



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

PENNSYLVANIA'S STREAM REDESIGNATION PROCESS AND PROPOSED RULEMAKING DUNBAR CREEK et al.

**Michael (Josh) Lookenbill
Water Quality Division
Bureau of Clean Water**

Authority

Federal Clean Water Act

- Federal law governing water pollution

Pennsylvania Clean Streams Law

- State law that requires the protection of water quality and protected uses

Water Quality Standards

- Statewide Protected Water Uses
- Criteria to Protect Uses
- Antidegradation Policy

Protected Water Uses

- *Designated uses* – Those [protected] uses specified in §§ 93.4(a) and 93.9a—93.9z for each water body or segment 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 & 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)

Criteria

- Specific levels of water quality that surface waters are expected to meet. Water may not contain concentrations of substances in concentrations sufficient to be harmful to human, animal, plant, or aquatic life.

Example: Dissolved Oxygen – Surface waters that are found to have Dissolved Oxygen of less than 5.0 mg/L are not meeting the Aquatic Life Use (WWF, TSF, CWF).

Antidegradation

- Protect “existing uses” of all surface waters

Antidegradation

- **High Quality (HQ)** - Protect existing quality of HQ Waters, *except when Social or Economic Justification (SEJ) is demonstrated.*
- **Exceptional Value (EV)** - Protect existing quality of EV Waters (no exception)



▶ 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 Waters

- Must meet at least one of the HQ Waters qualifiers and also meet one or more of the following (see 25 Pa. Code § 93.4b(b)):
 - Water is located in a National wildlife refuge or a State game propagation and protection area.
 - Water is located in:
 - State park natural area
 - State forest natural area
 - National natural landmark
 - Federal or State wild river
 - Federal wilderness area
 - National recreational area
 - Water is an outstanding National, State, regional or local resource water.
 - Water is a surface water of exceptional recreational significance.

▶ Qualifying as Exceptional Value Waters

- **Exceptional Ecological Significance**



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The Redesignation Process

Redesignation evaluations are conducted by the Water Quality Division on an ongoing basis. Evaluation 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 existing use may be different than the designation use

The Redesignation Process and Timeline

Notice of Assessment

DEP prepares a Notice of Assessment that asks that any available technical data be submitted to DEP within 30 days to assist in the development of a draft stream evaluation report. This notice is published:

- In the Pennsylvania Bulletin
- On DEP's website
- On DEP's eNotice

Letters are sent to municipal official and county planning commissions.

▶ The Redesignation Process and Timeline

Water Quality Survey

DEP may also collect water quality data to evaluate the use.



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The Redesignation Process and Timeline

The Report

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

Rulemaking

Comments for each of the reports are received and the reports are updated to address the comments received. The reports and recommendations are included in a proposed rulemaking and presented to EQB.

As part of the rulemaking process, 4 notifications occur.

