



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

Proposed Rulemaking - Class A Stream Redesignations (25 Pa. Code Chapter 93)

Environmental Quality Board Meeting
September 10, 2024

Josh Shapiro, Governor

Jessica Shirley, 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



▶ Class A Wild Trout Stream Qualifier

§ 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 Stream Qualifier

Class A Brook Trout Qualifying Criteria

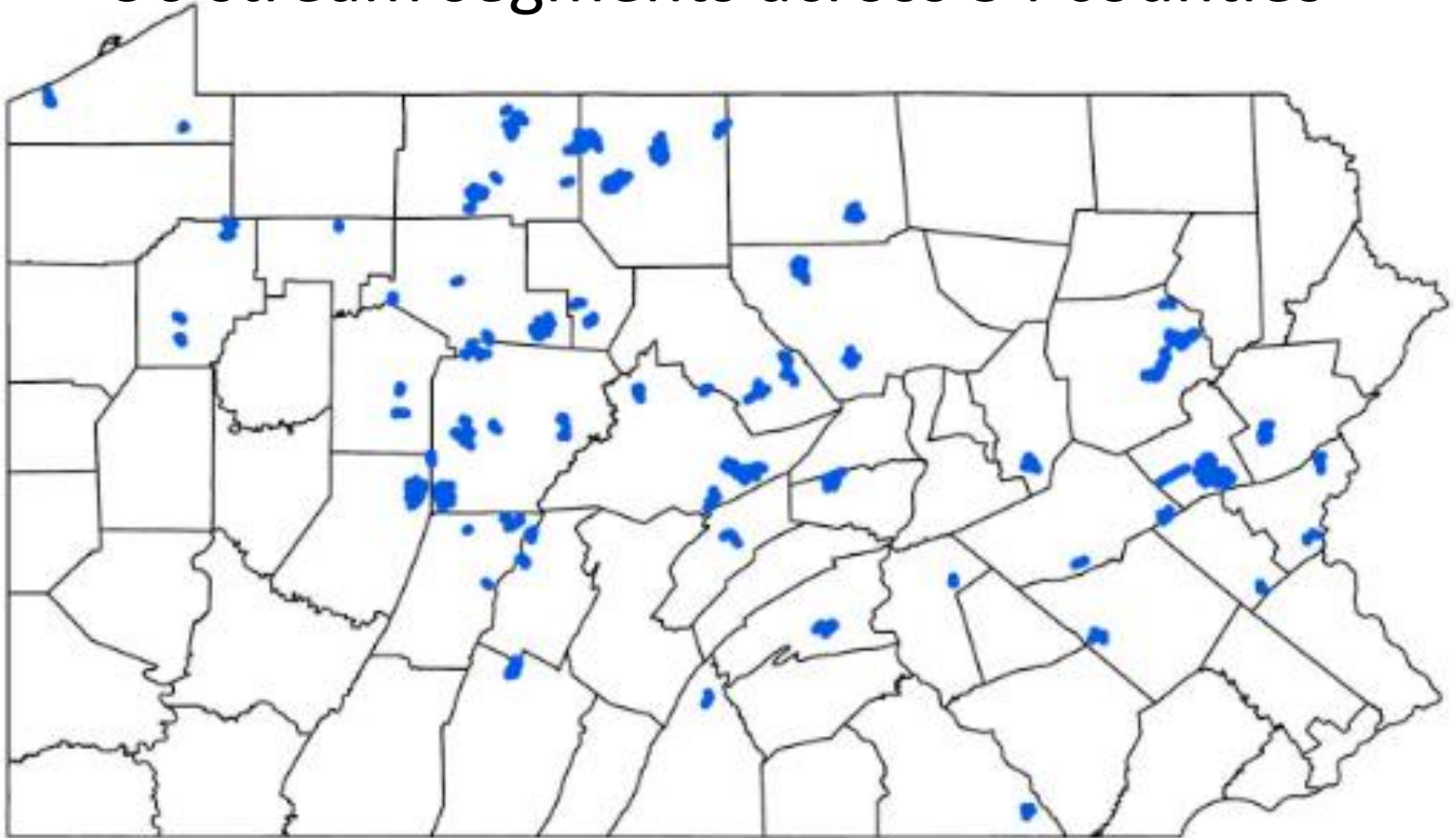
(according to PFBC Class A biomass protocols)

- 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



Affected Counties

96 stream segments across 34 counties



Affected Drainage Lists

Delaware River Basin

- § 93.9c = Delaware River Basin, Lackawaxen River to Lehigh River
- § 93.9d = Lehigh River Basin
- § 93.9f = Schuylkill River Basin

Susquehanna River Basin

- § 93.9h = Tioga River Basin
- § 93.9i = Susquehanna River Basin, PA-NY State Border to Lackawanna River
- § 93.9k = Lackawanna River Basin to West Branch
- § 93.9l = West Branch Susquehanna River Basin
- § 93.9m = Susquehanna River Basin, West Branch to Juniata River
- § 93.9n = Juniata River Basin
- § 93.9o = Susquehanna River Basin, Juniata River to PA-MD State Border

Affected Drainage Lists

Ohio River Basin

- § 93.9p = Allegheny River Basin, PA–NY State Border to Tunungwant Creek
- § 93.9q = Allegheny River Basin, Tunungwant Creek to Clarion River
- § 93.9r = Clarion River Basin
- § 93.9s = Allegheny River Basin, Clarion River to Kiskiminetas River

Lake Erie Basin

- § 93.9x = Lake Erie Basin

Potomac River Basin

- § 93.9z = Potomac River Basin



▶ Also included in this Proposed Rule

- Correction of an error for the Haldeman Quarries entry in § 93.9o
- Correction of the protected water use for the Mill Creek Basin in § 93.9p to HQ-CWF
- Correction of the protected water use for the Logan Run Basin in § 93.9q to HQ-CWF
- Reformatting of Drainage Lists C, D, F, H, I, K, M, N, O, S, X, and Z.

Implementation

National Pollutant Discharge Elimination System (NPDES)

- Requires effluent limitations that are protective of the Designated Use
- Designated use changes should not significantly impact existing discharges
- New or expanding discharges may be subject to more stringent treatment requirements



Notifications

- **DEP provides 4 post card notifications via USPS**
 - Prior to EQB meeting - proposed
 - Beginning of comment period
 - Prior to EQB meeting - final
 - Final rule sent to IRRC/Committees
- **eNotice will be delivered at similar times**
 - Announcing the rulemaking is on EQB Meeting Agenda
 - Announcing public comment periods
 - Announcing the EQB has adopted the rulemaking



Notifications

- **Notifications are delivered to the following entities**
 - Municipalities
 - County Planning Commissions
 - County Conservation Districts
 - Regional Planning Commissions
 - Other Agencies (PFBC, PGC)
 - USEPA Region 3
 - Commentators on proposed rule (where possible)
- **eNotice will be delivered to anyone who subscribes**



Affected Parties

Opportunities for Public Participation Prior to Rulemaking

- PFBC published notice and requested comments on the Class A classification of these streams
- DEP Notice of intent to assess the streams
- DEP Notice and 45-day comment period on draft evaluation report

Recommendation

DEP recommends this Class A Stream Redesignation proposed rulemaking be adopted by the Board and published in the *Pennsylvania Bulletin* with a 45-day comment period and public hearing.



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