

EXECUTIVE SUMMARY

Water Quality Standards – Class A Stream Redesignations 25 Pa. Code Chapter 93

This proposed rulemaking consists of changes to Chapter 93 (relating to water quality standards) including amendments to §§ 93.9c, 93.9d, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9m, 93.9n, 93.9o, 93.9p, 93.9q, 93.9r, 93.9s, 93.9x, and 93.9z (relating to the designated uses and water quality criteria).

Purpose of the Proposed Rulemaking

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C. § 1313(c)(1)) requires states to periodically review and revise, as necessary, water quality standards. The water quality standards evaluated in this rulemaking are the designated uses of surface waters. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department of Environmental Protection (Department) in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under § 93.4c (relating to implementation of antidegradation requirements). In this proposed rulemaking, the stream redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality Waters (HQ) designation 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 in 58 Pa. Code § 57.8a (relating to Class A wild trout streams), and following public notice and comment, qualifies for Department evaluation of the stream for HQ designation. The PFBC published notice and requested comments on the Class A classification of the streams in this proposed rulemaking. The PFBC Commissioners approved these waters after public notice and comment.

Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for the streams proposed for redesignation in this proposed rulemaking. This review was conducted to evaluate if the HQ criteria were met and to ensure that other relevant data were evaluated and considered in the designated use recommendations.

Summary of the Proposed Rulemaking

Based on the available data and appropriate regulatory criteria, the Department developed this package of stream redesignations. The proposed regulation includes stream redesignations for 489.35 stream miles in the Delaware, Susquehanna, Ohio, Lake Erie, and Potomac River basins.

The Department recommends the Environmental Quality Board (Board) adopt the proposed rulemaking to redesignate those waters described in the Summary Table below, and as set forth in Annex A of the proposed rulemaking. This Summary Table describes only those streams and stream segments being proposed for redesignation in this proposed rulemaking. The Annex reflects both the current designated uses and the proposed designated uses for all streams that would be affected by this proposed rulemaking. As such, zone descriptions may differ between the Summary Table and the Annex.

In addition to the recommended changes to stream designated uses in the Summary Table, the Department is recommending changes to Mill Creek in drainage list P and Logan Run in drainage list Q to correct minor errors introduced by a recent triennial review. The Department is also recommending a correction to the Haldeman Quarries entry in drainage list O because this entry is currently listed in the wrong stream drainage basin. Finally, the Department recommends reformatting portions of drainage lists by consolidating individual entries in large stream basins that have the same designated use.

The redesignations in this proposed rulemaking 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 designated uses of the receiving streams. The streams that are proposed for redesignation are currently protected at their existing uses. Permitted discharges that were existing at the time of the Department's evaluation of the stream for special protection designation are considered to be part of the existing water quality of the receiving stream and, therefore, the designated use changes should have no additional impact on existing treatment requirements for these permits. Some new or expanding discharges may be subject to more stringent treatment requirements to meet designated and existing stream uses. Permitted discharges to non-special protection waters, where the designated use will become more restrictive than the current designated use, may also be subject to more stringent treatment requirements.

Affected Parties

There are approximately 17,850 facilities across the Commonwealth that hold permits issued pursuant to Chapter 92a (relating to National pollutant discharge elimination system permitting, monitoring and compliance). This Statewide number of approximately 17,850 permits includes NPDES permits for concentrated animal feeding operations (CAFOs), industrial waste, municipal separate storm sewer systems (MS4), treated sewage, groundwater remediation, and stormwater associated with industrial activities. Out of this Statewide total of approximately 17,850 permits, only 166 facilities currently hold active NPDES permits for discharges to the stream segments being considered for redesignation in this proposed rulemaking.

The types of discharges with active NPDES permits located in waters affected by this proposed rulemaking include industrial waste, treated sewage, MS4, stormwater associated with industrial activities, CAFOs, and pesticides. Discharges in existence at the time of each relevant stream survey have been considered in the determination of the existing water quality of each relevant stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of HQ use, the discharges to these waters may continue as long as the discharge characteristics of both quality and quantity remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on existing permitted discharges. However, discharge activities to special protection streams are not eligible for coverage under NPDES general permits, based on § 92a.54(a)(8) (relating to general permits), and therefore, require individual permits. The individual permits are necessary to track any additional or increased discharges to a special protection water.

