pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**OFFICE OF WATER PROGRAMS**

**BUREAU OF CLEAN WATER**

# RESPONSE DOCUMENT TO COMMENTS RECEIVED DURING PUBLIC PARTICIPATION OF THE 2024 PENNSYLVANIA INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT, CLEAN WATER ACT SECTION 303(d) LIST AND 305(b) REPORT

**2024**

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## INTRODUCTION

The Pennsylvania Department of Environmental Protection (DEP or Department) published notice of the draft 2024 Integrated Water Quality Report in the *Pennsylvania Bulletin* on October 28, 2023 (53 Pa.B. 6782) with a 45-day public comment period that closed on December 11, 2023. During the public comment period, DEP received comments from 15 commenters, including one comment letter submitted and co-signed by representatives of several organizations. This document provides DEP's responses to those comments. All comments, as submitted, are also recorded and available on DEP's eComment website at www.ahs.dep.pa.gov/eComment.

## BARTRAMS GARDEN

**Comment:**
I write on behalf of Bartram's Garden with comments on the Draft 2024 Pennsylvania Integrated Water Quality Report. Our comments concern assessment and listing of the tidal portion of the Schuylkill River, along which Bartram's Garden is located and on which we operate public boating and fishing programs. Bartram's Garden is also a signatory on joint comments submitted by the Riverways collaborative.

Recreational Use Assessment in the Tidal Schuylkill – We see a need for reassessment of the tidal Schuylkill River for recreational use, having collected E. coli data that point to likely impairment. In the draft 2024 IWQR, the tidal portions of the Schuylkill River are listed as Supporting Recreational Use for secondary contact as designated by DRBC. We understand this is based on PA DEP's initial recreational use assessment conducted in 2021. It is also our understanding that DRBC's criteria for secondary contact are still based on fecal coliform (maximum geometric average 770 per 100 mL) and Enterococcus (maximum geometric average 88 per 100 mL), though primary contact criteria are now based on E. coli. In the data we submitted to PA DEP for inclusion in the 2024 IWQR, 12 out of 22 E. coli readings between May 23 and Nov 30, 2022 were greater than 770 CFU/100mL, and a third of these high readings occurred after at least 48 hours of dry weather. We calculated a geometric mean of 2229 CFU/100 mL for five samples collected between Oct 31 and Nov 30, 2022. As E. coli is a species within the fecal coliform group, this implies that the DRBC secondary contact criteria/stream quality objectives were exceeded.

Markedly high E. coli counts have continued in 2023. This season at Bartram's Garden, we tested water samples weekly for E. coli, following protocols consistent with past years of data collection we have submitted to PA DEP, and with additional field replicates. For each sampling date, we took one sample from our dock, and three additional samples from a boat at increments of roughly 15 feet from shore. We analyzed these samples, as well as a composite sample of all four field replicates, using 3M Petrifilm. Composite samples were also analyzed via the EPA-approved IDEXX Colilert method at the Watershed Institute in Pennington, NJ. Our IDEXX results for E. coli exceeded 770 per 100 mL on 13 out of 15 sampling dates between June 1 and Sept 21, 2023. Of these 13 exceedances, all were over 1000 MPN/100 mL, and 10 were equal to or above 2419.6 MPN/100 mL, the measurable limit of the method without further dilution. 3M Petrifilm results were also the highest we have ever observed

throughout the season (since 2019), with the average of field replicates falling below 1000 CFU/100 mL only twice between May 18 and Oct 19, 2023. There was consistently good agreement between field replicates. Nine of these high readings occurred after at least 48 hours of dry weather. Thirty-day geometric means for E. coli greater than 770 per 100 mL were calculated from IDEXX and 3M Petrifilm readings between July 6 and October 19, 2023. Though our 2023 data were collected after the timeframe included in the 2024 IWQR, we would be happy to share the full data set with PA DEP. A plot of the 2023 3M Petrifilm data and rainfall recorded at Philadelphia International Airport can be viewed here.

These data lead us to suspect a dry weather combined sewer overflow issue. The highly elevated E. coli levels we recorded in November 2022 and October 2023 depart from our expectation, informed by previous seasons' data, that E. coli levels peak in mid-summer and generally decrease in fall. This could be related to ongoing or frequent discharge of raw sewage into the river. We do not yet have photo documentation, but one of our volunteers thinks he observed sewage flowing out of the Mill Creek CSO on Oct 28, 2023, when there had been no rain in a week.

In light of the frequency and magnitude of our observed exceedances of secondary contact criteria in the tidal Schuylkill, we recommend PA DEP conduct another assessment for the 2026 IWQR. If impairment is found, it should be a high priority to develop a TMDL to address sewage pollution in the tidal Schuylkill, as the consistently elevated E. coli levels raise concern for the health and safety of all who engage in even secondary contact activities. Bartram's Garden welcomed over 3000 participants to our 2023 boating and fishing programs, and many more access the waterway on their own. In contrast to the high E. coli levels discussed here, during the drought of summer 2022, our E. coli data yielded a geometric mean of 48.8 CFU/100mL for June 30 to July 28, which is well below the threshold for primary contact (GM = 126 CFU/100mL) – illustrating the potential for the tidal Schuylkill to attain swimmable status if pollution from combined sewers were reduced or eliminated.

**Response:**
DEP agrees that *E. coli* results can be used to assess DRBC's secondary fecal coliform standard, and appreciates Bartram's Garden's data submission for the 2024 Integrated Report. Fecal coliform, *E. coli*, and Enterococcus data should be collected in the tidal portion of the Schuylkill River for the purposes of developing the 2026 Integrated Report and to reevaluate the Water Contact Sports Use. DEP is currently working with DRBC to implement a large-scale bacteria survey on the Delaware Estuary, to include the tidal portion of the Schuylkill River in 2024. DEP and DRBC will be targeting the swimming season (May 1 through September 30) during the 2024 survey. Future surveys may include data collected outside of the swimming season to evaluate the criteria that apply for the remainder of the year.

**Comment:**
PCB TMDL in the Tidal Schuylkill – We have noted an inaccuracy in the impairment listing for fish consumption for the tidal portion of the Schuylkill River. In these segments, the impairment cause is identified as PCBs, and the Action Name is listed as "Schuylkill River PCB TMDL," which was completed in 2007. However, I understand from past correspondence with PA DEP that the tidal

portion of the Schuylkill is included in the PCB TMDL for Zones 2-5 of the Tidal Delaware River. This TMDL is ongoing and has not been completed. The TMDL and completion status should be corrected in the final 2024 IWQR. Continued action to address PCBs in the tidal Schuylkill should be a priority, as fishing is extremely popular along this section of river.

**Response:**
The tidal portion of the Schuylkill River should not have been included in the 2007 Schuylkill River PCB TMDL delineation. DEP will correct this error for the final 2024 Integrated Report. The 2003 PCB TMDL for Zones 2-5, which was created by DRBC and established by EPA, includes the tidal portion of the Schuylkill River. Although it is currently being revised, the 2003 TMDL remains in effect and will be tied to the PCB impairment on the tidal portion of the Schuylkill River in the final 2024 Integrated Report.

**CHESAPEAKE CONSERVANCY**

**Comment:**
The Turtle Creek watershed has been the focus of a tremendous group of partners for over a decade. This partnership includes Northcentral Pennsylvania Conservancy, Union, Montour, and Northumberland County Conservation Districts, DEP, Fish and Boat Commission, USGS, USFWS, NRCS, DCNR, Buffalo Creek Watershed Alliance, Merrill Linn Land and Waterways Conservancy, Chesapeake Conservancy, Susquehanna University, Bucknell University, Lycoming College, and Bloomsburg University, to name a few. The cooperation and willingness from landowners in the region has not only yielded immense restoration efforts in the watershed but there has also been intensive research studies which has allowed for even greater support of projects. The partnership acknowledges the preliminary delisting along the Unnamed Tributary to Turtle creek (com IDs 66921247 and 66921333) looks forward to delving further into the delisting data and using it to support and guide the continuing work in the watershed.

And

On behalf of the partnership working to improve stream conditions in the Halfmoon Creek watershed, we support and celebrate the preliminary stream delisting along the Unnamed tributary to Halfmoon creek segment–com ID 65602894. This partnership has been dedicated to coordinating restoration and conservation efforts for several years in Halfmoon, with the common goal of delisting. This preliminary delisting segment includes a parcel where 17 partners recently worked together to utilize 9 different funding sources, to implement agricultural best management practices, stream restoration, and a 10-acre forested riparian buffer. We anticipate working on similar projects on Halfmoon Creek with the goal of delisting additional stream segments. We also want to acknowledge the cooperation of the landowners, who made this all possible. We look forward to diving deeper into this data and using it to yield the most impactful on-the-ground projects moving forward.

