uses. Such standards must "protect the public health or welfare and enhance the quality of water." In addition, such standards must take into consideration water uses including public water supplies, propagation of fish and wildlife, recreational purposes, agricultural purposes and industrial purposes.

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

The purpose of developing the water quality standards is to protect Pennsylvania's surface waters. Pennsylvania's surface waters, through the water quality standards program, are protected for a variety of uses including: drinking water supplies for humans, livestock and wildlife; fish consumption; irrigation for crops; aquatic life uses; recreation; and industrial water supplies. All the citizens of this Commonwealth will benefit from the regulation since it will provide the appropriate level of water quality protection for all water uses.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all citizens of the Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking water illnesses. Additionally, by maintaining water quality standards, clean surface water is available for irrigation of livestock and for use in industrial processes. Clean surface waters also benefit the Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries.

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

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

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

Other states are also required to maintain water quality standards, based on the federal mandate at section 303(c) of the federal Clean Water Act and 40 CFR § 131.10.

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

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

No other regulations are affected by this proposal. State agencies that may cause pollution in surface waters will likely be affected by this regulation. For example, if an agency's activity involves the discharge of pollutants into surface waters, the discharge must meet the water quality standards identified by this regulation.

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

The streams in this proposed rulemaking that are candidates for redesignation were all evaluated in response to a submittal from the Pennsylvania Fish and Boat Commission (PFBC) under § 93.4b (relating to qualifying as High Quality or Exceptional Value waters). Section 93.4b(a)(2)(ii) pertains to the process for a stream to qualify for HQ designation based upon its classification as a Class A wild trout stream. It states that a surface water that has been designated a Class A Wild Trout stream by the PFBC, following public notice and comment, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The PFBC Commissioners approved these waters, as Class A wild trout streams, after public notice and comment. Department staff conducted an independent review of the trout biomass data in the fisheries management reports for these streams. This review was conducted to ensure that the Class A criteria were met.

The Department provides public notice of its intent to assess the Class A stream data prior to any resulting redesignation recommendations. The Department's notice requesting additional water quality data was published in the Pennsylvania Bulletin on May 26, 2012 (42 PaB 3027) and also on the Department website. No water quality data were received. In addition, all affected Municipalities, County Planning Commissions, Conservation Districts, and State Agencies were notified of this redesignation evaluation in a letter dated May 2, 2012. No data or comments were received in response to these notices.

Once the Department's final draft report was completed, it was made available to all municipalities, County Planning Commissions, County Conservation Districts and other State Agencies on March 20, 2015. This final draft report was mailed to these entities and it was also posted on the Department's website, with an initial public comment period ending 45-days later. Six stakeholders offered comments during the comment period, three in support and three in opposition. The Department considered these comments in drafting the final Class A Wild Trout Streams Evaluation Report.

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

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

It is not possible to identify the total number of persons, businesses and organizations that will be affected by the regulation. Persons proposing new or expanded activities or projects which result in pollution to waters of the Commonwealth may be affected by the proposed regulations. For example, dischargers of pollutants will be required to provide effluent treatment or best management practices that will protect and maintain the designated uses identified in this proposed regulation. Such treatment and practices may result in higher design engineering, construction, and treatment costs. The proposed regulation will be implemented through the Department's permit and approval actions.

The Department identified 3 potable water supply facilities with raw water intakes that are no further downstream than 16.5 stream miles of the candidate stream sections for redesignation in this rulemaking package. These three potable water suppliers which serve over 115,000 citizens, will benefit from this rulemaking package because their raw source water will be afforded a higher level of protection. This is an economic benefit because the treatment costs are less when you begin with higher quality water.

Out of over 7,000 pollution control facilities across the Commonwealth, only 11 of them are known to hold discharge permits within close proximity to the portions of the streams that are candidates for redesignation in this Class A Package.

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

Persons with proposed or existing discharges into surface waters of the Commonwealth must comply with the regulation. Also, see response to question 15.

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

All citizens of the Commonwealth, both present and future, will benefit from having clean water that is protected and maintained. Because the focus of this proposal also relates to the protection of fisheries, specific revenue-related benefits associated with outdoor recreation in Pennsylvania are outlined below.

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

According to the "Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania," (R. Greene, et al. 2005) (http://www.outdoorrecreationdata.com/Stats/PA_wildtrout_05.pdf), the Pennsylvania Fish and Boat Commission collected information to assess the economic impact of wild trout angling in Pennsylvania, during the 2004 regular trout season, April 17 through September 3, 2004. "Based on the results of this study, angling on wild trout streams contributed over 7.16 million dollars to Pennsylvania's economy during the regular trout season in 2004."

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

According to the Outdoor Recreation Industry Association, Pennsylvania's outdoor recreation generates 219,000 direct Pennsylvania jobs, $7.2 billion in wages and salaries, and $1.6 billion in state and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. (See Outdoor Industry Association (2012), "The Outdoor Economy: Take it Outside for American Jobs and a Strong Community," http://www.outdoorindustry.org/pdf/OIA_Outdoor-RecEconomyReport2012.pdf.)

Also, see response to question 15.

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

Health and welfare benefits to all citizens of the Commonwealth accrue from protecting the surface waters of the Commonwealth at the appropriate level. The benefits from substantial revenue and jobs associated with popular fisheries, and other industries that rely on clean water, outweigh the cost and adverse effects associated with selective effluent treatment technology and best management practices for those who cause pollution of the waters.

Also, see responses to questions 15 and 17.

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

Specific estimates of costs and savings cannot be determined because each activity that will result in pollution to a special protection water must be reviewed based on site-specific considerations. These site-specific considerations include, but are not limited to the size, flow volume, and the chemical, biological and physical properties of both the receiving water and the effluent discharge. These unique parameters result in site-specific requirements. Individual permits will be required for National Pollutant Discharge Elimination System (NPDES) discharges to waters identified in the proposed regulations.

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

No costs will be imposed directly upon local governments by this proposed regulation. This proposal is based on and will be implemented through existing Department programs, procedures and policies. However, certain municipalities that discharge pollutants to surface waters may be affected by this proposed regulation. The costs associated with permits and performance or design requirements will be site-specific and will be based on effluent limitations or best management practices and the appropriate protections for a particular waterbody.

The municipality may derive additional revenue and employment from the tourism industries that are attracted to recreation associated with surface waters, such as anglers.

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

No costs will be imposed directly upon state governments by this proposed regulation. This proposal is based on and will be implemented through existing Department programs, procedures and policies. However, certain state agencies that discharge pollutants to surface waters may be affected by this proposed regulation. The costs associated with permits and performance or design requirements will be site-specific and will be based on effluent limitations or best management practices and the appropriate protections for the particular waterbody.

The state may derive additional revenue and employment from the tourism industries that are attracted to recreation associated with the surface waters, such as anglers. Also, see response #17.

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

Each activity that will result in pollution to a special protection water requires a review that is based on site-specific considerations. Existing Department procedures will be used to implement this proposed regulation. Persons proposing new or expanded activities or projects which result in discharges to waters of the Commonwealth will be required to implement treatment of effluent or best management practices and the appropriate protections for a particular waterbody.

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

	Current FY Year 15/16	FY+1 Year 16/17	FY+2 Year 17/18	FY+3 Year 18/19	FY+4 Year 19/20	FY+5 Year 20/21
SAVINGS:	$	$	$	$	$	$
Regulated Community	Not Measurable					
Local Government	"					
State Government	"					
Total Savings	"					
COSTS:						
Regulated Community	Not Measurable					
Local Government	"					
State Government	"					
Total Costs	"					
REVENUE LOSSES:						
Regulated Community	Not Measurable					
Local Government	"					
State Government	"					
Total Revenue Losses	"					

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

Program	FY -3 (2012-13)	FY -2 (2013-14)	FY -1 (2014-15)	Current FY (2015-16)
160-10381 Enviro Protection Operations	$74,547,000	$75,184,000	$84,438,000	$90,100,000
161-10382 Enviro Program Management	$24,965,000	$25,733,000	$28,517,000	$29,967,000

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

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

Persons with proposed or existing discharges into surface waters of the Commonwealth must comply with the regulation. Also, see response to question 15.

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

Each activity that will result in pollution to a special protection water requires a review that is based on site-specific considerations. Individual permits will be required for National Pollutant Discharge Elimination System (NPDES) discharges to waters identified in the proposed regulations. Existing Department procedures will be used to implement this proposed regulation.

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

Each activity that will result in pollution to a special protection water requires a review that is based on site-specific considerations. Individual permits will be required for National Pollutant Discharge Elimination System (NPDES) discharges to waters identified in the proposed regulations. Existing Department procedures will be used to implement this proposed regulation.

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

The existing regulations, in Chapter 93, provide some relief for a person who applies for a permit and proposes to discharge pollutants, and who has evaluated the following: whether nondischarge alternatives (to the discharge) exist that are cost effective and environmentally sound; and, if not, whether a nondegrading discharge is possible. Since all of the proposed regulations involve designations of High Quality-Cold Water Fishes, Chapter 93 allows the Department to allow a reduction of water quality if it finds that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

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

There are no such provisions in this proposed regulation.