Statewide, there are thousands of active earth disturbance activities requiring general or individual NPDES permits for stormwater discharges associated with construction activities issued under Chapter 102 (relating to erosion and sediment control) that were not included in the preceding analysis of NPDES permits. These permits were not included in the preceding permit analyses because of the short-term, temporary nature of these permitted discharges. A person proposing a new earth disturbance activity requiring a permit under Chapter 102 with a discharge to an HQ or Exceptional Value Waters (EV) stream must comply with the antidegradation provisions, as applicable. Where a permitted discharge existed prior to the receiving waterbody attaining an existing or designated use of HQ or EV, those persons may continue to operate using Best Management Practices (BMPs) that have been approved by the Department and implemented. Any new discharges to the waterbody would be required to comply with the antidegradation provisions, as applicable, and must undergo an antidegradation analysis. Based on the analysis, additional construction and post-construction BMPs may need to be implemented on the remaining area that will be disturbed. The administrative filing fee for an individual permit is \$1,500 compared to \$500 for a general permit as set forth in § 102.6(b)(1) (relating to permit applications and fees).

In the future, a person who proposes a new, additional or increased point source discharge to an EV or HQ water would need to satisfy the antidegradation requirements in § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives, and the applicant must use an alternative that is environmentally sound and cost effective when compared to the cost associated with achieving a nondegrading discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must utilize antidegradation best available combination of technologies (ABACT), which include cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to an HQ water is given an opportunity to demonstrate there is a social or economic benefit of the project that would justify a lowering of the water quality. The social and economic justification (SEJ) demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other, non-special protection, water uses will be supported.

Where onlot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in Chapters 71, 72 and 73 (relating to administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for onlot sewage treatment facilities) will continue to satisfy § 93.4c. Permit applicants of sewage facilities with proposed discharges to HQ waters, subject to antidegradation requirements, may demonstrate SEJ at the sewage facilities planning stage and need not redemonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants for any naturally occurring substances identified in accordance with the Department's *Water Quality Antidegradation Implementation Guidance* ([391-0300-002](#)).

Any estimates of which NPDES permit holders will be affected by these stream redesignations and how they will be affected would be speculative at this time since: (1) persons and businesses, both large and small, will not be impacted until a future activity requires a new or modified NPDES permit; (2) effluent discharges and receiving stream characteristics are unique; (3) SEJ may be available to modify the requirements; and (4) generic technology or cost equations are not available for purposes of comparing the costs and/or savings for persons who are responsible for discharges.

The Department identified 18 public water supply facilities with raw water intakes located within the candidate stream sections for redesignation in this proposed rulemaking package. These 18 public water suppliers, which serve over one million citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. This proposed rulemaking further provides the likelihood of economic benefits to the public water suppliers and the local community. By maintaining clean surface water, public water suppliers may avoid the costly capital investments that are often required for the installation of advanced water treatment processes as well as the higher annual operations and maintenance costs associated with effective operation of these processes. In turn, the public water suppliers' customers will benefit from reduced fees for clean drinking water.

Residents, visitors, and businesses requiring a high quality of water will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure clean water supplies for human consumption, wildlife, irrigation, and industrial use; aquatic life protection; and the long-term availability of a variety of outdoor recreational activities including fishing, boating and water contact sports. Small businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries.

OUTREACH and ADVISORY COMMITTEES

The Department provided a regulatory review to the Agricultural Advisory Board (AAB) on April 17, 2024, which included the proposed redesignation recommendations.

RECOMMENDATION TO THE BOARD

The Department recommends that these revisions be adopted by the Board and published in the *Pennsylvania Bulletin* as proposed rulemaking with a 45-day public comment period including a public hearing to be held during the public comment period.