And

Chesapeake Conservancy, Snyder County Conservation District, and other local partners would like to acknowledge the clarification made by the preliminary cause update outlined in the draft report for the North Branch Mahantango creek (com ID 54969975). We appreciate the clarification and how it may guide our conservation efforts and allow us to anticipate the best possible management practices moving forward. Given the approval of the changes, we hope to dive deeper into this data and use it to yield the most impactful on-the-ground projects. We anticipate a collective effort to install BMPs in 2024 and beyond and hope this is the catalyst for an eventual stream delisting.

And

Chesapeake Conservancy has partnered with USFWS, Seven Willows, Partners for Fish and Wildlife, PVCA, and more working in the Tributary to Pine Creek watershed for several years. Although the section of potentially delisted stream (Unnamed Tributary to Pine creek–com IDs 54963505 and 54963149) does not overlap with the region of focus for this current partnership, we are supportive of the delisting as this cohort has been dedicated to restoration and conservation efforts in the greater watershed. These efforts wouldn't have been possible without the willingness and cooperation from the landowners within the watershed, whom the partnership is so thankful for. We also recognize the newly impaired segment within the watershed, which will be a driver for more restoration efforts in the region. As we continue to work in this watershed, we hope to see more segments of the creek delisted in the years to come as well.

**Response:**
DEP appreciates the work that the Chesapeake Conservancy and its partners have done in these watersheds. Over the past two years, DEP has worked directly with the Chesapeake Conservancy to provide feedback on restoration plans and to provide several trainings for physical habitat data collection. DEP believes this continued collaboration will facilitate more restorations for the 2026 Integrated Report.

**DELAWARE RIVERKEEPER NETWORK**

**Comment:**
Thank you for the opportunity to comment on Pennsylvania Dept. of Environmental Protection's (DEP) 2024 draft integrated assessment report or impaired waters 305(b) report and impaired 303(d) List, a requirement of the federal Clean Water Act whose goal is to ensure each state identifies impaired waterways and makes a plan to clean up and restore those waters not meeting their uses.

Established in 1988 upon the appointment of the Delaware Riverkeeper, the Delaware Riverkeeper Network (DRN) is a nonprofit 501(c)(3) membership organization. DRN's professional staff and volunteers work throughout the entire Delaware River Watershed. We work throughout the four states that comprise the Watershed -- including Pennsylvania, New Jersey, Delaware and New York -- and at the federal level on the issues, actions, regulations, legislation, policies, programs and decisions that impact the health of our Delaware River Watershed waterways and our ability to protect and restore them for the benefit of all. On behalf of DRN's over 27,000 members, we provide first overall

comment and then followed by more detailed comments for consideration for the final integrated 2024 report revisions.

Pennsylvania is a water-rich state with approximately 85,500 miles of rivers and streams connecting over 2,000,000 acres of lakes, bays, and wetlands. This report, prepared by the DEP is the sixteenth in a series of reports for the Federal Clean Water Act (CWA) Section 303(d) listing of impaired waters requiring total maximum daily loads (TMDLs), and Section 305(b) reporting of the overall condition of Pennsylvania's aquatic resources. It is compiled and submitted to the United States Environmental Protection Agency (EPA) once every two years. DEP states this report DEP covers the current status of Pennsylvania's waters and summarizes various programs in place to protect and improve water quality. DRN Comment: Delaware Riverkeeper Network thanks the DEP program staff who have worked diligently to prepare this draft document and corresponding data tables in an ever increasing and more user friendly way. We are grateful to the DEP for working to create and improve on the interactive platform and mapping system. Data stories, summary statistics and detailed data tables with the ability to export excel tables and search for key words are helping this important data and information on our freshwater streams be more accessible to the public and communities for which these 85,500 miles of streams flow. At the same time, as this platform becomes more usable for local watershed groups and monitoring groups, DRN would suggest as we had in 2018 and 2020 and prior comments that DEP consider more time be provided in future rounds – at least 90 days – for the public to have additional time to investigate and weigh in on the draft report and the volumes of data provided in the draft to ensure an accurate final report be presented to EPA.

**Response:**
Many dedicated DEP staff have put a lot of time and effort into transforming DEP's Integrated Reports into more accessible and useful tools. DEP is pleased to hear these efforts have been beneficial to DRN. Additionally, DEP continues to make the 2016, 2018, 2020, 2022, and the 2024 Integrated Reports available to the public on its website. DEP encourages DRN to use these reports between public comment periods to investigate areas of interest. This will allow DRN to focus on the changes between Integrated Reports during public participation. DEP also makes the data solicitation period year-round if DRN would like to submit data or information for the development of the next Integrated Report.

**Comment:**
Data solicitation phase for more public input in the iterative process - DRN requests DEP continue to expand the notice of outreach on the data solicitation phase of this process; we do acknowledge the additional links now part of this draft platform to help show the process for the next round of data sharing which was also evident in the past round to help volunteer monitoring groups planning for submissions as they collect information. The information on protocols and assessment techniques in this same area of the platform is very useful for volunteer monitoring groups considering data collection. This continued collaboration builds on the unique existing partnerships that DEP begins to highlight in the various story maps on the platform.

**Response:**
DEP appreciates this comment and agrees that having this information in one location is helpful for public understanding of the data solicitation process. DEP is currently working on enhancements to the data solicitation process that will make data submission easier for the public. More information on these enhancements will be made available in the 2026 Integrated Report.

**Comment:**
On spot review it appears that in some cases there is data that DEP may be missing for the report to better inform certain stream conditions. Though QAQC would be required for Tier 3 listing purposes, utilizing community tier 2 level data to help inform DEP's and other agency data would still be beneficial – this might be especially helpful in more urban and EJ areas of the Delaware River watershed which were not a big focus of this year's listings as pointed out in the joint conservation letter. Another suggestion that was conducted in previous years through partnerships and collaboration with the Citizens' Volunteer Monitoring Program was the Healthy Waters Initiative that utilized trained volunteer monitors to collect, for example, summer bacteria data for streams where DEP data were insufficient and where watershed groups were working. This partnership provided people power and local knowledge and access using trained volunteer monitors to collect summer bacteria samples while providing the equipment and lab analysis costs by the DEP as well as the coordination of the program by DEP staff. The results were shared with the local watershed groups for their own local uses while also being used for integrated listing purposes – putting the data to work to achieve dual goals and purposes by both the local groups and the state listing processes.

Regarding the magnitude of assessments, continuing to build on and engage the public and watershed and conservation groups is a critical step, especially in light of the continued shortages in funding the environmental departments may continue to face in Pennsylvania.

Ensuring all streams are assessed and working with sister agencies and conservation groups to expedite stream upgrades - DRN would like to suggest that DEP reach out directly to initiatives like the DRWI (Delaware River Watershed Initiative) in the Delaware River Basin to ensure that existing water quality data is made available for the triennial review process, especially for streams that have not yet been assessed or that are impaired and require clean up. We see that DEP continues to resist using volunteer collected watershed data at Tier 3 levels per the solicitation report included this iteration. Yet many streams are still unassessed. We note and understand DEP is sorely underfunded but all the more reason to ensure these other data sources are being considered and incorporated so assessments occur on a more regular and timely basis. Much of the DRWI data collection is collected by conservation entities with guidance from Academy of Natural Sciences and the Stroud Water Research Center operating under standard and strict Quality Assurance and Quality Control plans. This data could help fill gaps and provide more timely details so streams can be assessed regularly, cleaned up if they are impaired or provided stronger HQ and EV protection if they are clean.

**Response:**
DEP evaluates and uses all data submitted through the Existing and Readily Available Data webpage regardless of which tier it is classified. DEP continues to actively work with many citizen science

groups and environmental organizations. These groups communicate with DEP directly and leverage the webpage linked above to submit data to DEP. If DRWI or other initiatives believe they have data or information that could be utilized by DEP in the 303(d) listing process, DEP encourages them to submit it. DEP is currently seeking data for consideration in the 2026 303(d) assessment process. Data will be accepted through June 30, 2025. It is important to note that data received after June 30, 2025 will still be used by DEP in the 2028 303(d) assessment process.