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

There were no non-regulatory alternatives available to consider in this case.

There were no alternative regulatory schemes to consider in achieving the correct level of protection for the waters of the Commonwealth. The proposed regulations reflect the results of a scientific evaluation of regulatory criteria.

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

(a) The establishment of less stringent compliance or reporting requirements for small businesses.

There were no less stringent compliance or reporting requirements to consider in this case.

There were no alternative regulatory schemes to consider in achieving the correct level of protection for the waters of the Commonwealth. The proposed regulations reflect the results of a scientific evaluation of regulatory criteria.

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

There were no non-regulatory alternatives available to consider in this case.
Schedules of compliance and reporting requirements are considered when permit or approval actions are taken and cannot be considered as part of this scientific evaluation of the correct designated uses of surface waters.

(c) The consolidation or simplification of compliance or reporting requirements for small businesses.

Compliance and reporting requirements are considered when permit or approval actions are taken and cannot be considered as part of this scientific evaluation of the correct designated uses of surface waters.

(d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation.

The proposed regulations represent performance standards. They identify the instream goals for water quality protection and do not identify the design or operational standards that must be used to meet the goals.

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

There were no such exemptions of small businesses to consider in this case.

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

Please see the attached stream evaluation report.

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

A. The date by which the agency must receive public comments:	45-day comment period
B. The date or dates on which public meetings or hearings will be held:	during 45-day comment period, (if requested)
C. The expected date of promulgation of the proposed regulation as a final-form regulation:	by winter 2016/17
D. The expected effective date of the final-form regulation:	Publication in the PA Bulletin
E. The date by which compliance with the final-form regulation will be required:	Publication in the PA Bulletin
F. The date by which required permits, licenses or other approvals must be obtained:	When permits or approvals are issued or renewed

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

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

Additionally, the Clean Water Act includes a requirement to review, and revise as necessary, the Commonwealth's water quality standards at least once every three year. As such, there is a schedule built in for continual review of this regulation.

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

By: Amy M. Elliott
(Deputy Attorney General)

JAN 20 2016
DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-528

DATE OF ADOPTION NOVEMBER 17, 2015

BY _____

TITLE JOHN QUIGLEY
CHAIRMAN

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

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

BY _____

DATE OF APPROVAL 12-22-15

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

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

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

Water Quality Standards – Class A Stream Redesignations

25 *Pa. Code,* Chapter 93

CLASS A WILD TROUT STREAMS

STATEWIDE

WATER QUALITY STANDARDS REVIEW

STREAM REDESIGNATION EVALUATION

Drainage Lists:
A, C, D, E, F, H, I, K, L, N, O, P, Q, T

WATER QUALITY MONITORING SECTION (MAB)
DIVISION OF WATER QUALITY STANDARDS
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

December 2014

INTRODUCTION

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

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

All fisheries management reports that support PFBCs final determinations included in this package were reviewed and the streams were found to qualify as HQ streams under 93.4b(a)(2)(ii). There are 50 entries representing 207 stream miles included in the recommendations table. The Department generally followed the PFBC requested stream reach delineations. Adjustments to reaches were made in some instances based on land use, confluence of tributaries, or considerations based on electronic mapping limitations.

PUBLIC RESPONSE AND PARTICIPATION SUMMARY

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

As Class A designations may ultimately result in regulatory changes to Pennsylvania's water quality standards, the Department provides public notice of its intent to assess the Class A stream data prior to any resulting redesignation recommendations. The Department's notice requesting additional water quality data was published in the Pennsylvania Bulletin on May 26, 2012 (42 PaB 3027) and also on the Department website. No water quality data was received. In addition, all affected Municipalities, County Planning Commissions, Conservation Districts, and State Agencies were notified of this

redesignation evaluation in a letter dated May 2, 2012. No data or comments were received in response to these notices.

Final Draft Notice, Comments and Response. Once the final draft was completed, it was made available to all municipalities, County Planning Commissions, County Conservation Districts and other State Agencies with effected streams on March 20, 2015 with a with an initial public comment period ending 45-days later. Six stakeholders offered comments during the comment period, three in support and three in opposition.

Table 1: PFBC Trout Biomass Estimate Classes and Criteria

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

RECOMMENDATIONS

The department recommends amending §93.9a, §93.9c-f, § §93.9h-i, §93.9k-l, §93.9n-q and §93.9t to reflect High Quality designations for the following stream segments.

STREAM NAME	TRIBUTARY TO	COUNTY	DRAINAGE LIST	STREAM CODE	DESIGNATED USE	PROPOSED DESIGNATED USE	PBFC CLASS A REACH	DEP ZONE RECOMMENDATION	DATE OF EVAL	AFFECTED STREAM MILES	SPECIES	BIOMASS ESTIMATE
SHERMAN CREEK	WEST BRANCH DELAWARE RIVER	WAYNE	A	6656	CWF,MF	HQ-CWF,MF	PRIVATE RD 0.5KM ABOVE LR63098 DOWNSTREAM TO NEW YORK-PENNSYLVANIA BORDER	BASIN, STARBOARD CREEK TO PA/NY BORDER, INCLUDING ALL SECTIONS OF STARBOARD CREEK IN PA	9/22/2008	6.84	MIX	63.4
MARTINS CREEK	DELAWARE RIVER	NORTHAMPTON	C	4680	TSF,MF	HQ-CWF,MF	DAM 0.6KM UPS INT S.MAIN ST (SR1015) & OLD FRANKLI DOWNSTREAM TO CONFLUENCE W/DELAWARE R	MAINSTEM, FROM DAM LOCATED 0.6 Km UPSTREAM OF INTERSECTION OF OLD FRANKILIN HILL RD AND MAIN STREET TO MOUTH	1/20/2012	1.9	BROWN	348.38
HUNTER CREEK	BUCKWHA CREEK	CARBON	D	3788	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN	4/22/2011	17.021	MIX	58.17
CATASUAQUA CREEK	LEHIGH RIVER	LEHIGH	D	3632	CWF,MF	HQ-CWF, MF	MAINSTEM, EAST WOOD ST BRIDGE TO 40 METER DOWNSTREAM OF LEHIGH ST BRIDGE	MAINSTEM, EAST WOOD ST BRIDGE TO 40 METER DOWNSTREAM OF LEHIGH ST BRIDGE	4/22/2011	0.5	BROWN	94.9
SAUCON CREEK	LEHIGH RIVER	LEHIGH	D	3345	CWF,MF	HQ-CWF.MF	HEADWATERS DOWNSTREAM TO 0.92 KM DWS T410 BRDG	MAINSTEM, SOURCE TO .92KM DOWNSTREAM OF TOWNSHIP ROAD 410 (CHESTNUT HILL ROAD) BRIDGE	12/5/2007	3.785	BROWN	21.73
UNT TO DELAWARE RIVER	DELAWARE RIVER	NORTHAMPTON	E	3333	TSF,MF	HQ-CWF,MF	HEADWATER DOWNSTREAM TO CONFLUENCE WITH DELAWARE RIVER	BASIN, SOURCE TO MOUTH	1/20/2012	1.7	BROWN	98.26
UNT 2299 TO BEAR CREEK (WEST)	BEAR CREEK	SCHUYLKILL	F	2299	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	2.616	BROOK	51.66
WILLOW CREEK	MAIDEN CREEK	BERKS	F	1986	CWF,MF	HQ-CWF,MF	375 M UPST T-707 BRIDGE DOWNSTREAM TO MOUTH	BASIN, FROM 375 METERS UPSTREAM OF T-707 BRIDGE CROSSING (AT RMI 0.75) TO MOUTH	3/21/2006	3.309	BROOK	58.12
UNT 01950 TO TULPEHOCKEN CREEK (WOMELSDORF)	TULPEHOCKEN CREEK	BERKS	F	1950	TSF,MF	HQ-CWF,MF	SR3002 BRIDGE AT WOMELSDORF DOWNSTREAM TO MOUTH	MAINSTEM, SR 3002 TO MOUTH	9/22/2008	1.641	BROWN	42.58
UNT 64019 TO ALLEGHENY CREEK	ALLEGHENY CREEK	BERKS	F	64019	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	MAINSTEM, SOURCE TO MOUTH	9/22/2008	1.905	BROOK	77