**Summary Table: Proposed Rulemaking
Class A4, Stream Redesignation Rulemaking Package**

Stream Name	County	Zone Description	List	Current DU	Requested DU	Recommended DU
Martins Creek	Northampton	Basin, Confluence of East Fork Martin Creek and West Fork Martins Creek to UNT 63256, Excluding UNT 64106 at 40°52'6.9"N 75°12'22.5"W	C	TSF, MF	HQ-CWF	HQ-CWF, MF
Mauch Chunk Creek	Carbon	Basin, SR 902 Bridge to Entrance to Tunnel System at 40°51'48.0"N 75°44'55.5"W	D	CWF, MF	HQ-CWF	HQ-CWF, MF
Long Run	Carbon	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
Sugar Hollow Creek	Monroe	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 04022	Monroe	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
Pohopoco Creek	Carbon	Basin, Outlet of Beltzville Lake to Mouth (UNT 64089 at 40°51'18.7"N 75°40'20.3"W)	D	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 03891	Schuylkill	Basin	D	TSF, MF	HQ-CWF	HQ-CWF, MF
UNT 03886	Schuylkill	Basin	D	TSF, MF	HQ-CWF	HQ-CWF, MF
Mill Creek	Carbon	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 03382	Lehigh	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 03338	Northampton	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 03336	Northampton	Basin	D	CWF, MF	HQ-CWF	HQ-CWF, MF
Bear Creek	Schuylkill	Basin, From and including UNT 02300 to UNT 02299 at 40°34'44.1"N 76°9'37.9"W	F	CWF, MF	HQ-CWF	HQ-CWF, MF
Spring Creek	Berks	Basin to Hospital Creek (excluding Furnace Run)	F	CWF, MF	HQ-CWF	HQ-CWF, MF
Spring Creek	Berks	Basin, Hospital Creek to UNT 01886 at 40°20'55.2"N 76°5'0.2"W	F	TSF, MF	HQ-CWF	HQ-CWF, MF

Stream Name	County	Zone Description	List	Current DU	Requested DU	Recommended DU
Bellman Run	Tioga	Basin	H	CWF, MF	HQ-CWF	HQ-CWF, MF
Teed Hollow	Potter	Basin	H	CWF, MF	HQ-CWF	HQ-CWF, MF
Obendoffers Creek	Luzerne	Basin	I	CWF, MF	HQ-CWF	HQ-CWF, MF
Mill Creek	Luzerne	Basin, Source to Gardner Creek	K	CWF, MF	HQ-CWF	HQ-CWF, MF
Laurel Run	Luzerne	Basin, Source to UNT 63002 at 41°13'21.2"N 75°49'50.6"W	K	CWF, MF	HQ-CWF	HQ-CWF, MF
Big Wapwallopen Creek	Luzerne	Basin, Outlet of Crystal Lake to Bow Creek	K	CWF, MF	HQ-CWF	HQ-CWF, MF
Bow Creek	Luzerne	Basin, Source to SR 309	K	CWF, MF	HQ-CWF	HQ-CWF, MF
Lick Run	Columbia	Basin	K	CWF, MF	HQ-CWF	HQ-CWF, MF
Beaver Run	Clearfield	Basin, UNT 27182 at 40°44'7.5"N 78°45'43.6"W to Mouth	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Sawmill Run	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Cush Creek	Indiana	Basin, Source to Horton Run	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 27036	Clearfield-Indiana	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26876	Cambria	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26765	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26752	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26747	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Poplar Run	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26658	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Bradley Run	Cambria	Basin, UNT 26562 at 40°30'3.1"N 78°34'22.0"W to mouth	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Fallentimber Run	Cambria	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 26459	Cambria	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Moravian Run	Clearfield	Basin, Source to UNT 26020 at 40°59'24.0"N 78°15'41.9"W	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Dale Run	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF

Stream Name	County	Zone Description	List	Current DU	Requested DU	Recommended DU
Grapevine Run	Clearfield-Elk	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Mountain Lick Creek	Clearfield-Elk	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 24933	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 24922	Clearfield	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Mill Run	Elk	Basin, Source to UNT 24915 at 41°15'0.5"N 78°34'10.5"W	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Silver Mill Hollow Run	Elk	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Jimmy Run	Elk	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Johnson Run	Elk	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Barrs Run	Cameron	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Nanny Run	Cameron	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Little Sandy Run	Centre	Basin, Source to inlet of impoundment at 41°4'32.4"N 77°57'39.7"W	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Slide Hollow Run	Centre	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Fishing Creek	Clinton	Basin, Long Run to mouth	L	CWF, MF	HQ-CWF	HQ-CWF, MF
McElhattan Creek	Clinton	Basin, Keller Water Supply Intake to Mouth	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Chatham Run	Clinton	Basin, Chatham Water Company Intake to Mouth excluding Big Plum Run	L	CWF, MF	HQ-CWF	HQ-CWF, MF
English Run	Lycoming	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Bender Run	Lycoming	Basin	L	CWF, MF	HQ-CWF	HQ-CWF, MF
Penns Creek	Centre	Basin, Penns Cave Spring to Pine Creek (excluding UNT 18423, UNT 18429, Sinking Creek, UNT 18367, UNT 18375, UNT 18360 and UNT 18312)	M	CWF, MF	HQ-CWF	HQ-CWF, MF
Boal Gap Run	Centre	Basin	M	CWF, MF	HQ-CWF	HQ-CWF, MF