**Comment:**
Upper and Middle Delaware River Datasets – Changes from 2022 to 2024
Most of the changes in the Delaware River Basin this round included for the Upper Delaware confirm continued attainment of uses which is positive to see. Does the DEP automatically incorporate PA conservation district data and NPS data that may be available for these stream segments? Both Pike Co. and Monroe Co. PA Conservation Districts, for example have extensive monitoring programs and data for their local streams - those datasets should be part of the analyses. DRN will provide additional information below on some of these stream segments below for consideration but overall it's important to note that a forest layer or percentage of each watershed's landuse with overlays as part of the interactive tools could assist with ensuring these streams continue to maintain their uses as threats enter the watershed, forests are diminished, and landuse changes. With the DRBC frack ban, we have collectively protected the Upper Delaware from those industrial fossil fuel threats but continued development or paved areas in the form of warehouses, more residential developments, expansion of camps and resorts, and changes in landuse can also cause death by a thousand cuts slowly and insidiously, especially if forests are allowed to be cut or sensitive floodplains and riparian forested buffers are allowed to be encroached upon in an environment that is increasingly threatened by climate change. Climate change brings extreme weather patterns and heat to some of the most important cold water streams and the critters that rely on cold water that remain in the Commonwealth.

**Response:**
As part of the assessment process, DEP evaluates all relevant and available data, including conservation district data and NPS data. This process is described in greater detail under the Decision Framework section starting on page 5-5 of the Assessment Book. In addition, some conservation districts have gone through training and auditing so that their data are directly used to make assessments. Both Pike Co. and Monroe Co. Conservation Districts are currently working with DEP on the data solicitation process.

**Comment:**
PA Constitution Protections & Trends on Impaired Waterways – With the overall changes from 2022 to 2024, its concerning that over 520 segments that were previously supporting their uses are now listed as impaired while streams segments that were listed as impaired but now reassessed as supporting appear to be null. Meanwhile, previously impaired are still impaired or still impaired with a cause change. We do appreciate these break outs to help establish larger trends to amplify the need for stronger protections and restoration with decision makers. We must do more to ensure streams do not continue to degrade slowly with death by a thousand cuts and the lack of cumulative impacts

being considered fully by agencies and regulations. Furthermore, catastrophic climate change happening now and anticipated to increase water temperatures, aquatic life impacts, eutrophication, stormwater runoff and droughts and flooding all creates additional stressors that sadly Pennsylvania continues to cause with its current allowance of fracking and continued fossil fuel extraction. Article 1, Section 27 of the Pennsylvania Constitution promises:

> *The People have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*

Under Article I, Section 27 of the Pennsylvania Constitution, DEP has particular constitutional obligations as the lead environmental agency of the Commonwealth. See Pennsylvania Environmental Defense Foundation v. Commonwealth, 161 A.3d 911, 938 (Pa. 2017). DEP's duties under Article 1, Section 27 are also recognized as mandatory duties within the DSEA. See 32 P.S. § 693.2. (The Purpose of the Act is to "protect the natural resources, environmental rights and values secured by the Pennsylvania Constitution and conserve the water quality, natural regime and carrying capacity"). DEP can no longer delay bold action.

**Response:**
DEP continues to work toward making accurate assessments for all protected use categories. Many of the increases in impaired miles are the result of surface waters being assessed for a protected use for the first time, as well as DEP reassessing many surface waters with more rigorous and protective assessment methods. DEP has documented 89 stream segments (46 miles) that have been fully restored for the 2024 Integrated Report, which brings the total number of restored streams to 967 miles since 2004.

**Comment:**
2022 to 2024 Changes & Tables & DRN Comment on the Delisting Report

Masthope Creek, Berlin Township, Wayne Co.
In the map viewer, it appears that several short segments of Masthope Creek are listed as unassessed. They may also be impounded areas of the stream based on zooming in. Due to the harms of dams, are there any layers that could be added in future iterations to show dam removals and stream restoration from dam removals? This could be a powerful case study for future reports.

**Response:**
These assessed segments were archived in error and their assessments will be reinstated in the final 2024 Integrated Report. DEP does not currently have an active GIS layer of existing dams along with where dams have been removed or are planned to be removed; however, there are several resources that DEP has used for this purpose. The Northeast Aquatic Connectivity Project and Stream Crossing Explorer are two resources for existing dams and barriers. The American Rivers

dam removal map is a resource that includes dam removals going back to 1912.

**Comment:**
Saucon Creek segments, Northampton Co. – assessments in 2022 indicate attaining use for recreation – what about the other uses? Some of these sections near Bethlehem PA are likely jeopardized by the pending proposed Bethlehem landfill that proposes to cut down forest to expand the dump – DEP should deny landfill permits due to the harm the expansion would bring.

**Response:**
The mainstem Saucon Creek and East Branch Saucon Creek within Northampton Co are supporting the Recreational Use on the 2024 Integrated Report. Both streams have also been assessed for Aquatic Life Use. The mainstem Saucon Creek's Aquatic Life Use is currently impaired due to Siltation. East Branch Saucon Creek is also impaired for Siltation from its mouth to about 0.4 miles downstream of I-78, above I-78 is currently supporting. DEP is working towards assessing all uses on surface waters where appropriate. Environmental impacts due to the landfill expansion will be considered during the permitting process.

**Comment:**
Bull Run and other UNT to Lehigh - assessments in 2022 indicate attaining use for recreation – what about the other uses? Some of these sections near Bethlehem PA are jeopardized by the pending proposed Bethlehem landfill that proposes to cut down forest to expand the dump (current proposal we believe is now 86 acres of clearing down from over 200 acres) – DEP should deny landfill permits due to the harm the expansion would bring.

**Response:**
Bull Run and the other UNTs mentioned are also assessed for Aquatic Life Use and are currently supporting the use. DEP is working towards assessing all uses on surface waters where appropriate. Environmental impacts due to the landfill expansion will be considered during the permitting process.

**Comment:**
Lackawaxen River Impairments – Can DEP elaborate on the industrial point source discharge near Kimbles, PA (Palmyra Township, PA – Pike Co.) that is causing an organic enrichment impairment for aquatic life since 2002 for three segments (0.36 miles, 0.47 miles, and .07 miles) of this HQ waterway?

**Response:**
The industrial point source is the Brookfield Lake Wallenpaupack Hydroelectric powerplant discharge. Recently collected data supports the organic enrichment impairment. DEP is currently reviewing existing data and collecting additional data for a future assessment.

**Comment:**
2024 Cause Removal Report Comments – Category 4b Frankford Creek and Tacony Creek (16535) - How will DEP ensure the consent order and agreement with Philadelphia Water Dept. to address long

term control plans for failing and polluting CSO's will be done in a timely manner to address organic enrichment? Can more details be shared? A timetable of expected support by 2036 feels too long of a reach for restoration. Table 3 states reassessment work started in 2020 and data collection is ongoing for the 2024 IR. More details on this much needed restoration would be appreciated in light of the ailing species and very low DO levels in this important tributary where so many residents of the watershed reside and where Environmental justice communities require more immediate and timely restoration – before 2036.

**Response:**
The consent order and agreement (CO&A) establishes an enforceable schedule, milestones, and end date for the implementation and completion of the Long Term Control Plan (LTCP). EPA's CSO Control Policy recommends considering financial capability in developing the implementation schedule. The 25-year schedule was based on Philadelphia's financial capabilities to implement the LTCP. The City of Philadelphia's Annual Reports include information about the CSO implementation programs, including the Green Stormwater Infrastructure (GSI) projects which are part of the LTCP. DEP will continue to monitor this area to make sure a 4b listing is appropriate. The Frankford-Tacony 4b justification document is downloadable from EPA's How's My Waterway website. To access the document, go to the Community page under the Restore tab. Click the stream name and then *Open Plan Summary*. This will open a new window where the *Frankford-Tacony 4b Justification* document can be downloaded. Long Term Control Plans are available upon request from DEP's regional offices.

**Comment:**
Paxton Creek Control Plan for BOD – incorporating links to long term control plans being reviewed by DEP within the report would be helpful to reviewers and also help educate the public on what may be appropriate for other waterbodies suffering from similar CSO harms to help expedite clean ups and restoration.

**Response:**
The Paxton Creek 4b justification document is downloadable from EPA's How's My Waterway website. To access the document, go to the Community page under the Restore tab. Click the stream name and then *Open Plan Summary*. This will open a new window where the *Paxton Cr 4b justification 2012* document can be downloaded. Long Term Control Plans are available upon request from DEP's regional offices.