HAY CREEK	SCHUYLKILL RIVER	BERKS	F	1772	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO SR82 BRIDGE NEAR GEIGERTOWN	BASIN, FROM UNT 63882 TO THE SR 82 BRIDGE AT GEIGERTOWN AT RIVER MILE 6.75	6/15/2000	1.447	BROWN	47
UNT MONOCACY CREEK	MONOCACY CREEK	BERKS	F	1762	WWF,MF	HQ-CWF,MF	DAM LOCATED 40 METERS UPSTREAM SR 2023 DOWNSTREAM TO MOUTH	BASIN, FROM 40 METERS UPSTREAM SR 2023 BRIDGE CROSSING (AT RMI 0.4) TO MOUTH	3/21/2006	0.75	BROWN	120.64
BIG RIFT CREEK	TIOGA RIVER	TIOGA	H	31316	CWF,MF	HQ-CWF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	2.184	BROOK	35.14
SATTERLEE RUN	SOUTH BRANCH TOWANDA CREEK	BRADFORD	I	30269	CWF,MF	HQ-CWF.MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	8.39	BROOK	44.32
GAYLORD CREEK	NORTH BRANCH WYALUSING CREEK	SUSQUEHANNA	I	29706	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO BRAD SUSQUEHANNA CO LINE	BASIN, HEADWATER TO BRADFORD /SUSQUEHANNA COUNTY LINE	9/22/2008	12.289	BROOK	35
BURGESS BROOK	NORTH BRANCH MAHOOPANY CREEK	WYOMING	I	29259	CWF,MF	HQ-CWF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	1.227	BROOK	43.35
ROCK CREEK	TUNKHANNOCK CREEK	SUSQUEHANNA	I	29191	CWF,MF	HQ-CWF,MF	HEADWATER DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	7.229	BROOK	36
LEWIS CREEK	LACKAWANNA RIVER	LUZERNE	I	28663	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	1.936	BROOK	37.39
UNT TO LAUREL RUN "WHEELBARROW RUN"	LAUREL RUN	LUZERNE	K	62998	CWF,MF	HQ-CWF,MF	UNNAMED POND DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	1/20/2012	1.08	BROOK	32.57
BIG WAPWALLOPEN CEEK	WAPWALLOPEN CREEK	LUZERNE	K	28231	CWF,MF	HQ-CWF	CRYSTAL LAKE DOWNSTREAM TO POWERLINE CROSSING UPST NUANGOLA ROAD (SR 2042)	MAINSTEM, SR 476 TO POWERLINE CROSSING UPSTREAM OF NUANGOLA RD.	4/7/2008	6.201	MIX	97.9
BOW CREEK	BIG WAPWALLOPEN CREEK	LUZERNE	K	28248	CWF,MF	HQ-CWF	HEADWATERS ON ARBUTUS PEAK DOWNSTREAM TO MOUTH	MAINSTEM, SR 309 TO CONFLUENCE WITH BIG WAPWALLOPEN CREEK	4/7/2008	1.206	MIX	57.02
BALLIET RUN	WAPWALLOPEN CREEK	LUZERNE	K	28256	CWF,MF	HQ-CWF, MF	HEADWATERS DOWNSTREAM TO CONF WAPWALLOPEN CK AND UNT	BASIN, HEADWATERS TO MOUTH	4/7/2008	10.73	BROWN	59.71
WAPWALLOPEN CREEK	SUSQUEHANNA RIVER	LUZERNE	K	28225	CWF,MF	HQ-CWF,MF	CONF BALLIET RN AND UNT DOWNSTREAM TO CONF WAPWALLOPEN CK BG	BASIN, HEADWATERS TO CONFLUENCE WITH BIG WAPWALLOPEN CREEK	4/7/2008	2.691	BROWN	49.18
BIG WAPWALLOPEN CREEK	SUSQUEHANNA RIVER	LUZERNE	K	28225	CWF,MF	HQ-CWF,MF	CONF WAPWALLOPEN CK BG DOWNSTREAM TO 380 M DNST ST 3012	MAINSTEM, CONFLUENCE WITH BIG WAPWALLOPEN TO 380 METERS DOWNSTREAM OF SR 3021	4/7/2008		BROWN	41.28
LONG RUN	NESCOPECK CREEK	LUZERNE	K	28156	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	5.464	BROOK	31
UNT 28152 TO NESCOPECK CREEK	NESCOPECK CREEK	LUZERNE	K	28152	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	4.416	BROOK	45.62

UNT 28138 TO NESCOPECK CREEK	NESCOPECK CREEK	LUZERNE	K	28138	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	1.319	BROOK	59.73
UNT 28137 TO NESCOPECK CREEK (KESTER CK)	NESCOPECK CREEK	LUZERNE	K	28137	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	1.476	BROOK	58.57
COLES CREEK	FISHING CREEK	COLUMBIA, LUZERNE, SULLIVAN	K	27956	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MARSH RUN	BASIN, SOURCE TO CONFLUENCE WITH MARSH CREEK	4/22/2011	5.692	MIX	45.79
UNT COLES CREEK "FALLOW HOLLOW"	COLES CREEK	COLUMBIA	K	27964	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN	4/22/2011	2.113	BROOK	43.75
UNT COLES CREEK "HESS HOLLOW"	COLES CREEK	COLUMBIA	K	27963	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN	4/22/2011	1.874	MIX	42.19
WASP BRANCH	PINE CREEK	LUZERNE	K	27822	CWF,MF	HQ-CWF,MF	HEADWATER downstream to MOUTH	BASIN	3/13/2012	1.76	BROOK	43.94
LICK RUN	LITTLE FISHING CREEK	COLUMBIA	K	27725	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO JCT T 645 & SR 42	BASIN, SOURCE TO JCT OF T645 AND SR 42 AT RMI 2.3	9/22/2008	5.886	BROOK	45.35
LAUREL RUN (PORT MATILDA)	BALD EAGLE CREEK	CENTRE	L	23210	CWF,MF	HQ-CWF,MF	SOURCE DOWNSTREAM TO VICINITY OF BLACK OAK CHURCH	BASIN, HEADWATER TO RMI 3.24	9/22/2008	8.835	MIX	52.5
CEDAR RUN	MARSH CREEK	CENTRE	L	23059	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO MOUTH	MAINSTEM, SOURCE TO MOUTH	3/23/2011	6.292	BROWN	259.47
HARVEYS RUN	BALD EAGLE CREEK	CLINTON	L	22413	CWF,MF	HQ-CWF,MF	OUTFLOW OF UPPER CASTENEA RESERVOIR DOWNSTREAM TO MOUTH	BASIN, OUTFLOW FROM CASTENEA RESERVOIR TO MOUTH	1/20/2012	1.07	MIX	66.35
ROCK RUN	BABB CREEK	TIOGA	L	21758	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO CONFL WITH UNT 21760	BASIN, SOURCE TO CONFLUENCE WITH TRIB 21760	9/22/2008	4.12	BROOK	36.16
PLUM CREEK	HALTER CREEK	BLAIR	N	16504	WWF, MF	HQ-CWF,MF	RT 164 BRDG DOWNSTREAM TO MOUTH	MAINSTEM, FROM SR 164 BRIDGE CROSSING (AT RMI 3.3) TO MOUTH	12/14/2007	3.867	BROWN	141
HALTER CREEK	FRANKSTOWN BRANCH JUNIATA RIVER	BLAIR	N	16503	WWF, MF	HQ-CWF,MF	CONFLUENCE OF PLUM CK DOWNSTREAM TO MOUTH	MAINSTEM, FROM CONFLUENCE WITH PLUM CREEK TO MOUTH	12/14/2007	2.239	BROWN	185.68
SANDY RUN	LITTLE JUNIATA RIVER	BLAIR	N	16016	CWF,MF	HQ-CWF,MF	ST UNNAMED TRIBUTARY ENTERING FROM THE EAST UPSTR DOWNSTREAM TO MOUTH	BASIN, UNT 16026 TO MOUTH	6/14/2007	14.3	BROWN	58
LITTLE JUNIATA RIVER	JUNIATA RIVER	BLAIR, HUNTINGDON	N	15664	CWF,MF	HQ-CWF,MF	RR BRDG AT EAST (DNS) BORDER OF IRONVILLE DOWNSTREAM TO MOUTH OF SPRUCE CREEKMOUTH OF SPRUCE CREEK DOWNSTREAM TO BARREE ROAD BRDG (SR4004)	MAINSTEM, FROM LOGAN SPRING RUN TO MCLAIN RUN	4/22/2011	11.694	BROWN	340.3

