



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

Pennsylvania's Stream Redesignation Process

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Bureau of Clean Water

Tom Wolf, Governor

Patrick McDonnell, Secretary

Authority

Federal Clean Water Act

- Federal law
- Requires states to adopt water quality standards, including designating uses, criteria to protect uses and an antidegradation policy

Pennsylvania Clean Streams Law

- State law
- Policy is to prevent further pollution and reclaim and restore streams to an unpolluted condition
- Regulations should consider the present and future uses of waters



Protected Water Uses

- *Designated uses*
 - Protected uses specified in §§ 93.4(a) and 93.9a—93.9z
 - Specified for each water body or segment
 - Specified whether or not they are being attained

Protected Water Uses

- Aquatic Life
 - Warm Water Fishes (WWF)
 - Trout Stocking (TSF)
 - Cold Water Fishes (CWF)
 - Migratory Fishes (MF)
- Water Supply *(all waters, except where noted)*
 - Potable Water Supply (PWS)
 - Industrial Water Supply (IWS)
 - Livestock Water Supply (LWS)
 - Wildlife Water Supply (AWS)
 - Irrigation (IRS)

Protected Water Uses

- **Recreation and Fish Consumption** (*all waters, except where noted*)
 - Boating (B)
 - Fishing (F)
 - Water Contact (WC)
 - Esthetics (E)
- **Special Protection**
 - High Quality Waters (HQ)
 - Exceptional Value Waters (EV)

Qualifying as High Quality Waters

Chemistry

- Long-term water quality exceeds specific water quality criteria 99% of the time

Biology

- High quality benthic macroinvertebrate community
- Class A Wild Trout



▶ Qualifying as Exceptional Value Water

Biology

- Higher quality benthic macroinvertebrate community PLUS:
 - Locational qualifier in a designated natural area (i.e., park or forest natural area) or
 - The water is protected by a resource management plan adopted by local or state government to protect water quality (i.e., a government owned natural area)

Exceptional Ecological Significance - areas of statewide or local ecological significance based on:

- Rarity of community types
- Connected to riverine surface waters
- Water quality dependent
- Dominated by aquatic plants

The Redesignation Process

Redesignation evaluations are conducted by the Division of Water Quality on an ongoing basis. Evaluations are conducted when:

- A petition requesting redesignation is accepted by the Environmental Quality Board (EQB)
- A request is received by another agency (PFBC, ACOE) or regional program
- Streams are missing from Chapter 93
- Routine aquatic life use surveys indicate that the stream may qualify for a use that is different than the designated use

Persons may sign up for eNotice to stay informed of a stream review!

▶ The Redesignation Process and Timeline

Notice of Assessment

- Prepared by Department
- Submit technical data to the Department within 30 days to assist the Department with its evaluation
- Publication:
 - Pennsylvania Bulletin
 - Department's website
 - Municipal official and county planning commissions
 - Department's eNotice for stream redesignations

The Redesignation Process and Timeline

The Report

- Department drafts stream reports based on evaluations of data received as a result of the notice of assessment and data available.
- Reports include recommendations on whether redesignation of stream is appropriate based on qualifiers.
- Department forwards draft report to petitioner, municipal officials and county planning commissions for 30-day review and comment period.
- Draft reports are also posted on Department's website and a notice is distributed through eNotice and the Pennsylvania Bulletin

▶ The Redesignation Process and Timeline

Rulemaking

- Comments for each of the reports are received and reports are updated to address comments received.
- Reports and recommendations are presented to the EQB.
- If a rulemaking is initiated, the Agricultural Advisory Board is notified and a rulemaking is proposed.
- As part of the rulemaking process 4 notifications occur.

The Redesignation Process and Timeline

Rulemaking Notifications

1. Notification is sent to the petitioners, municipal officials, county planning commissions, and county conservation districts.
2. If the EQB accepts DEP's recommendations for changes and a proposed rulemaking, additional notification occurs in the Pennsylvania Bulletin, with a 45-day public comment period.
3. Notification is provided that identifies the date of a public meeting when the EQB will consider a final rulemaking.
4. If the EQB adopts final rulemaking, additional notification occurs in the Pennsylvania Bulletin that final rulemaking was submitted to Independent Regulatory Review Commission and Senate and House Environmental Resources and Energy Committees for review.



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Questions?

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