**Comment:**
Polluting CAFOs
It's notable that several category 4b waterbodies are suffering from CAFO pollution specifically due to the unsustainable way these operations inhumanely grow animals for slaughter while polluting freshwater. For Stone Run, we note that "incremental improvements over the next 7 years" from settled litigation in 2023 for a CAFO causing organic enrichment does not seem fast enough especially for this type of point source discharge. Again, providing some clickable links to these actions and agreements within the documents would help the readers understand if actions presented

would be more helpful to the stream than the TMDL process to do the best justice for the impaired waters by holding the polluters accountable promptly. Are there layers of CAFO operations permitted or out of compliance that could be overlain with the IR to help enhance and educate the reviewers?

**Response:**
The Stone Run 4b justification document is downloadable from EPA's How's My Waterway website. To access the document, go to the Community page under the Restore tab. Click the stream name and then *Open Plan Summary*. This will open a new window where the 2022_Stone_Run_4b_COA_3559 document can be downloaded. A GIS layer of CAFO operations is downloadable from the *Pennsylvania Spatial Data Access (PASDA)* website. On the main webpage, use the search data feature to search for *Water Pollution Control Facilities*. This layer contains many DEP primary pollution control facilities; use the Primary_3 field in the attribute table to identify CAFOs.

**Comment:**
UNT to Chester Creek, West Branch Chester Creek and UNT East Branch Chester Creek Refinements (Table 7) – DEP states a cause of impairment can be removed when a more appropriate cause choice is available for selection in the database. These cause removals are referred to as refinements because the waterbody is still impaired for the cause; the name of the cause is simply being changed because a more accurate or descriptive cause name is now available. For the 2024 Integrated Report, streams assessments had 25 Aquatic Life Use and 24 Recreational Use refinements. There was also one Aquatic Life Use refinement on a lake. Chester Creek in Delaware County had been historically impaired for "cause unknown; flow regime modification; siltation – the new causes are now listed as "Eutrophication, flow regime modification; siltation" - UNT to East Branch Chester Creek in Chester also has been assessed with more clarity and causes by the DEP.

**Response:**
DEP's adoption of EPA's full list of potential causes provided the opportunity to select more detailed cause names than previously available. DEP has also developed assessment methodologies, like the *Eutrophication Cause Determination Method,* located in the Assessment Book, that aided in the cause selection process for these stream segments.

**Comment:**
Skippack Creek, Montgomery Co. Refinements (Table 7) – It appears the Skippack Creek has been carefully reassessed and is now listed for habitat alterations, pH, siltation, thermal modifications (is high on the list referring to a high pH?) as compared to old listings of algae, nutrients, and siltation – can DEP elaborate more on what next steps these changes will make to developing the TMDL?

**Response:**
The impairment cause of pH was refined to pH, High on the 2024 IR. Siltation is still being addressed by the Skippack Creek TMDL. DEP is required to address all Category 5 listed streams with the development of a TMDL and will do so based on the prioritization framework outlined in the Section 303(d) portion of the 2024 Integrated Report.

**Comment:**
Data sharing within the DEP – It would appear that examining some of the datasets not all departments of the DEP have their data included as part of the integrative report and lists. This seems like a critical step to ensure departments are optimizing the important data they each are collecting, especially with limited budgets and staff constraints. For example, can DEP explain if and why permitting department data may not be included in the report? And can DEP please elaborate if all the data provided as part of the anti-degradation process and stream upgrade petition process is included and incorporated in the report?

**Response:**
As part of the assessment process, DEP evaluates all relevant and available data, including permitting data and data provided as part of the anti-degradation process. This process is described in greater detail under the Decision Framework section starting on page 5-5 of the Assessment Book.

**Comment:**
Can DEP elaborate on the new Fish IBI and how it may be used in assessments?

**Response:**
DEP's Stream Fish Assemblage Assessment Method is described in detail starting on page 2-88 of the Assessment Book. DEP has also created a technical report that describes the development of this method in detail.

**Comment:**
Data Solicitation Table 1 --- It continues to be alarming the impacts DEP mining is allowing under Act 54 requirements in regard to subsurface mining impacts occurring in Greene and Washington Counties as streams are dewatered by continued fossil fuel extraction of bituminous coal --- DEP acknowledges in the report that 101.5 miles of streams in 10 watersheds in Greene and Washington Counties (that already bare too much harm and are EJ communities) have been allowed to disappear from this harmful extraction. Perhaps this would be an important story map to include in future reports to show the harm done.

**Response:**
DEP agrees that subsurface mining may impact surface waters and has worked diligently to document these impacts within the Integrated Report. DEP, in cooperation with other organizations, is working to ensure these impaired streams are restored in the future.

**Comment:**
Neshaminy Creek, PFAS and Need for Expansion of Sampling – In October 2021, DEP (along with the Departments of Agriculture and Health as well as the Pennsylvania Fish and Boat Commission) issued a "DO NOT EAT" advisory for all fish species caught in the Neshaminy Creek basin due to perfluorooctane sulfonate (PFOS), which is an environmentally widespread human-made compound

that belongs to a family of chemicals known as per- and polyfluoroalkyl substances (PFAS) or “forever chemicals” due to their persistence in the environment. PFAS also bioaccumulate, which means they gradually increase in concentration within fish tissue, and, if humans are exposed to them, in human tissue as well. PFAS exposure has been tied to multiple health problems including cancers, pregnancy complications, and high cholesterol. DRN urges the Department to continue to expand its assessment of fish tissue for PFAS contamination statewide, particularly in highly-populated areas where industrial activities are more likely to have impacted streams, and where fish consumption is likely to be highest. The Department should not limit its analysis to streams near sites with known PFAS contamination—because fire- fighting foam is a major source of PFAS contamination, there may be long-forgotten sites across the state where fires were extinguished but contamination remains. In addition, PFAS are known to spread considerable distances from the original source of contamination through various pathways such as sewage treatment plants, agricultural application of biosolids, and manufacturing with PFAS or PFAS-precursor chemicals. As an illustration of the potential extent of the problem, when New Jersey’s Department of Environmental Protection investigated PFAS contamination in fish tissue from 11 waterways across the state, it found that all of the waterways would likely need to have fish consumption advisories. Pennsylvanians have a constitutional right to the conservation and maintenance of public natural resources, including fishlife. The Department must fulfill its duties as trustee by investigating and creating a plan to remedy the PFAS contamination of fish tissue so that current and future generations can benefit from this recreational and life-sustaining resource.

**Response:**
DEP is working diligently to collect more PFAS data and explore all potential sources. Additional information can be found on DEP’s website for contaminants of emerging concern. This information, along with more PFAS data, will be used to prioritize additional PFAS assessments in the future. Data collection is the appropriate starting point for the Commonwealth in carrying out its Article 1, Section 27 duties and responsibilities.

**Comment:**
DEP's Restoration Prioritization – DEP notes a change in prioritizing restorations and states 2016-2022 and a new implementation strategy will commence in 2025 and carry through 2032. The new implementation strategy will include a revised set of prioritization criteria that will be made available to the public comment through a notice in the Pennsylvania Bulletin at a later date. In the interim, DEP has prepared a list of priority waterbodies for TMDL/ARP development in 2023-2024 to bridge the gap as the transition is made from the original Vision to the new priorities and goals --- DRN Comment: When does DEP believe the new prioritization strategy will be released for public comment? The current list of streams is a short one. When does DEP envision knowing a timeline for the Pine Creek (Berks Co.) restoration plan? What about other streams with various and multiple impacts beyond sedimentation?

**Response:**
DEP plans to release the new prioritization strategy for public comment in early 2024. Although sediment will remain a focus, DEP will include other causes of impairment in the new strategy. The

Pine Creek (Berks Co.) restoration plan timeline will be reevaluated as part of this new strategy, which includes updating lists of priority waterbodies every two years.

**Comment:**
Query Tool – The query tool appears to have features added from past versions which make it helpful to drill into certain details and it now also has an export feature for tabular data in various formats including csv format and a tool to highlight the queried segments on the map for spatial analysis. For example, a quick query of part of the state for EV streams with any type of impairments generated 1,764 segments impaired that are EV status. Thank you for adding features to this tool.

DRN appreciates DEP considering our comments, questions and suggestions for this round of the IR and we look forward to reading the comment and response document and report when finalized.