MIDDLE SPRING CREEK	CONODOQUINET CREEK	CUMBERLAND	O	10602	CWF,MF	HQ-CWF,MF	HEADWATERS DOWNSTREAM TO AVON RD (T-303)	BASIN, CONFLUENCE OF GUM RUN AND FURNACE RUN TO T-303 (AVON RD)	11/2/2009	4.011	BROWN	76.6
BIG SPRING CREEK	CONODOQUINET CREEK	CUMBERLAND	O	10378	CWF,MF	HQ-CWF, MF	SOURCE DOWNSTREAM TO PIPER MILL DAM (OLD FISH BARRIER)	BASIN, RIVER MILE 4.54 TO NEALY RD.	9/29/2011	0.4	RAINBOW	69.05
BIG SPRING CREEK	CONODOQUINET CREEK	CUMBERLAND	O	10378	CWF,MF	HQ-CWF, MF		BASIN, SR 3007 (T-333) AT RIVER MILE 4.94 TO RIVER MILE 4.54	3/14/2011	0.792	BROOK	165.88
LETORT SPRING RUN	CONODOQUINET CREEK	CUMBERLAND	O	10261	CWF,MF	HQ-CWF,MF	POST ROAD BRIDGE DOWNSTREAM TO MOUTH	BASIN, T-710 BRIDGE (POST ROAD) TO MOUTH	9/22/2006	3.997	BROOK	215.67
MILL CREEK	ALLEGHENY RIVER	POTTER	P	58418	CWF AND HQ-CWF	HQ-CWF	BGE AT COUNTRY CLUB DOWNSTREAM TO MOUTH	BASIN, FROM UNT 58423 "NORTH HOLLOW" TO MOUTH	9/22/2008	6.308	BROWN	66.33
LOGAN RUN	TIONESTA CREEK	FOREST	Q	55194	CWF	HQ-CWF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	9/22/2008	6.134	BROOK	51.48
BEAR RUN	SOUTH SANDY CREEK	VENANGO	Q	51342	CWF	HQ-CWF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN	4/22/2011	0.875	BROOK	55.11
HIGGINS RUN	QUEMAHONING CREEK	SOMERSET	T	45404	CWF	HQ-CWF	UNAMED POND AT HEADWATERS DOWNSTREAM TO STONE BRIDGE BOREHOLE	MAINSTEM, UNNAMED POND IN HEADWATERS TO RMI 1.37	9/22/2008	2.907	BROWN	170.36
UNT TO FREEMAN RUN	FREEMAN RUN	WESTMORELAND	T	44808	TSF	HQ-CWF	HEADWATERS DOWNSTREAM TO MOUTH	BASIN, SOURCE TO MOUTH	1/20/2012	1.19	BROOK	52.11

REFERENCES

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

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

PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
25 Pa. Code Chapter 93
Water Quality Standards – Class A Stream Redesignations

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code §§93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q, and 93.9t (relating to the Designated Uses and Water Quality Criteria for waterbody segments) as set forth in Annex A. The proposed regulations fulfill the Commonwealth's obligations under state and federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This proposal was adopted by the Board at its meeting of November 17, 2015.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Rodney Kime, Bureau of Point and Non-Point Source Management (BPNPSM), 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, 717-787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, 717-787-7060. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD-users) or 1-800-654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (Select "Public Participation Center," then "Environmental Quality Board").

C. Statutory and Regulatory Authority

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

D. Background and Purpose

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits, and best management practices (BMPs)) on individual sources of pollution. Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water

quality standards. Water quality standards include designated uses, numeric and narrative criteria and antidegradation requirements for surface waters. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Members of the public may submit a rulemaking petition to the Board. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this proposal, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, and following public notice and comment, qualifies for High Quality (HQ) designation. The PFBC published notice and requested comments on the Class A designation of these streams. The PFBC Commissioners approved these waters after public notice and comment.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality, and permitted activities shall ensure the protection of designated and existing uses. The purpose of this rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in § 93.3 (relating to protected water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

E. Summary of Regulatory Requirements

Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth. This review was conducted to ensure that the High Quality criteria were met. The Department gave notice, in the Pennsylvania

Bulletin and on its website that an evaluation was to be conducted on all or portions of the subject streams to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth's Water Quality Standards. Persons who had technical data concerning the water quality, instream habitat or biological conditions of these stream sections were encouraged to make it available to the Department for consideration in the assessment. Potentially affected municipalities were also notified by letter of the stream evaluations and asked to provide any readily available data. No data or comments were received in response to these notices.

The affected municipalities, County Planning Commissions, County Conservation Districts and other State Agencies were later notified of the availability of a draft evaluation report for their review and comment. Six stakeholders offered comments during the 45-day comment period, three in support and three in opposition.

The draft stream evaluation report was also made available on the Department's website and offered an opportunity for 30-day public review and comment.

All data and comments received in response to these notifications were considered in the determination of the Department's recommendations.

Copies of the Department's stream evaluation report for these waterbodies are available on the Department's web site or from the contacts whose addresses and telephone numbers are listed in Section B of this Preamble. Copies of the PFBC fisheries management reports for these streams are available from Rodney Kime whose address and telephone number are listed in Section B of this Preamble. The data and information collected on these waterbodies support the Board's proposed regulation as set forth in Annex A.

During the Department's review of stream data, it discovered listing errors in § 93.9. First, the Board is proposing to correct an error in Chapter 93.9d. The Chapter 93.9d listing for a very short segment of Pohopoco Creek main stem which extends from the mouth of Middle Creek to the SR 209 bridge at Kresgeville says that it is HQ-CWF, MF and it also incorrectly states that the same segment is CWF, MF. The correct designation for this portion of Pohopoco Creek is HQ-CWF, MF based on its current classification by PFBC, and the Department's review of the data, as a Class A Wild Trout Water.

Second, the Board is proposing to correct an error in §93.9k. Portions of Little Nesocopeck Creek (above State Route 309) and Creasy Creek were included with the data submittal from the PFBC. However, these portions of the upper Nescopeck Creek basin are already designated HQ-CWF, MF; therefore, no change is necessary. The entire upper Nescopeck Creek basin above State Route 309 Bridge is HQ-CWF, MF according to the first entry for the Nescopeck Creek in Chapter 93.9k. This entry designates the main stem of the Nescopeck Creek and all of its tributaries upstream of SR 309 as HQ-CWF, MF. When reviewing the drainage list, the Department discovered duplicative listings for Creasy Creek, Little Nescopeck Creek, and Oley Creek which are improperly located below the SR 309 bridge in § 93.9k. The listing errors for Creasy, Little Nescopeck, and Oley Creeks should be corrected because their mouths are actually geographically located upstream of the SR 309 bridge and, therefore, should have the High Quality designations.

The Board is also proposing to correct some stream names as they appear in §93.9k. The United States Geologic Survey (USGS) maintains the National Hydrography Dataset (NHD) Flowline. The stream nomenclature and the fluvial geomorphology given in the Pennsylvania Code are governed by the NHD Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline. The NHD Flowline now recognizes some portions of the upper Wapwallopen Creek basin as Balliet Run and some of the lower portions of the Wapwallopen Creek are now Big Wapwallopen Creek.

Finally, the Board is proposing that all reference to river mile indexes (RMIs) that are included in the Annex for this proposed rulemaking are to be converted to a set of coordinates (latitude and longitude), with the eventual goal to be the conversion of all RMIs in the drainage lists (chapter 93.9a to 93.9z) to the coordinate system. Agency staff recognizes the RMI system to be antiquated. When determining the RMI, it is possible to derive differing RMIs depending on the technique used. It is easy to consistently determine the latitude and longitude along any point of a stream or river while you are in the field with a hand-held GPS unit; or using a GIS software application (the DEP standard projected coordinate system is PA_Albers_Equal_Area_Conic; and the geographic coordinate system is North American Datum 1983 or NAD 1983). It is very difficult to determine the RMI while in the field. Referring to the latitude and longitude will make it much easier for the regulated community to apply the zone description in Chapter 93.9 to their particular project and determine whether their project discharges within the referenced stream zone.

F. Benefits, Costs and Compliance

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

2. *Compliance Costs* – The proposed amendments to Chapter 93 may impose additional compliance costs on the regulated community. These regulatory changes are necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

   The proposed redesignations will be implemented through the Department's permit and approval actions. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment or best management practices to meet the designated and existing uses of the stream. For example, these increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and best management practices are site-specific and depend upon the size of the discharge in relation to the size of the stream and many

other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and best management practices may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

3. *Compliance Assistance Plan* - The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit high water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act (33 U.S.C.A §§1251–1387) and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

   The proposed amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the uses of the stream. These permit conditions are established to assure water quality is protected and maintained. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality.

4. *Paperwork Requirements* - The proposed regulatory revisions should have no new direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ Waters, and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

G. Pollution Prevention

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

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

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

I. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 23, 2016 the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

J. Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by April 18, 2016. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by April 18, 2016. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments

should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

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

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

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. Public Hearings

If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

John Quigley,
Chairperson

ANNEX A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.9a. Drainage List A.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
1—Delaware River				
2—West Branch Delaware River (NY)				
3—Unnamed Tributaries to West Branch Delaware River	Basins (all sections in PA)**[, Source to PA-NY State Border]**	Wayne	HQ-CWF, MF	None
3—Sherman Creek	Basin (all sections in PA)**[, Source to Starboard Creek]**	Wayne	HQ-CWF, MF	None
[4—Starboard Creek	**Basin (all sections in PA)**	**Wayne**	**CWF, MF**	**None**
3—Sherman Creek	**Basin (all sections in PA), Starboard Creek to PA-NY State Border**	**Wayne**	**CWF, MF**	**None**
3—Sherman Creek (NY)				
4—UNTs to Sherman Creek	**Basins (all sections in PA), PA-NY State Border to Mouth**	**Wayne**	**CWF, MF**	**None]**
2—West Branch Delaware River	Main Stem, PA-NY State Border to Confluence with East Branch	Wayne	CWF, MF	See DRBC regulations—Water Quality Zone 1A