The Redesignation Process and Timeline

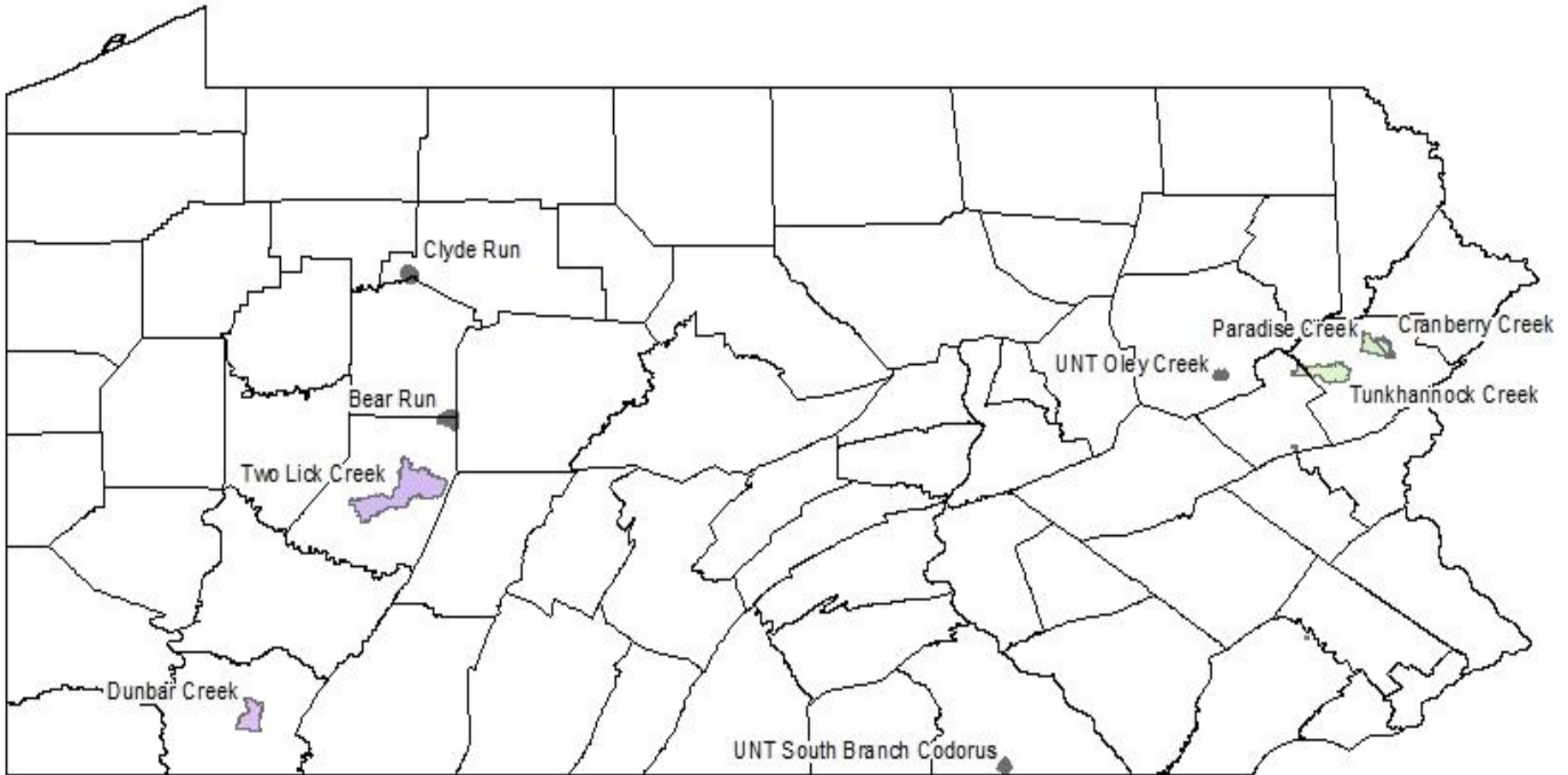
Rulemaking Notifications

1. Prior to proposed rulemaking, a notification is sent to the petitioners, municipal officials, county planning commissions, and county conservation districts. The notification indicates that the proposed rulemaking has been submitted to EQB for consideration. The notification also identifies the date of the meeting EQB will consider the proposed rulemaking. The rulemaking package is also posted on EQB's website.
2. If EQB accepts the proposed rulemaking, additional notification is distributed to identify the *Pennsylvania Bulletin* publication date as well as the public comment period for the proposed rulemaking.
3. A third notification is distributed that identifies the date of the public meeting EQB will consider the final rulemaking.
4. If EQB adopts the final rulemaking, an additional notification is distributed to identify EQB's acceptance and that the final rulemaking was submitted to the Independent Regulatory Review Commission (IRRC) and the Senate and House Environmental Resources and Energy Committees for review. The notification also identifies the date of the public meeting that IRRC will consider the rulemaking.

Proposed Rulemaking - Dunbar Creek et al.

1. Dunbar Creek (Fayette Co.) – HQ-CWF to EV
2. Two Lick Creek (Indiana Co.) – TSF to CWF
3. Tunkhannock Creek (Monroe Co.) – HQ-CWF to EV
4. Bear Run (Indiana Co.) – CWF to HQ-CWF and EV
5. Clyde Run (Elk Co.) – Missing from Ch. 93 to EV
6. UNT South Branch Codorus Creek – WWF to EV
7. Paradise Creek (Monroe Co.) – HQ-CWF to EV
8. Cranberry Creek (Monroe Co.) – HQ-CWF to EV
9. UNT Oley Creek (Luzerne Co.) HQ-CWF to CWF

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- 10. UNT Whetstone Run (Delaware Co.) WWF – No Change**

Questions?