**Response:**
DEP appreciates this comment and DRN's continued participation in the Integrated Report process.

**DOUG MANGOLD**

**Comment:**
The area that is listed as Minister creek is WRONG! This is Tionesta Creek in Sheffield. Minister creek is in Cherry Grove township and then Forest county!

Some one needs to correct this and also learn how to read a stream map.

Doug Mangold
Stream Name Minister Creek
NHD Flowline Comid 100468835
Assessed Use Recreational
Integrated Report Change Use not previously assessed, assessed as impaired
New Assessment ID 23229
New Assessment Date 3/1/2023
New Assessment Decision Impaired
New Sources AGRICULTURE; URBAN RUNOFF/STORM SEWERS; WATERFOWL
New Causes ESCHERICHIA COLI (E. COLI)
Previous Assessment ID 0
Previous Assessment Date
Previous Assessment Decision
Previous Source
Previous Cause
ATTAINS ID PA-SCR-100468835
ATTAINS Name Minister Creek-100468835
HUC 8 Code 05010003
HUC 8 Name Middle Allegheny-Tionesta

Reachcode 05010003000183
Length (Miles) 1
County Warren
Municipality SHEFFIELD
Municipality Type TWP
Zip Code 16347

**Response:**
The correct name of the stream segment is West Branch Tionesta Creek. DEP has resolved this issue in the stream naming database. The correct name will be displayed in the final 2024 Integrated Report.

**MICHAEL BENNING, JANE BENNING, AND JACQUELINE STRALEY**

**Comment:**
Our neighbors of West Rock Rd, Douglas Rd, Dogwood Lane and Birchwood Drive on South Mountain in Salisbury Township are extremely concerned about the Girl Scout Eastern Pennsylvania Expansion at 2638 West Rock Rd, Allentown, PA.

Taking down dozens of mature trees at the top of an environmentally sensitive mountain to make room for an expansive septic system for multiple groups of visitors is of great concern for such an environmentally sensitive area. We are extremely concerned about how this will affect the people down slope from the camp. Of particular concern is the runoff that will affect the small tributary down slope about 100 feet that flows into the Little Lehigh eventually which we all know flows into the Lehigh River which is already extremely polluted and rated as endangered.

According to the Salisbury Township Natural Resource Inventory Final Report done in 2011 by Lehigh County Soil Conservation and Salisbury Environmental Advisory Committee, the tributaries coming down the mountain are polluted from silt caused by earth disturbance.

We understand, the Scouts are proceeding with the approval process after obtaining another extension with their Salisbury Township Permit and DEP soil testing approval. How many times are they going to be allowed to submit plans that are so inadequate as to cause the DEP to reject them with six pages of deficiencies?

Of significant importance, is the close proximity of this project to our wells in the area. One well next to West Rock Road is only 20-30 feet away. Can we just keep pumping water out of our aquifers that supplies so much of Allentown’s water supply? Neighbors are very concerned about their wells being polluted as well as possibly going dry.

Exceptional Value wetlands are located on the adjoining down slope properties from the camp. Increased stormwater runoff caused by the removal of approximately 50 trees on the Girl Scouts property for this project will affect the adjacent properties septic performance. Ironwood Lane which is

down slope 100ft. is where the tributary is located where most of the water flows from the top of the mountain at the camp is deemed to be a problem area for malfunctioning septic systems.

A land based septic system - drip irrigation - in the originally proposed location of the Girl Scout camp will certainly be visible due to all the tree removal, and will present potential downhill flooding issues for the entire neighborhood! Nearby wells only exacerbate the potential for contamination issues of our drinking water. Additionally, spray irrigation systems will not work in stony gravelly soils. There is not enough humus in the topsoil in this area to digest anaerobically the nutrients contained in the septic spray.

Additionally, drip irrigation is not designed to remove nitrates. Nitrate-nitrogen (NO3-N) in groundwater is becoming a ubiquitous problem, particularly in rural areas where domestic water supplies are obtained from individual on-lot water supply wells. Nitrate originates from anthropogenic sources, and particularly, residential on-lot sewage treatment systems (i.e., septic systems). Prevalent concerns are with high-density developments that utilize on-lot drinking water supply wells that draw from the same groundwater which is being impacted by the conventional nitrate-yielding on-lot septic systems. With fifty or more girls and leaders being in occupancy during most of the day during the week, overnight at weekends and possibly a full week at a time the Girl Scout expansion will be the equivalent of a high-density development surrounded by on-lot wells.

This development has the potential to endanger downstream wells of surrounding residents, with at least one well that is less than thirty feet from the Girls Scout property. Also, there will be the likelihood of contaminating the unnamed stream 100 feet below located on Ironwood Lane that flows into Trout Creek and ultimately the Little Lehigh that supplies water for Allentown. This will all be exacerbated by the increased run-off caused by the removal of numerous trees to facilitate the vastly increased waste disposal at the Girl Scout camp.

In addition we should always remember that 50 years ago Robert Rodale, Janet Keim, and a few other visionaries started Wildlands Conservancy to preserve South Mountain. And, since they realized it was such a valuable resource, the city of Allentown purchased the large tract of land at the end of Douglas Road to preserve the area as it supplies the majority of water for the city.

And

The information below was copied from the Salisbury Township Natural Resources Booklet and contains pertinent facts related to our water supply. - FinalSalisburyNRI_REVISED-11-30-11speciesrev.pdf (salisburytownshippa.org).

This study could not have been completed without the significant assistance of Rick Wiltraut and Bill Sweeney of Jacobsburg State Park, Pennsylvania Department of Conservation and Natural Resources (DCNR), who provided invaluable expertise in bird, amphibian, and plant identification. Tim Dugan of DCNR Forestry also provided significant assistance with plant and tree identification. This project was guided by the Salisbury Township EAC and by the Salisbury Township staff, which

provided input into the study goals and helped gain landowner access to private properties. Field work was assisted by Richard Niesenbaum of Muhlenberg College including Lehigh Country Conservation District - LCCD. Funding to carry out this project was provided by Salisbury Township.

This study was undertaken primarily to ensure the more accurate mapping, description, and location of the township's water resources, and to provide specific recommendations to protect these resources. Although plant and animal communities were included in this study, full documentation of ecosystem communities was not the primary intention of this effort.

This study was initiated primarily out of concern for more effectively protecting the Township's water resources. In particular, several recent development projects had brought to light the limits of protection that currently exist for the township's water resources, and a goal was formed to improve the level and effectiveness of natural resource protection. Specifically cited were springs, seeps, isolated wetlands, vernal pools, and unmapped headwaters streams. At the same time, associated with these water features are critical habitat areas used by migratory birds and by terrestrial wildlife, such as amphibians and reptiles. Further, concerns had also been raised about the location of threatened and endangered plant species within the township, some likely to be associated with the above-listed headwaters hydrology features.

The following is information on the conservation and Hydrology of Salisbury Township.

## ECOLOGICAL CORRIDOR HIGHLANDS REGION

Salisbury Township is located in the Highlands Region, an area of particular conservation focus crossing through Connecticut, New Jersey, New York and Pennsylvania. This high ground is located within the Appalachian Mountain region. The Highlands region is generally forested, and provides essential migration corridors and habitat for both birds and terrestrial animals. It also contains critical watershed areas, with clean water emerging from springs and seeps on steep hill and mountain slopes to supply water to urbanized areas of Pennsylvania. The Highlands is protected by the Highlands Conservation Act of 2004, which recognized the Highlands area as having national significance, and authorized considerable funding for technical assistance and land acquisition in the area. Portions of Salisbury Township are part of the Highlands Region South Mountain Conservation Project, which focuses critical resources on land preservation and conservation. For more information on the Highlands Region, visit the website of the Highlands Coalition: http://wwwhighlandscoalition.org/. Map from the Highlands Regional Study by the USDA Forest Service: The Pennsylvania Highlands cover 1,382,693 acres, comprising 174 municipalities in 10 counties.

## LAND CONSERVATION

A significant portion of the land on South Mountain has been conserved, either through direct purchase of the land by the township or by a conservation organization, or through placement of a conservation easement. Map: Protected Areas shows which parcels are currently in conservation,

and the nature of the ownership or easement that protects them. Land Conservation Priorities Although a substantial amount of land has already been preserved along the environmentally sensitive South Mountain, there remain many opportunities for further land protections to be put in place. Of the approximately 3,000 acres of South Mountain in Salisbury Township, nearly 480 of them are protected. Many of the parcels that are not currently protected would be prime candidates for conservation easements, particularly larger parcels (greater than 5 acres) or parcels contiguous with already preserved properties. Additionally, properties with high-priority natural features, such as springs, seeps, and vernal pools, may also be considered. Critical lands to be targeted for protection include those adjacent to already protected lands, to create continuous habitat and wildlife migration corridors. Additionally, those lands that contain headwater springs and seeps directly upslope from the origins of the Township streams may also be considered critical. Map: Protected Areas, included in the next section of this report, shows general areas where headwater hydrology feature protection would be critical.