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§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
3—West Fork Martins Creek	Basin, Source to Confluence with East Fork	Northampton	CWF, MF	None
2—Martins Creek	Main Stem, Confluence of East and West Forks to **[Mouth]** **UNT 63237 at 40°47'36.9"N; 75°11'32.0"W**	Northampton	TSF, MF	None
3—UNTs to Martins Creek	Basins, Confluence of East and West Forks to Mouth	Northampton	TSF, MF	None
	* * * * * *			
3—Waltz Creek	Basin, Greenwalk Creek to Mouth	Northampton	HQ-CWF, MF	None
2—Martins Creek	**Main Stem, UNT 63237 to Mouth**	**Northampton**	**HQ-CWF, MF**	**None**
3—Little Martins Creek	Basin	Northampton	CWF, MF	None
	* * * * * *			

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania

Lehigh River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to **[SR 0209]** **US 209** Bridge at Kresgeville **at 40°53'51.0"N; 75°30'8.8"W**	Monroe	HQ-CWF, MF	None
4—Unnamed Tributaries to Pohopoco Creek	Basins, SR 3016 Bridge to **[SR 0209]** **US 209** Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to T-444 Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, T-444 Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, **[Middle Creek]** **US 209 Bridge at Kresgeville** to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to Mouth	Carbon	CWF, MF	None

	* * * * * *			
3—Aquashicola Creek	Basin, Source to Buckwha Creek	Carbon	HQ-CWF, MF	None
4—Buckwha Creek	Basin**, Source to Hunter Creek**	Carbon	CWF, MF	None
5—Hunter Creek	**Basin**	**Carbon**	**HQ-CWF, MF**	**None**
4—Buckwha Creek	**Basin, Hunter Creek to Mouth**	**Carbon**	**CWF, MF**	**None**
3—Aquashicola Creek	Main Stem, Buckwha Creek to Mouth	Carbon	TSF, MF	None
	* * * * * *			
3—Coplay Creek	Basin	Lehigh	CWF, MF	None
3—Catasauqua Creek	Basin**, Source to East Wood Street Bridge at 40°39'13.1"N; 75°28'0.9"W**	Lehigh	CWF, MF	None
3—Catasauqua Creek	**Main Stem, East Wood Street Bridge to a point downstream of the Lehigh Street Bridge at 40°38'51.8"N; 75°28'6.1"W**	**Lehigh**	**HQ-CWF, MF**	**None**
4—Tributaries to Catasauqua Creek	**Basins, East Wood Street Bridge to the point downstream of the Lehigh Street Bridge**	**Lehigh**	**CWF, MF**	**None**
3—Catasauqua Creek	**Basin, from the point downstream of the Lehigh Street Bridge to the Mouth**	**Lehigh**	**CWF, MF**	**None**
2—Lehigh River	Main Stem, Allentown Dam to Mouth	Northampton	WWF, MF	None
	* * * * * *			
3—Monocacy Creek	Basin	Northampton	HQ-CWF, MF	None
3—Saucon Creek	**[Basin]** **Main Stem**, Source to **[Black River] a point downstream of Chestnut Hill Road Bridge at 40°32'21.3"N; 75°26'28.1"W**	**[Northampton] Lehigh**	**HQ-**CWF, MF	None
4—**[Black River] Tributaries to Saucon Creek**	**[Basin] Basins, Source to SR 412 Bridge**	**Lehigh-**Northampton	CWF, MF	None
3—Saucon Creek	**Main Stem, From the point downstream of Chestnut Hill Road Bridge to Black River**	**Lehigh**	**CWF, MF**	**None**
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF, MF	None
[4—Unnamed Tributaries to Saucon Creek	**Basins, Black Creek to SR 412 Bridge**	**Northampton**	**CWF, MF**	**None]**
3—Saucon Creek	Basin, SR 412 Bridge to Mouth	Northampton	CWF, MF	None
	* * * * * *			

§ 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
1—Delaware River	Main Stem, Lehigh River to Head of Tide	Bucks	WWF, MF	See DRBC regulations—Water Quality Zone 1E
2—Unnamed Tributaries to Delaware River **(except UNT 03333 at 40°38'47.0"N; 75°12'6.6"W)**	Basins, Lehigh River to Pidcock Creek	Northampton-Bucks	TSF, MF	None
2—UNT 03333 to Delaware River	**Basin**	**Northampton**	**HQ-CWF, MF**	**None**
2—Frya Run	Basin	Northampton	HQ-CWF, MF	None

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§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania

Schuylkill River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
3—Pine Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, Source to UNT 02300 **at [RM 7.6] 40°34'15.5"N; 76°11'25.6"W**	Schuylkill	HQ-CWF, MF	None
4—**[Unnamed Tributary] UNT** 02300 to Bear Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, UNT 02300 to **[Mouth] UNT 02299 at 40°34'43.5"N; 76°9'33.6"W**	Schuylkill	CWF, MF	None
4—UNT 02299 to Bear Creek	**Basin**	**Schuylkill**	**HQ-CWF, MF**	**None**
3—Bear Creek	**Basin, UNT 02299 to Mouth**	**Schuylkill**	**CWF, MF**	**None**
3—Stony Creek	Basin	Schuylkill	CWF, MF	None

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3—Maiden Creek	Basin, Lake Ontelaunee Dam to Willow Creek	Berks	WWF, MF	None
4—Willow Creek	Basin, **Source to a point upstream of T-707 Bridge at 40°25'39.2"N; 75°55'26.3"W**	Berks	CWF, MF	None
4—Willow Creek	Basin, **From the point at T-707 Bridge to Mouth**	Berks	**HQ-**CWF, MF	None
3—Maiden Creek	Basin, Willow Creek to Mouth	Berks	WWF, MF	None
	* * * * * *			
3—Tulpehocken Creek	Main Stem, T 560 to Inlet of Blue Marsh Reservoir	Berks	TSF, MF	None
4—**[Unnamed]** Tributaries to Tulpehocken Creek	Basins, T 560 to **[Inlet of Blue Marsh Reservoir] Owl Creek**	**[Berks] Lebanon**	TSF, MF	None
4—Owl Creek	Basin	Lebanon	WWF, MF	None
4—Tributaries to Tulpehocken Creek	**Basins, Owl Creek to UNT 01950 at 40°22'23"N; 76°10'53.4"W**	**Lebanon-Berks**	**TSF, MF**	**None**
4—UNT 01950 to Tulpehocken Creek	**Basin, Source to SR 3002**	**Berks**	**TSF, MF**	**None**
4—UNT 01950 to Tulpehocken Creek	**Main Stem, SR 3002 to Mouth**	**Berks**	**HQ-CWF, MF**	**None**
5—Tributaries to UNT 01950	**Basins, SR 3002 to Mouth**	**Berks**	**TSF, MF**	**None**
4—Tributaries to Tulpehocken Creek	**Basins, UNT 01950 to Mill Creek (Stream Code 01936 at 40°25'2"N; 76°9'59.8"W)**	**Berks**	**TSF, MF**	**None**
4—Mill Creek (Stream Code 01936 **[at RM* 20.30])**	Basin	Berks	CWF, MF	None
4—Tributaries to Tulpehocken Creek	**Basins, Mill Creek (Stream Code 01936) to Inlet of Blue Marsh Reservoir**	**Berks**	**TSF, MF**	**None**
3—Tulpehocken Creek	Blue Marsh Reservoir	Berks	WWF, MF	None
	* * * * * *			
3—Trout Run	Basin	Berks	WWF, MF	None
3—Allegheny Creek	Basin, **Source to Sleepy Hollow Run**	Berks	CWF, MF	None
4—Sleepy Hollow Run	**Main Stem**	**Berks**	**HQ-CWF, MF**	**None**
5—Tributaries to Sleepy Hollow Run	**Basins**	**Berks**	**CWF, MF**	**None**
3—Allegheny Creek	**Basin, Sleepy Hollow Run to Mouth**	**Berks**	**CWF, MF**	**None**
3—Seidel Creek	Basin	Berks	WWF, MF	None
	* * * * * *			
3—Heisters Creek	Basin	Berks	WWF, MF	None

