



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Water Programs



Proposed Rulemaking: Water Quality Standards Class A Redesignations

Agricultural Advisory Board

April 17, 2024

Josh Shapiro, Governor

Jessica Shirley, Interim Acting 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 waterbody 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



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)

Protected Water Uses



Protected Water Uses

- **§ 93.3. Protected water uses (Aquatic Life)**

- *Warm Water Fishes (WWF)* - Maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat
- *Trout Stocking (TSF)* - Maintenance of stocked trout from February 15 to July 31 and maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.
- *Cold Water Fishes (CWF)* - Maintenance or propagation, or both, of fish species including the family Salmonidae and additional flora and fauna which are indigenous to a cold water habitat.
- *Migratory Fishes (MF)* - Passage, maintenance and propagation of anadromous and catadromous fishes and other fishes which move to or from flowing waters to complete their life cycle in other waters.

Special Protection Use

- **Special Protection**
 - High Quality Waters (HQ)
 - Exceptional Value Waters (EV)
- **§§ 93.4a–d Antidegradation**
 - Describes protections for existing use protection and special protection.
 - Further describes the process for qualifying as special protection and the process to change a designated use

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



§ 93.4b. Qualifying as High Quality or Exceptional Value Waters.

(a)(2)(ii) *Class A wild trout stream qualifier.*

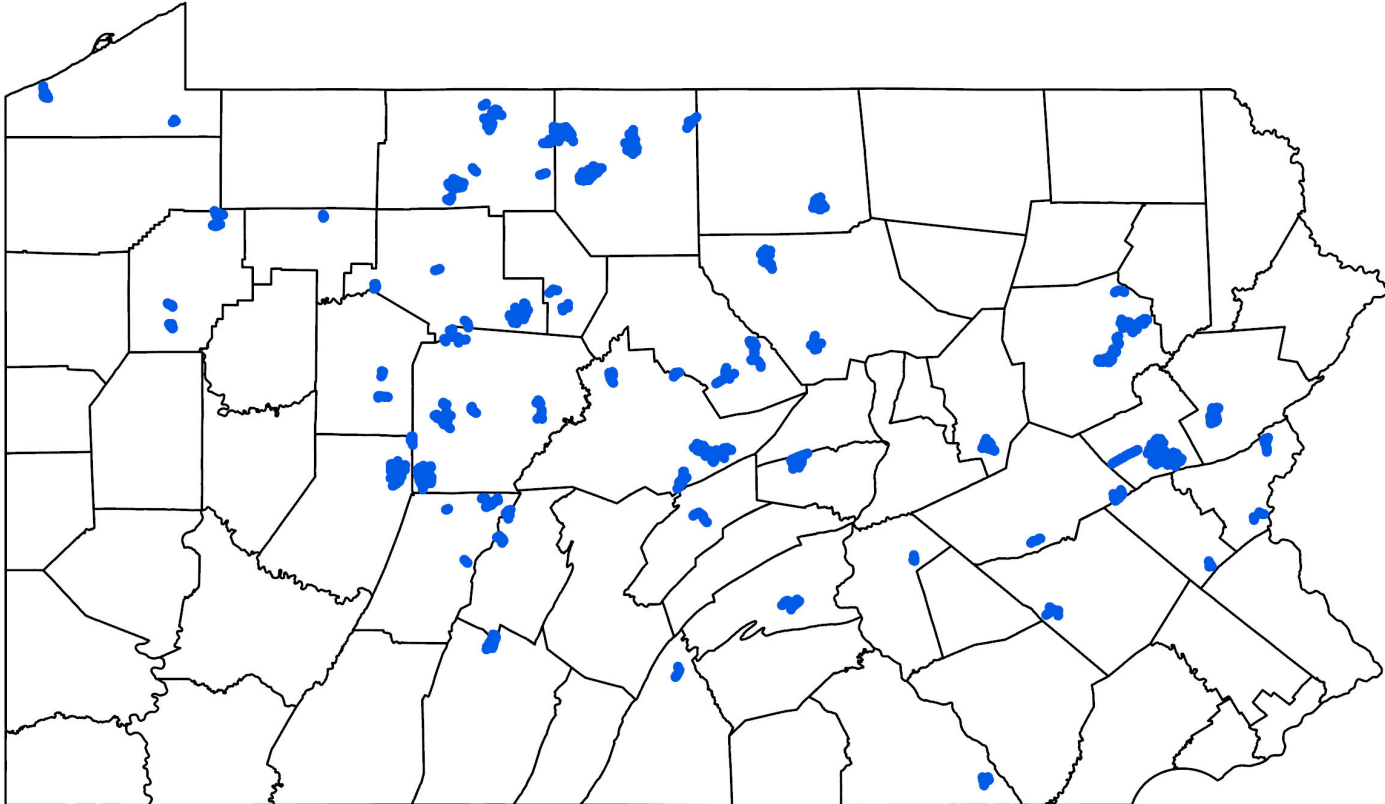
The surface water has been designated a Class A wild trout stream by the Pennsylvania Fish and Boat Commission (PFBC) following public notice and comment.

Example Class A Wild Trout Qualifier

- **Class A Brook Trout Qualifying Criteria**
(according to PFBC Class A biomass protocols)
 - Total wild brook trout biomass of at least 30 kg/ha (26.7 lbs/acre)
 - 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)
 - Wild brook trout biomass must comprise at least 75% of the total wild trout biomass

Affected Counties

96 stream segments totaling 489 stream miles



Qualifying as Exceptional Value Waters

- **Biology**

- Higher quality benthic macroinvertebrate community
- Wilderness Trout Stream

- **Locational**

- State Park or State Forest Natural Area
- National Wildlife Refuge

- **Resource Management Plan**

- Protected by a resources management plan

- **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

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
- 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 redesignation evaluation.

Redesignation Process and Timeline

Notice of Assessment

- Prepared by DEP
- Submit technical data to DEP within 30 days to assist DEP with its evaluation
- Publication:
 - *Pennsylvania Bulletin*
 - DEP's [Stream Redesignations](#) webpage
 - Municipalities and county planning commissions
 - DEP's [eNotice](#) for stream redesignations

Redesignation Process and Timeline

The Report

- DEP 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 a stream is appropriate based on qualifiers.
- DEP forwards draft report to petitioner, municipal officials and county planning commissions for 30-day review and comment period.
- Draft reports are also posted on DEP's [Stream Redesignations](#) webpage and a notice is distributed through [eNotice](#) and the *Pennsylvania Bulletin*.

Redesignation Process and Timeline

Rulemaking

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

Redesignation Process and Timeline

Rulemaking Notifications

1. Prior to Proposed Rulemaking
2. Proposed Rulemaking
3. EQB Public Meeting Notification
4. Final Rulemaking



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