Hydrology of Salisbury Township contains portions of three watersheds: the Little Lehigh Creek, the Saucon Creek, and the Lehigh River. The Trout Creek, the major stream flowing through the township, is a tributary to the Little Lehigh Creek. Map – Existing Mapped and Predicted Hydrography shows the existing “blue line” streams that show up on the USGS quadrangle maps. It also shows the results of the analysis of where unmapped streams are expected to be found. This is discussed in further detail, below. Water Resources Maintaining and improving the health of the Township’s water resources was a major goal of this study. To accomplish this over the long term, this study undertook two major tasks: to assess the current condition of the streams that flow through the Township, and to locate and map, to the degree possible, the unmapped springs, seeps, and headwater streams. These tasks were chosen because protection of water resources is generally dependent on two factors under current state, federal, and local regulations and laws: 1) the current conditions of the water body, and 2) accurate mapping of the features. Current Conditions For each water body in Pennsylvania, there is a “designated use.” This is the water quality standard that the Pennsylvania Department of Environmental Protection (PADEP) expects that water body to meet. Salisbury Township divides into three separate watersheds, draining into the Little Lehigh Creek, the Saucon Creek, and directly into the Lehigh River (Map: Stream Designated Uses and Impairment). The largest stream flowing through the township is the Trout Creek, which is a direct tributary to the Little Lehigh Creek. Apart from the Trout Creek, all the other streams in the township are small, headwaters tributaries. The Designated Uses and Impairment Map shows the designation of all the streams in the Township. The Little Lehigh Creek (including its tributary Trout Creek), and all the headwaters streams draining into the Little Lehigh, are designated High Quality Cold Water Fishery. The Black River, tributary to Saucon Creek, and several other small headwaters tributaries to the Saucon Creek, are designated Cold Water Fishery, as are the direct tributaries to the Lehigh River. The Lehigh River itself is designated Warm Water Fishery Each of these designated uses carries with it specific water quality standards that the water body is expected to meet. Additionally, each agency that regulates streams in Pennsylvania applies its regulations differently depending upon the designated use of the receiving watershed. Therefore, a project being proposed in the watershed of the Lehigh River, a Warm Water Fishery, would be held to different standards than a project proposed in the watershed of the Little Lehigh Creek, a High-Quality Cold Water Fishery For

example, a housing development proposed in the Little Lehigh watershed might need to treat the water leaving the site to ensure it is meets the high standard for that stream, whereas a project in the watershed of the Lehigh River might not need to meet such a stringent standard.

Each water body in the Commonwealth is evaluated regularly to determine if it meets the standards appropriate for its Designated Use. If it is determined not to meet those standards, it is designated as “Impaired.” A cause and source are assigned for the impairment, based upon the judgment of the assessor as to what is causing the stream to fall below standards. The Designated uses and Impairment Map shows that several of the streams flowing through Salisbury Township have been listed as “impaired.” Additionally, the portion of the Lehigh River that flows adjacent has also tentatively been listed as impaired. For each of these, the cause is siltation, and the source is urban runoff. This impairment clearly indicates that historical urbanization has negatively impacted the Township’s streams. Hydrography Analysis Unmapped Water Features While larger streams are well-mapped on the USGS Quadrangle Maps (“blue line streams”), it is often the case that headwaters hydrology features such as springs and seeps, and small headwaters streams, are not mapped. Vernal pools – depressions in the landscape that fill with snow-melt in the spring and dry up in the summer – are never mapped. Since laws and regulations aimed at protecting these features depend upon knowing where they are located, finding and mapping as many of these small features as possible was one goal of this study Method Modeling: In order to locate un-mapped tributaries, seeps, and springs, an analysis was carried out of the Digital Elevation Models on ArcGIS This analysis shows how the model predicts where tributaries are likely to be found, based upon drainage areas of certain sizes. A portion of the raw data for the urban area of the township shows the raw data generated by this model. Field Work Based upon the predictions, field work is carried out to determine whether these features exist where they are predicted to. The picture on the left displays a predicted stream in an urban setting that was not confirmed in the field; the picture on the right displays a headwater stream along the mountain that was verified by staff.

As can been seen in Map: Predicted and Existing Hydrography, for example, in the urbanized area of the township, very few of the predicted streams were actually found on the ground, and none of the drainages that were found flowed year-round. In contrast, in the steeper, wooded areas, most of the predicted streams were located. Feeding these streams were many springs and seeps. Where property access was available, these springs and seeps were mapped as well. Since some of the field work was done in the late spring, vernal pools were also mapped where they were found. However, a more comprehensive study could be done to better identify vernal pools in the township. Data Interpretation: The Predicted and Existing Hydrography Map clearly delineates the mapped tributaries and headwaters springs and seeps, and the properties to which the field crew had access. On the adjacent properties where access was not available, it is possible to predict with some certainty that springs and seeps are likely to exist in similar patterns with similar densities. It is necessary to caution that these are only predictions; field visits would be necessary to determine where such features exist on any given site. There is considerable variability from site to site. Note the difference in density of springs and seeps from the southern portion of the Township, where they are abundant on the mountainside, to the northern portion along the slope down to the Lehigh River, where they are much less dense. In the urbanized areas, very few flowing streams were found. This

is due to the long-term effects of impervious surfaces, and alteration of drainage patterns to put in businesses, houses, roads, and parking lots. With little water seeping into the ground, springs will dry up. And where streams and drainages are diverted into underground culverts and storm drains, streams are not fed year round. By contrast, in the relatively undeveloped forest areas, springs, seeps, small wetlands, and headwaters streams are abundant.

## STREAM VISUAL ASSESSMENT BACKGROUND AND METHOD

As part of this study, a full visual assessment was carried out on the main stem of the Trout Creek as it flows through Salisbury Township. To accomplish this, the stream was broken down into 14 reaches, using aerial photos to determine reach breaks where they would be visible on the ground. Reaches were an average of 850 feet long, for a total of 2.3 miles. Map: Trout Creek Visual Assessment shows the breakdown of the reaches. The entire stream assessment is included at the end of this report; recommendations that apply to specific reaches are included in the data sheet for that reach. The visual assessment protocol used was generally based upon the USDA/NRCS Stream Visual Assessment Protocol, with modifications to the method so that it is easier for volunteers to use. Additions were made to the standard protocol to collect data on the material on the stream bed, and in the stream banks, which will assist with future stream and flood plain restoration projects. The visual assessment protocol used an excellent/good/fair/poor rating scale for certain parameters and asked for a narrative explanation of others. A copy of the assessment sheet is included at the end of this section. The parameters scored on a rating scale were: stream alteration, riparian zone, floodplain access/channel incision, canopy cover, nutrient enrichment, and in-stream fish and invertebrate habitat. Stream Alteration This described the degree to which the stream has been visibly altered or confined by human activity. Bridge crossings, retaining walls, dams, dykes, or rip-rap banks are all considered alterations. Riparian Zone Condition Ideally, all streams should be protected by a forested meadow or riparian buffer of full-height (i.e., not mowed) trees or meadow grasses. This buffer protects the stream from overland runoff, removes pollutants such as nutrients and silt, and stabilizes the banks with deep, thick root systems. There was quite a bit of variability in the riparian zone condition along the Trout Creek, from excellent (a buffer over twice as wide as the stream is) to poor (stream bank mowed to the edge or paved). Where ratings were “fair” and “poor,” opportunities exist for improving the buffer condition.