3—Hay Creek	Basin, Source to **[Unnamed Tributary (UNT)]** **UNT** 63882 at **[River Mile 8.1]** **40°12'8.5"N; 75°51'49.8"W**	Berks	EV, MF	None
4—**[Unnamed Tributary (63882)]** **UNT 63882** to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 63882 to **[Beaver Run]** **UNT 62990 at 40°12'36.7"N; 75°50'26.4"W**	Berks	**HQ-** CWF,MF	None
4—UNT 62990 to Hay Creek	**Basin**	**Berks**	**CWF, MF**	**None**
3—Hay Creek	**Basin, UNT 62990 to Beaver Run**	**Berks**	**CWF, MF**	**None**
4—Beaver Run	Basin	Berks	HQ-CWF, MF	None
3—Hay Creek	Basin, Beaver Run to Birdsboro Boundary **at 40°15'17.5"N; 75°48'51.2"W**	Berks	EV, MF	None
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin, Source to **[Unnamed Tributary at RM 1.28]** **UNT 64027 at 40°14'37.2"N; 75°46'40.3"W**	Berks	HQ-CWF; MF	None
4—**[Unnamed Tributary]** **UNT 64027** to Sixpenny Creek **[at RM 1.28]**	Basin	Berks	HQ-CWF; MF	None
3—Sixpenny Creek	Basin, **[Unnamed Tributary at RM 1.28]** **UNT 64027** to Mouth	Berks	CWF; MF	None
3—Monocacy Creek	Basin**, Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W**	Berks	WWF, MF	None
4—UNT 01762 to Monocacy Creek	**Basin, Source to Alsace and Oley Township border at 40°22'18.6"N; 75°48'56.7"W**	**Berks**	**WWF, MF**	**None**
4—UNT 01762 to Monocacy Creek	**Basin, Alsace and Oley Township border to Mouth**	**Berks**	**HQ-CWF, MF**	**None**
3—Monocacy Creek	**Basin, UNT 01762 to Mouth**	**Berks**	**WWF, MF**	**None**
3—Leaf Creek	Basin	Berks	WWF, MF	None

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§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania

Tioga River

Stream	Zone	County	Water	Exceptions

			Uses Protected	to Specific Criteria
1—Susquehanna River				
2—Tioga River	Basin, Source to **[Mill Creek] Big Rift Creek**	Tioga	CWF, MF	None
3—Big Rift Creek	**Basin**	**Tioga**	**HQ-CWF, MF**	**None**
2—Tioga River	**Basin, Big Rift Creek to Mill Creek**	**Tioga**	**CWF, MF**	**None**
3—Mill Creek	Basin	Tioga	TSF, MF	None

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§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania

Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
3—French Run	Basin	Bradford	CWF, MF	None
3—South Branch Towanda Creek	Basin**, Source to Satterlee Run**	Bradford	CWF, MF	None
4—Satterlee Run	**Basin**	**Bradford**	**HQ-CWF, MF**	**None**
3—South Branch Towanda Creek	**Basin, Satterlee Run to Mouth**	**Bradford**	**CWF, MF**	**None**
2—Towanda Creek	Main Stem, South Branch to Mouth	Bradford	WWF, MF	None
	* * * * * *			
2—Wyalusing Creek	Basin, Confluence of East and Middle Branches to North Branch	Bradford	WWF, MF	None
3—North Branch Wyalusing Creek	Basin**, Source to Gaylord Creek**	Susquehanna	CWF, MF	None
4—Gaylord Creek	**Basin, Source to Bradford / Susquehanna County line at 41°53'4.6"N; 76°8'6.4"W**	**Bradford - Susquehanna**	**HQ-CWF, MF**	**None**
4—Gaylord Creek	**Basin, Bradford / Susquehanna County line to Mouth**	**Susquehanna**	**CWF, MF**	**None**
3—North Branch Wyalusing Creek	**Basin, Gaylord Creek to Mouth**	**Susquehanna**	**CWF, MF**	**None**
2—Wyalusing Creek	Basin, North Branch to Mouth	Bradford	WWF, MF	None
	* * * * * *			
2—Mehoopany Creek	Basin, Source to North Branch Mehoopany Creek	Wyoming	HQ-CWF, MF	None

3—North Branch Mehoopany Creek	Basin**, Source to Burgess Brook**	Wyoming	CWF, MF	None
4—Burgess Brook	**Basin**	**Wyoming**	**HQ-CWF, MF**	**None**
3—North Branch Mehoopany Creek	**Basin, Burgess Brook to Mouth**	**Wyoming**	**CWF, MF**	**None**
2—Mehoopany Creek	Basin, North Branch Mehoopany Creek to Mouth	Wyoming	CWF, MF	None
	* * * * * *			
2—Tunkhannock Creek	Basin, Source to UNT 29200 at **[RM 36.08] 41°48'18.8"N; 75°34'50.6"W**	Susquehanna	CWF, MF	None
3—UNT 29200 to Tunkhannock Creek **[at RM 36.08]**	Basin	Susquehanna	EV, MF	None
2—Tunkhannock Creek	Basin, UNT 29200 to **[East Branch Tunkhannock Creek] Rock Creek**	Susquehanna	CWF, MF	None
3—Rock Creek	**Basin**	**Susquehanna**	**HQ-CWF, MF**	**None**
2—Tunkhannock Creek	**Basin, Rock Creek to East Branch Tunkhannock Creek**	**Susquehanna**	**CWF, MF**	**None**
3—East Branch Tunkhannock Creek	Basin, Source to Dundaff Creek	Susquehanna	CWF, MF	None
	* * * * * *			
2—Sutton Creek	Basin	Luzerne	CWF, MF	None
2—Lewis Creek	Basin	Lackawanna	HQ-CWF, MF	None
2—Gardner Creek	Basin	Luzerne	CWF, MF	None
	* * * * * *			

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania

Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
2—Abrahams Creek	Basin	Luzerne	CWF, MF	None
2—Mill Creek **[(Warden Creek)]**	Basin**, Source to Laurel Run**	Luzerne	CWF, MF	None
3—Laurel Run	**Basin, Source to UNT 62998 at 41°14'14.0"N; 75°48'33.5"W**	**Luzerne**	**CWF, MF**	**None**
4—UNT 62998 to Laurel Run	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Laurel Run	**Basin, UNT 62998 to Mouth**	**Luzerne**	**CWF, MF**	**None**
2—Mill Creek	**Basin, Laurel Run to Mouth**	**Luzerne**	**CWF, MF**	**None**

2—Toby Creek	Basin, Source to Huntsville Creek	Luzerne	CWF, MF	None
	* * * * * *			
2—Little Wapwallopen Creek	Basin	Luzerne	CWF, MF	None
2—**Big** Wapwallopen Creek **[(Big Wapwallopen Creek)]**	Basin**, Source to SR 437**	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	**Mainstem, SR 437 to a point upstream of Nuangola Road at 41°08'58.7"N; 75°54'48.1"W**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Tributaries to Big Wapwallopen Creek	**Basins, SR 437 to the point upstream of Nuangola Road**	**Luzerne**	**CWF, MF**	**None**
2—Big Wapwallopen Creek	**Basin, From the point upstream of Nuangola Road to Bow Creek**	**Luzerne**	**CWF, MF**	**None**
3—Bow Creek	**Basin, Source to SR 309**	**Luzerne**	**CWF, MF**	**None**
3—Bow Creek	**Mainstem, SR 309 to Mouth**	**Luzerne**	**HQ-CWF, MF**	**None**
4—Tributaries to Bow Creek	**Basins, SR 309 to Mouth**	**Luzerne**	**CWF, MF**	**None**
2—Big Wapwallopen Creek	**Basin, Bow Creek to Balliet Run**	**Luzerne**	**CWF, MF**	**None**
3—Balliet Run	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
2—Big Wapwallopen Creek	**Mainstem, Balliet Run to a point downstream of SR 3012 at 41°3'42.1"N; 76°5'51.2"W**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Tributaries to Big Wapwallopen Creek	**Basins, Balliet Run to the point downstream of SR 3012**	**Luzerne**	**CWF, MF**	**None**
2—Big Wapwallopen Creek	**Basin, From the point downstream of SR 3012 to Mouth**	**Luzerne**	**CWF, MF**	**None**
2—Walker Run	Basin	Luzerne	CWF, MF	None
	* * * * * *			
2—Nescopeck Creek	Basin, Source to PA 309 Bridge	Luzerne	HQ-CWF, MF	None
2—Nescopeck Creek	Main Stem, PA 309 Bridge to Mouth	Luzerne-Columbia	TSF, MF	None
3—**[Unnamed]** Tributaries to Nescopeck Creek	Basins, PA 309 Bridge to **[Mouth] Long Run**	Luzerne**[-Columbia]**	CWF, MF	None
[3—Creasy Creek	**Basin**	**Luzerne**	**CWF, MF**	**None**
3—Little Nescopeck Creek	**Basin**	**Luzerne**	**CWF, MF**	**None**
3—Oley Creek	**Basin, Source to farthest downstream crossing of State Game Lands No. 187 Border**	**Luzerne**	**HQ-CWF, MF**	**None**