Stream Name	County	Zone Description	List	Current DU	Requested DU	Recommended DU
Moyers Mill Rn	Snyder	Basin	M	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 17902	Snyder	Basin, Source to UNT 17906 at 40°47'59.6"N 77°12'5.8"W	M	CWF, MF	HQ-CWF	HQ-CWF, MF
Smoke Hole Run	Dauphin	Basin	M	CWF, MF	HQ-CWF	HQ-CWF, MF
Boiling Spring Run	Blair	Basin	N	CWF, MF	HQ-CWF	HQ-CWF, MF
Homer Gap Run	Blair	Basin, Source to first impoundment of Homer Gap Reservoir at 40°34'19.3"N 78°25'13.8"W	N	WWF, MF	HQ-CWF	HQ-CWF, MF
UNT 15970	Blair-Cambria	Basin	N	TSF, MF	HQ-CWF	HQ-CWF, MF
Kishacoquillas Creek	Mifflin	Basin, Coffee Run to Tea Creek	N	CWF, MF	HQ-CWF	HQ-CWF, MF
Kishacoquillas Creek	Mifflin	Basin, Tea Creek to Hungry Run	N	TSF, MF	HQ-CWF	HQ-CWF, MF
Perry Furnace Run	Perry	Basin	O	CWF, MF	HQ-CWF	HQ-CWF, MF
Orson Run	York	Basin, UNT 07303 at 39°48'42.0"N 76°24'15.1"W to Mouth	O	TSF, MF	HQ-CWF	HQ-CWF, MF
Allegheny River	Potter	Basin, Source to UNT 58539 at 41°49'52.2"N 77°54'35.4"W	P	CWF	HQ-CWF	HQ-CWF
Earl Hollow	Potter	Basin	P	CWF	HQ-CWF	HQ-CWF
Pump Station Hollow	Potter	Basin	P	CWF	HQ-CWF	HQ-CWF
Elm Flat Run	Potter	Basin	P	CWF	HQ-CWF	HQ-CWF
Fisk Hollow	Potter	Basin	P	CWF	HQ-CWF	HQ-CWF
Sartwell Creek	McKean-Potter	Basin, Source to Bear Creek	P	CWF	HQ-CWF	HQ-CWF
Cady Hollow	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
Campbell Hollow	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
Marvin Creek	McKean	Basin, Source to Kane Creek	P	CWF	HQ-CWF	HQ-CWF
UNT 64376	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
Baker Hollow	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF

Stream Name	County	Zone Description	List	Current DU	Requested DU	Recommended DU
Brooder Hollow	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
UNT 57546	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
UNT 57521	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
UNT 57518	McKean	Basin	P	CWF	HQ-CWF	HQ-CWF
UNT 55192	Forest	Basin	Q	CWF	HQ-CWF	HQ-CWF
UNT 54224	Crawford	Basin	Q	CWF	HQ-CWF	HQ-CWF
Husband Run	Venango	Basin	Q	CWF	HQ-CWF	HQ-CWF
UNT 53682	Erie	Basin	Q	CWF	HQ-CWF	HQ-CWF
Snyder Run	Venango	Basin	Q	CWF	HQ-CWF	HQ-CWF
UNT 51240	Venango	Basin	Q	CWF	HQ-CWF	HQ-CWF
Little Sicily Run	McKean	Basin	R	CWF	HQ-CWF	HQ-CWF
UNT 50461	Elk	Basin	R	CWF	HQ-CWF	HQ-CWF
Painter Run	Elk	Basin	R	CWF	HQ-CWF	HQ-CWF
UNT 48660	Jefferson	Basin	S	CWF	HQ-CWF	HQ-CWF
Big Run	Jefferson	Basin, Source to Laurel Run	S	CWF	HQ-CWF	HQ-CWF
UNT 62492	Erie	Basin	X	CWF, MF	HQ-CWF	HQ-CWF, MF
UNT 59767	Franklin	Basin	Z	CWF, MF	HQ-CWF	HQ-CWF, MF

CWF = Cold Water Fishes

TSF = Trout Stocking

WWF = Warm Water Fishes

UNT = unnamed tributary

HQ = High Quality

EV = Exceptional Value

MF = Migratory Fishes