According to recent regulations put in place by the PA DEP, all streams are best protected by a stream buffer of at least one hundred and fifty feet (150’). Floodplain Access/Channel Incision A channel in a natural condition has low banks, less than a foot or so high, allowing the channel to easily access its flood plain during storm flows. When channels are deeply incised, there is enormous erosion pressure on the banks during flood flows, as fast-moving storm water cannot reach the flood plain, spread out, and slow down. The majority of the Trout Creek had banks 3 feet in height, with little chance for flood waters to spread out and abate. Canopy cover is the extent to which the stream is shaded by overhanging trees. This shading is important, since it keeps the water cool, which is important for cold-water species of fish, such as trout. Canopy cover for the Trout Creek is good to excellent throughout the township. Nutrient enrichment describes the amount of aquatic vegetation on the stream bed, and on the rocks on the stream bottom. The amount of aquatic vegetation generally

reflects the amount of nutrients in the stream – nitrogen, and phosphorous. Sources of nutrients include lawn and farm fertilizers, poorly functioning septic systems, manure on fields, and sewage treatment plant discharges. Throughout the Trout Creek in Salisbury Township, the rating is “good,” indicating that there is some nutrient enrichment, but it is not excessive It is important to note, however, that there is a township-wide problem with the dumping of lawn waste along stream banks. Grass clippings disposed of into the stream will decompose, releasing nitrogen into the stream. This can contribute significantly to nutrient enrichment. Lawn clipping found along the banks of the Trout Creek Typical extent of bank erosion throughout the reaches of the Trout Creek Recommendation: Where riparian buffers are less than “excellent,” contact landowners with information about the benefits of riparian buffers and resources available to encourage their installation. Recommendation: Through mailings and educational sessions, instruct landowners to take yard waste to compost center rather than dumping waste on banks of Trout Creek.

Fish and macroinvertebrate habitat include riffles, thick root mats, leaf packs, logs and other woody debris, overhanging vegetation, pools, boulders, undercut banks, and any habitat improvement structures built as part of a stream improvement project. This parameter measures how much habitat there is for both fish, and the aquatic insects that the fish eat, such as mayfly larvae. Except in the headwaters area, the habitat is good or excellent. Where desired, habitat improvements can be made through simple projects which can be carried out by community groups. In addition, the assessment examined the degree of stream bottom sedimentation. A stream in a natural condition will have a bottom comprised of large gravel and small boulders. When the stream bottom is largely covered with fine sediment (silt and mud), habitat for fish and aquatic macroinvertebrates is degraded. Many segments of the Trout Creek showed significant amounts of stream bottom sedimentation. The most likely cause of this twofold: excessive stormwater runoff from urbanizing areas with inadequate stormwater controls, and erosion of steep stream banks. The visual assessment made note of where invasive plants were a significant issue along the Trout Creek. Japanese Knotweed was the most significant invasive plant present. Japanese knotweed is the dominant plant species Recommendation: Carry out a stream-wide Japanese knotweed control program, contacting affected landowners with information on controlling the plant and strategies for removal and replanting. This program would have to start with the headwaters to avoid re-colonizing the knotweed from upstream.

RECOMMENDATIONS:

In the contributing watersheds to the township’s impaired stream segments, additional protections could be put in place to ensure that new development does not further impact already degraded streams. These protections could include riparian buffer planting and restoration requirements, setbacks, and infiltration BMP’s.

Create a mailer to be sent out to targeted landowners on hillside and streamside properties where vernal pools are likely, describing their physical features and functions. Landowners would be invited to contact the township about their vernal pools and have them listed for future protection. Recommendation: Create a taskforce to evaluate the condition of the identified vernal pools. During NRI fieldwork, several vernal pools were found to be heavily impacted by silt. The siltation is

deleterious as it prevents oxygen from entering salamander and frog egg sacks. To restore these pools, when the pool dries out, the silt can be removed with a shovel. Trees should also be planted and leaves can be incorporated in the interim to provide cover and shade. In order to carry out this project, natural resource professionals should be consulted.

Where riparian buffers are less than “excellent,” contact landowners with information about the benefits of riparian buffers and resources available to encourage their installation.

Regrade the banks where possible, creating shallow, vegetated banks.

Through mailings and educational sessions, instruct landowners to take yard waste to compost center rather than dumping waste on banks of Trout Creek.

Salisbury Township should consider investing in a Township-wide stormwater retrofit plan, which would examine all the areas where presently uncontrolled runoff could be treated and infiltrated back into the ground or taken up by plants. Recommendation: Develop plans for streambank stabilization projects and the planting of native riparian buffers on all the stream segments that rate as “fair” or “poor,” to control stream bottom sedimentation.

Enact protections. Include clear definitions features in both Zoning ordinances and SALDO.

And

Salisbury Township Comprehensive Plan

Understanding the hydrology of a landscape and the science of underground, surface and atmospheric quantity and quality of water is critical. Proper protection of underground and surface waters needs to be addressed in development regulations to protect water quantity and water quality. Various intensities and methods of land development greatly affect the ability of rainwater to be recharged into the groundwater, or to result in increased stormwater runoff.

Many types of water resources are shown on the Hydrology Map, including many previously unmapped watercourses based upon work by the Lehigh County Conservation District. However, the Conservation District notes that not every watercourse or water feature has been mapped because they were not able to access many privately-owned lands. From the enjoyment of its scenic or historic resources to the dependence on it for economic survival, a major body of water should be considered an asset carefully regulated. Protection of water quality is an utmost concern.

Pennsylvania’s Chapter 93: Water Quality Standards establishes ratings for rivers and streams with outstanding water quality that allow the Pennsylvania Department of Environmental Protection to protect, maintain and restore the quality of water. Streams and rivers with High Quality (HQ) or Exceptional Value (EV) rankings have sufficient data to suggest that the water chemistry, and biology, support and sustain native trout habitat and nationally valued outdoor activities.

Salisbury Township Comprehensive Plan 4.3 ENVIRONMENTAL CONSERVATION PLAN recreation opportunities. These waterways are afforded greater standards of protection from the impacts of development, discharge, and degradation than other waterways. Salisbury stretches across three major watersheds: the Little Lehigh Creek, the Saucon Creek, and the Lehigh River. The Trout Creek, the major stream flowing through the township, is a tributary to the Little Lehigh Creek. The Little Lehigh Creek (including its tributary Trout Creek), and all the headwaters streams draining into the Little Lehigh, are designated High QualityCold Water Fishery. The Black River (a tributary to Saucon Creek) and several other small headwaters tributaries to the Saucon Creek are designated Cold Water Fishery, as are the direct tributaries to the Lehigh River. The Lehigh River itself is designated Warm Water Fishery.

Analysis by the Lehigh County Conservation District, as part of the Natural Resources Inventory of Salisbury Township, revealed nearly 22 tributaries which had been previously unnamed and unmapped, which are shown on the Hydrology Map. Watershed acres contained in the Little Lehigh are 136; Saucon Creek is 596; Trout Creek is 2574; Lehigh River is 5,208. While flooding can enrich the soil along undeveloped flood-prone areas, it can be disastrous along developed segments. Township regulations control the construction of buildings and other activities within the “100 Year Floodplain.” The 100 Year Floodplain is mapped by the Federal Emergency Management Agency and is intended to show the extent of lands that would be flooded during the worst flood expected in an average 100 year period.

However, recent experience has shown that severe storms have become more common that was previously predicted by FEMA. “Riparian buffers” are important along creeks and rivers to filter out pollutants before they reach the waterways and to maintain high quality aquatic habitats and water quality. Vegetated buffers of trees and thick understory vegetation should be preserved and/or planted along creeks and the Lehigh River. This vegetation also reduces erosion and stabilizes streambanks. Buildings and paving should continue to be required to be setback sufficient distances from waterways.

Joint Federal /State NPDES Program

The joint Federal/State NPDES program has been expanded to require that new land developments include extensive reviews, designs and features to protect water quality.

The State Storm water Protection Program is a voluntary, community-based effort to protect the raw water quality of sources (wells, springs, streams, reservoirs) used by public water systems. That program has identified areas that have the most impact upon larger public water supply wells and springs. Portions of western Salisbury were determined to have potential impacts upon the Emmaus water supply wells, a Lehigh County Authority well and the City of Allentown Little Lehigh water intake.

The Little Lehigh Creek was nominated as a Critical Water Planning Area in 2009, from a study

conducted by the Pennsylvania Department of Environmental Protection. A Critical Water Planning Area is defined as a “significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe yield of available water resources.” Currently the watershed has been identified as needing continued review and further evaluation.

The steep slopes also greatly limit the suitability of various lands for development. Steeper terrain is more prone to erosion and landslides from site work associated with development. It is also likely to cost more to develop for human use and as a result is often left untouched. If thick vegetation is preserved on steep areas, it avoids increased speeds and amounts of stormwater runoff and promotes a higher quality of water for streams and drinking.