3—Oley Creek	**Basin, Farthest down-stream crossing of State Game Lands No. 187 Border to Mouth**	**Luzerne**	**CWF, MF**	**None]**
3—Long Run	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	**Basins, Long Run to UNT 28152 at 41°0'45.8"N, 76°3'38.1"W**	**Luzerne**	**CWF, MF**	**None**
3-UNT 28152 to Nescopeck Creek	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Tributaries to Nescopeck Creek	**Basins, UNT 28152 to UNT 28138 at 41°0'40"N,76°6'1.7"W**	**Luzerne**	**CWF, MF**	**None**
[3—Little Nescopeck Creek	**Basin**	**Luzerne**	**CWF, MF**	**None]**
3-UNT 28138 to Nescopeck Creek	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Tributaries to Nescopeck Creek	**Basins, UNT 28138 to Kester Creek**	**Luzerne**	**CWF, MF**	**None**
3-Kester Creek	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
3—Tributaries to Nescopeck Creek	**Basins, Kester Creek to Mouth**	**Luzerne**	**CWF, MF**	**None**
[3—Black Creek	**Basin**	**Luzerne**	**CWF, MF**	**None]**
2—Briar Creek	Basin	Columbia	CWF, MF	None
	* * * * * *			
3—East Branch Fishing Creek	Basin, Source to Confluence with West Branch	Columbia	HQ-CWF, MF	None
2—Fishing Creek	Basin, Confluence of East and West Branches to **[Huntingdon Creek]** **Coles Creek**	Columbia	CWF, MF	None
3—Coles Creek	**Basin, source to Marsh Run**	**Columbia**	**HQ-CWF, MF**	**None**
4—Marsh Run	**Basin**	**Columbia**	**CWF, MF**	**None**
3—Coles Creek	**Basin, Marsh Run to UNT 27964 at 41°15'49.0"N; 76°20'28.1"W**	**Columbia**	**CWF, MF**	**None**
4—UNT 27964 to Coles Creek ("Fallow Hollow")	**Basin**	**Columbia**	**HQ-CWF, MF**	**None**
3—Coles Creek	**Basin, UNT 27964 to UNT 27963 at 41°15'32.5"N; 76°20'50.7"W**	**Columbia**	**CWF, MF**	**None**
4—UNT 27963 to Coles Creek ("Hess Hollow")	**Basin**	**Columbia**	**HQ-CWF, MF**	**None**
3—Coles Creek	**Basin, UNT 27963 to Mouth**	**Columbia**	**CWF, MF**	**None**
2—Fishing Creek	**Basin, Coles Creek to Huntingdon Creek**	**Columbia**	**CWF, MF**	**None**
3—Huntingdon Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF,	None

			MF	
3—Huntingdon Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—**[Unnamed]** Tributaries to Huntingdon Creek	Basins, Kitchen Creek to **[Mouth]** **Pine Creek**	Luzerne **-** **Columbia**	CWF, MF	None
[4—Rogers Creek	**Basin**	**Luzerne**	**CWF, MF**	**None**
4—Kingsbury Brook	**Basin**	**Luzerne**	**CWF, MF**	**None]**
4—Pine Creek	Basin**, source to Wasp Branch**	Luzerne	CWF, MF	None
5—Wasp Branch	**Basin**	**Luzerne**	**HQ-CWF, MF**	**None**
4—Pine Creek	**Basin, Wasp Branch to Mouth**	**Columbia**	**CWF, MF**	**None**
4—Tributaries to Huntingdon Creek	**Basins, Pine Creek to Mouth**	**Columbia**	**CWF, MF**	**None**
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
	* * * * * *			
3—Little Fishing Creek	Basin, Source to Lick Run	Columbia	EV, MF	None
4—Lick Run	Basin**, Source to UNT 27727 at 41°11'20.4"N; 76°31'18.0"W**	Columbia	**HQ-**CWF, MF	None
5—UNT 27727 to Lick Run	**Basin**	**Columbia**	**HQ-CWF, MF**	**None**
4—Lick Run	**Basin, UNT 27727 to Mouth**	**Columbia**	**CWF, MF**	**None**
3—Little Fishing Creek	Basin, Lick Run to Mouth	Columbia	CWF, MF	None

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§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania

West Branch Susquehanna River

Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions to Specific Criteria**
	* * * * * *			
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF, MF	None
4—Laurel Run	Basin**, Source to a point at 40°49'3.5"N, 78°5'52"W**	Centre	**HQ-**CWF, MF	None
4—Laurel Run	**Basin, From the point at 40°49'3.5"N; 78°5'52"W to Mouth**	**Centre**	**CWF, MF**	**None**
3—Bald Eagle Creek	Main Stem, Laurel Run to Nittany Creek	Centre	TSF, MF	None

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5—Galbraith Gap Run	Basin	Centre	HQ-CWF, MF	None
5—Cedar Run	**Main Stem [Basin]**	Centre	**HQ-**CWF, MF	None
6—Tributaries to Cedar Run	**Basins**	**Centre**	**CWF, MF**	**None**
5—UNT 23057 **[at RM 18.18] to Spring Creek at 40°47'41.2"N; 77°48'16.6"W** (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, Source to **[PA] SR** 26 at **[RM 9.0] 40°43'46"N; 77°52'42.4"W**	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, **[PA] SR** 26 **[at RM 9.0]** to UNT 23037 **at 40°48'50"N; 77°50'8.9"W**	Centre	CWF, MF	None
6—Unnamed Tributary 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF, MF	None
	* * * * * *			
4—Harveys Run	Basin **[, Source to Castanea Reservoir Water Supply Intake]**	Clinton	HQ-CWF, MF	None
[4—Harveys Run	**Basin, Castanea Reservoir Water Supply Intake to Mouth**	**Clinton**	**CWF, MF**	**None]**
3—McElhattan Creek	Basin, Source to Keller Reservoir Water Supply Intake	Clinton	HQ-CWF, MF	None
	* * * * * *			
5—Nickel Run	Basin	Tioga	EV, MF	None
5—Rock Run	Basin**, Source to UNT 21760 at 41°38'16.2"N, 77°14'34.7"W**	Tioga	**HQ-**CWF, MF	None
6—UNT 21760 to Rock Run	**Basin**	**Tioga**	**CWF, MF**	**None**
5—Rock Run	**Basin, UNT 21760 to Mouth**	**Tioga**	**CWF, MF**	**None**
5—Long Run	Basin, Source to Custard Run	Tioga	EV, MF	None
	* * * * * *			

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania

Juniata River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			

4—McDonald Run	Basin	Blair	WWF, MF	None
4—Halter Creek	Basin, **Source to Plum Creek**	Blair	WWF, MF	None
5—Plum Creek	**Basin, Source to SR 164**	**Blair**	**WWF, MF**	**None**
5—Plum Creek	**Main Stem, SR 164 to Mouth**	**Blair**	**HQ-CWF, MF**	**None**
6-Tributaries to Plum Creek	**Basins, SR 164 to Mouth**	**Blair**	**WWF, MF**	**None**
4—Halter Creek	**Main Stem, Plum Creek to Mouth**	**Blair**	**HQ-CWF, MF**	**None**
5—Tributaries to Halter Creek	**Basins, Plum Creek to Mouth**	**Blair**	**WWF, MF**	**None**
3—Frankstown Branch Juniata River	Main Stem, Halter Creek to Piney Creek	Blair	WWF, MF	None
	* * * * * *			
4—Homer Gap Run	Basin	Blair	WWF, MF	None
4—Sandy Run	Basin, **Source to UNT 16026 at 40°32'53.2"N, 78°20'43.9"W**	Blair	CWF, MF	None
5—UNT 16026 to Sandy Run	**Basin**	**Blair**	**CWF, MF**	**None**
4—Sandy Run	**Basin, UNT 16026 to Mouth**	**Blair**	**HQ-CWF, MF**	**None**
4—Riggles Gap Run	Basin	Blair	CWF, MF	None
	* * * * * *			
4—Logan Spring Run	Basin	**[Huntingdon] Blair**	WWF, MF	None
3—Little Juniata River	Main Stem, Logan Spring Run to **[Confluence with Frankstown Branch] McLain Run**	Huntingdon	**HQ-**CWF, MF	None
3—Little Juniata River	**Main Stem, McLain Run to Confluence with Juniata River and Frankstown Branch Juniata River**	**Huntingdon**	**CWF, MF**	**None**
4—UNTs to Little Juniata River	Basins, Logan Spring Run to Confluence with **Juniata River and** Frankstown Branch **Juniata River**	Huntingdon-Blair	WWF, MF	None
	* * * * * *			

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania

Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * *			
3—Muddy Run	Basin, Rowe Run to Mouth	Franklin	WWF, MF	None

3—Middle Spring Creek				
4—Furnace Run	**Basin**	**Franklin-Cumberland**	**CWF, MF**	**None**
4—Gum Run	**Basin**	**Franklin-Cumberland**	**CWF, MF**	**None**
3—Middle Spring Creek	Basin**, Confluence of Furnace Run and Gum Run to T303 (Avon Road)**	Franklin-Cumberland	**HQ-**CWF, MF	None
3—Middle Spring Creek	**Basin, T303 (Avon Road) to Mouth**	**Franklin-Cumberland**	**CWF, MF**	**None**
3—Paxton Run	Basin	Cumberland	WWF, MF	None
	* * * * * * *			
3—Big Spring Creek	Basin, Source to SR 3007 (T 333)	Cumberland	EV, MF	None
3—Big Spring Creek	**Basin, SR 3007 (T 333) to Nealy Road**	**Cumberland**	**HQ-CWF, MF**	**None**
3—Big Spring Creek	Basin, **[SR 3007 (T 333)] Nealy Road** to Mouth	Cumberland	CWF, MF	None
3—Rock Run	Basin	Cumberland	WWF, MF	None
	* * * * * * *			
3—Letort Spring Run	Basin, PA 34 Bridge to Railroad Bridge at Letort Park	Cumberland	EV, MF	None
3—Letort Spring Run	Basin, Railroad Bridge at Letort Park to **Mouth [T-710 (Post Road) Bridge]**	Cumberland	HQ-CWF, MF	None
[3—Letort Spring Run	**Basin, T-710 Bridge to Mouth**	**Cumberland**	**CWF, MF**	**None]**
3—Simmons Creek	Basin	Cumberland	WWF, MF	None
	* * * * * * *			

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania

Allegheny River

Stream	**Zone**	**County**	**Water Uses Protected**	**Exceptions to Specific Criteria**
	* * * * * * *			
3—Reese Hollow	Basin	Potter	CWF	None
3—Mill Creek	Basin**[, Source to North Hollow]**	Potter	HQ-CWF	None
[3—Mill Creek	**Basin, North Hollow to Mouth**	**Potter**	**CWF**	**None]**
3—Dingman Run	Main Stem	Potter	HQ-CWF	None
	* * * * * * *			

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania

Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * * *			
4—Blood Run	Basin	Forest	HQ-CWF	None
4—Logan Run	Basin	Forest	**HQ**-CWF	None
4—Phelps Run	Basin	Forest	CWF	None
	* * * * * * *			
4—Sulphur Run	Basin	Venango	WWF	None
4—Little Sandy Creek	Basin, Source to **[Unnamed Tributary at RM 1.16] UNT 51398 at 41°22'39.5"N; 79°55'5"W**	Venango	HQ-CWF	None
5—**[Unnamed Tributary] UNT 51398** to Little Sandy Creek **[at RM 1.16]**	Basin	Venango	CWF	None
4—Little Sandy Creek	Basin, **[Unnamed Tributary at RM 1.16] UNT 51398** to Mouth	Venango	CWF	None
4—South Sandy Creek	Basin**, Source to Bear Run**	Venango	CWF	None
5—Bear Run	**Basin**	**Venango**	**HQ-CWF**	**None**
4—South Sandy Creek	**Basin, Bear Run to Mouth**	**Venango**	**CWF**	**None**
4—Morrison Run	Basin	Venango	WWF	None
	* * * * * * *			

§ 93.9t. Drainage List T.

Ohio River Basin in Pennsylvania

Kiskiminetas River

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
	* * * * * * *			
7—Twomile Run	Basin	Somerset	CWF	None
7—Higgins Run	Basin, Source to **UNT 45416 at 40°6'45.9"N; 78°59'50.6"W [RM 1.37]**	Somerset	CWF	None
8—UNT 45416 to Higgins Run	**Basin**	**Somerset**	**CWF**	**None**

7—Higgins Run	Main Stem, **UNT 45416 [RM 1.37]** to Mouth	Somerset	HQ-CWF	None
8—**[Unnamed]** Tributaries to Higgins Run	Basins, **From UNT 45416 [RM 1.37]** to Mouth **(including UNTs 45406 and 45405)**	Somerset	CWF	None
5—Stony Creek	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
	* * * * * *			
5—Tubmill Creek	Basin, Source to Tubmill Reservoir Dam	Westmoreland	EV	None
5—Tubmill Creek	Basin, Tubmill Reservoir Dam to **Freeman Run [Mouth]**	Westmoreland	TSF	None
6—Freeman Run	**Basin, Source to UNT 44808 at 40°22'14.1"N; 79°10'34.4"W**	**Westmoreland**	**TSF**	**None**
7—UNT 44808 to Freeman Run	**Basin**	**Westmoreland**	**HQ-CWF**	**None**
6—Freeman Run	**Basin, UNT 44808 to Mouth**	**Westmoreland**	**TSF**	**None**
5—Tubmill Creek	**Basin, Freeman Run to Mouth**	**Westmoreland**	**TSF**	**None**
5—Roaring Run	Basin	Indiana	CWF	None
	* * * * * *			

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

February 23, 2016

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

Re: Proposed Rulemaking: Water Quality Standards – Class A Stream Redesignations (#7-528)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of a proposed regulation for review and comment by the Independent Regulatory Review Commission (Commission). This proposal is scheduled for publication in the *Pennsylvania Bulletin* on March 5, 2016 with a 45-day public comment period. The Environmental Quality Board (EQB) adopted this proposal on November 17, 2015.

The regulatory revisions included in the enclosed proposal have been developed as part of an established program that has been implemented by the Department of Environmental Protection (DEP or Department) since the early 1980s. The revisions are consistent with and based on existing regulations. The revisions extend additional protection to selected waterbodies that exhibit high water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act (33 U.S.C.A §§1251–1387) and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

DEP considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality, and permitted activities shall ensure the protection of designated and existing uses. The purpose of this rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection.

The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). DEP staff conducted an independent review of the trout biomass data included in the PFBC's fisheries management reports for streams throughout the Commonwealth. This review was conducted to ensure that the HQ criteria were met. In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for HQ designations based upon their classifications as Class A wild trout streams. A surface water that has been classified as a Class A wild trout stream by the PFBC, based on species-specific

biomass standards, and following public notice and comment, qualifies for HQ designation. The PFBC published notice and requested comments on the Class A designation of these streams. The PFBC Commissioners approved these designations after public notice and comment.

The proposed regulations include HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. In addition, this proposed rule seeks to correct noted listing errors in Chapter 93.9. This rule also proposes to convert all references to river mile indexes (RMIs) that are included in the Annex to a set of coordinates (latitude and longitude), with the eventual goal to convert all RMIs in the drainage lists (chapter 93.9a to 93.9z) to the coordinate system. DEP staff recognizes the RMI system to be antiquated. Referring to the latitude and longitude will make it much easier for the regulated community to apply the zone description in Chapter 93.9 to their particular project and determine whether their project discharges within the referenced stream zone.

These recommended changes provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in Pennsylvania. Protecting water quality provides economic value to present and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing, water contact sports and boating; and aquatic life protection.

The proposed redesignations will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program requires effluent limitations for discharges that are protective of the use designations of the stream. The streams proposed for redesignation are currently protected at their existing uses and, therefore, the designated use changes should have no additional impact on existing treatment requirements. However, some new or expanding discharges may be subject to more stringent treatment requirements to meet designated and existing stream uses. Persons expanding a discharge or adding a new discharge point to a stream could be affected if they need to provide a higher level of treatment or best management practices to meet the designated and existing uses of the stream.

DEP issued a notice requesting additional water quality data that was published in the Pennsylvania Bulletin on May 26, 2012 (42 PaB 3027) and also on DEP's website. No water quality data was received. In addition, all affected Municipalities, County Planning Commissions, Conservation Districts, and State Agencies were notified of this redesignation evaluation. No data or comments were received in response to these notices.

A final draft of the report that provided the data evaluation was made available to all municipalities, County Planning Commissions, County Conservation Districts and other State Agencies with affected streams on March 20, 2015 with an initial public comment period ending 45-days later. Six stakeholders responded. Two comments offered support of the effort to upgrade the stream segments to HQ-CWF and two were in opposition to the upgrade. Letters of support were received from Trout Unlimited and Berks County Conservation District. Letters of opposition were received from the Maidencreek Township Board of Supervisors and Berks County Planning Commission. PFBC offered editorial comments, and Dennison Township

(Luzerne County) Supervisor Michael Mack wrote in inquiry of the impact of redesignation. All data and comments received in response to these notifications were considered in the determination of DEP's recommendations included in this proposal.

The Department will provide the Commission with the assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Regulatory Review Act provides that the Commission may, within 30 days of the close of the comment period, convey to the agency its comments, recommendations and objections to the proposed regulation. The Department will consider any comments, recommendations or suggestions made by the Commission, as well as the Committees and public commentators, prior to final adoption of this rulemaking.

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

Sincerely,

Laura Edinger
Regulatory Coordinator

Enclosures

0120-FM-PO0011 6/2015

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLICY OFFICE

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 7-528 Water Quality Standards - Class A Stream Redesignations

SUBJECT:

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TYPE OF REGULATION

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

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2-23-16	Shelly Weaner	Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Representative John Maher
2-23-16	Jerri K Kohl	Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Representative Greg Vitali
2-23-16	Patti Gilroy	Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator Gene Yaw
2/23/16		Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator John Yudichak
2/23/16	K Cooper	INDEPENDENT REGULATORY REVIEW COMMISSION David Sumner
		ATTORNEY GENERAL (for Final Omitted only)
2/23/16	Connie Grant	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLICY OFFICE

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 7-545 Chapter 93 Water Quality Standards - Class A Streams

SUBJECT: Redesignations

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TYPE OF REGULATION

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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2-20-10		Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
2-22-10		Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
2-22-10		Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
		Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY
2-24-10		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2-24-10		LEGISLATIVE REFERENCE BUREAU (for Proposed only)