The US Forest Service and the Pennsylvania Bureau of Forestry provide advice and reference material to property owners and municipalities to help manage timbering to promote long-term sustainable woodlands. State law requires that every municipality allow forestry in every zoning district by right. Reasonable regulations are allowed on forestry, which have been clarified by court decisions. For example, it is reasonable to require a professional forestry management plan, to limit the size of clear cutting, and to limit forestry near waterways and on very steep slopes.

What exists today of Salisbury’s forestland should be carefully managed. Forest areas with healthy interior habitat, including understory shrubs and herbaceous plants, should be kept free of invasive species and unmanaged forestry practices. Invasive species of plants are not native to the area and can spread rapidly and choke out native trees, grasses and shrubs. Invasive species are most commonly found near disturbed edges of forests.

**Response:**
The nearest stream to the address mentioned in these comments is an unnamed tributary to Trout Creek (approximately 1.4 miles away). This stream is currently impaired for Water Contact Sports due to pathogens, source is unknown. Aquatic Life Use is also impaired by siltation and flow regime modification, source is Urban Runoff/Storm Sewers. DEP recommends working closely with the Northeast Regional Office to ensure any permitting concerns are addressed. Permits for construction activities will not be approved until the permittee demonstrates, through a permit application, it will meet all regulatory requirements.

**MOUNTAIN WATERSHED ASSOCIATION**

**Comment:**
This comment is submitted on behalf of the Mountain Watershed Association (“MWA”), home of the Youghiogheny Riverkeeper. We are a nonprofit citizen-led environmental organization focused on protection, preservation, and restoration of the Indian Creek and greater Youghiogheny River watersheds. We submit these comments on behalf of our organization and our over 2,500 members.

MWA appreciates that, in response to our 2020 and 2022 comments, the Pennsylvania Department of Environmental Protection (“DEP”) conducted additional sampling and correctly updated some of

the stream segments from “impaired” to “non impaired.” However, there are still a number of issues in the 2024 Water Quality Assessment Report for a number of the tributaries to Indian Creek, Champion Creek, and Poplar Run. These concerns are outlined below.

“Puzzle Run” Tributary to Champion Creek: DEP has not incorporated MWA’s previous comments on the Department’s assessment of Puzzle Run in 2020 and 2022. For 2024, DEP should consider following MWA’s recommendations previously submitted as comments on the draft 2022 report. Please see Exhibit B for additional information and data supporting MWA’s position on “Puzzle Run” Tributary to Champion Creek. Water testing on Puzzle Run conducted by MWA is included in Exhibit C.

“Hopewell Road” Tributary to Indian Creek: PA DEP should change the 2024 Water Quality Report assessment of the tributary to Indian Creek identified as the “Hopewell Road” tributary and by NHD flowlines 69916157, 69916069, 69916119, 69916149, and 69916359, from “Impaired” by “Acid Mine Drainage” due to “Metals” and “Total Dissolved Solids (TDS),” to an assessment of “Attaining” and “Supporting Stream Aquatic Life Use.” The new assessment of “Attaining” should apply to all NHD flowlines of this tributary, from its headwaters to its confluence with Indian Creek. The extensive technical comment document submitted by the Mountain Watershed Association in 2022 is still valid and is resubmitted along with additional comments on the 2024 draft Water Quality Assessment Report. Please see Exhibit D for additional information and data supporting MWA’s position on “Hopewell Road” Tributary to Indian Creek.

**Response:**
DEP thanks the Mountain Watershed Association (MWA) for their previous contributions of information that led to several assessment updates for previous Integrated Reports. DEP continues to work toward reassessing the remaining watersheds MWA has identified. New assessments on these watersheds will be presented in future Integrated Reports.

DEP will consider all attached information submitted by MWA as part of DEP’s responsibility to evaluate all existing and readily available information. As stated on DEP’s data solicitation website, all data submitted after June 30, 2023 will be reviewed for the 2026 Integrated Report. DEP encourages MWA to submit data through the Existing and Readily Available Data webpage instead of through the Integrated Report public comment period, because it will reduce the time between when MWA submits the data and when DEP could respond.

**Comment:**
“Nebo” Tributary to Indian Creek: Although DEP has changed five of the six NHD flowline stream segments of the “Nebo” tributary to non impaired and Supporting Recreational Use for High Quality Cold Water Fishes, the DEP Integrated Report Viewer for 2024 still shows all six segments color coded in its GIS viewer as impaired. The following five NHD flowlines need to be changed to a blue color indicative of a non impaired assessment Supporting Recreational Use: 69915817, 69915815, 69915807, 69915781, and 66915725.

“Calvary Church Road” Tributary to Indian Creek: As described in the previous technical comments from MWA, there has never been any coal mining in the “Calvary Church Road” tributary watershed, and therefore no source for acid mine drainage. DEP needs to change its assessments for the five headwater flow line segments (69915625, 69915541, 69915563, 69915309, 69915381) to non impaired and Supporting Recreational Use. In the 2024 Integrated Report Viewer GIS application display the seven flowline segments, totaling 4940.9 ft. in stream length, (NHD Flowlines 69915565, 69915351, 69915465, 69915543, 69915567, 69915619, and 69915711) that have been reassessed as non impaired and Supporting Recreational Use for High Quality Cold Water Fishes still are shown color coded as Impaired. The color code for these seven flow line segments needs to change to a blue color signifying their non impaired Supportive water quality assessment. Please see Exhibit A for additional information and data supporting MWA’s position on “Calvary Church Road” Tributary to Indian Creek.

“Jockey Knob” Tributary to Poplar Run: Even though DEP has now correctly assessed the water quality of NHD Flowline 69916917, the “Jockey Knob” tributary to Poplar Run, the color code for this tributary shown on the 2024 Integrated Report Viewer GIS map is still shown as “Impaired.” The color code for this tributary needs to be changed to a blue color signifying it is not impaired and is currently Supporting healthy Recreational Use as a cold water fishery.

**Response:**
The streams identified in these comments are supporting for Recreational Use but impaired for Aquatic Life Use. In the 2024 Integrated Report Viewer, all layers are visible by default. To hide/turn off the “Streams – Impaired” layer, in the menu to the left, click on “Layers” and click on the name or icon for the “Streams – Impaired” layer. Once this layer is turned off and the “Streams – Supporting” layer remains, these COMIDs will appear blue. Please visit eMapPA to view the coal mining features that exist in these areas (including in the “Calvary Church Road” watershed). In the layers tab, the mining layers can be located under “Regulated Facilities and Related Information”.

**Comment:**
Along with the comments provided, MWA requests that all data related to recreational impairments be made available to us. It would be beneficial for us to know the results of DEP’s testing. Additionally, unassessed sections of the Youghiogheny and Casselman need to be monitored. Based on our sampling results, areas like Mckeesport and Connellsville have been historically high in bacteria and need to be properly monitored. Public notices of impairments need to be widespread and solutions need to be found due to our region's dependence on visitors, who perceive our rivers as clean and hospitable.

**Response:**
DEP’s bacteria data are available through eMapPA. DEP has created an instructional video to demonstrate how to download water sample data from this application. Additionally, DEP uploads water sample data to the national Water Quality Portal. The Water Quality Portal has advanced search capabilities, download features, and several instructional resources that also address MWA’s request for data on the Youghiogheny and Casselman Rivers.

**Comment:**
Finally, in the 2022 Comment Response Document, the Department indicated that some of the data provided by MWA could not be included in the 2022 report because “all data submitted after September 30, 2021 will be reviewed for the 2024 Integrated Report.” However, it does not appear that the data provided in our 2022 Comment Response Document was included. MWA would appreciate it if the Department could please explain why this did not occur and what, if anything, MWA should do to ensure our documentation is considered in the future. Thank you for your time and attention and the opportunity to provide comments. Please feel free to reach out with additional questions and comments.

**Response:**
DEP reviewed data submitted by MWA during the 2022 Integrated Report and provided feedback in the 2024 Data Solicitation Report. DEP encourages MWA to review this document and contact DEP if there are further questions. Additionally, DEP would suggest that MWA submit data and information through the Existing and Readily Available Data webpage instead of through the Integrated Report public comment period. This will reduce the time necessary for DEP to follow up with data collection and prioritization of assessments.

**CO-SIGNERS PENNFUTURE, CHESAPEAKE BAY FOUNDATION, DELAWARE RIVERKEEPER NETWORK, RIVER NETWORK**

**Comment:**
We, the below-signed organizations and individuals (“Advocate Commenters”), respectfully submit these Joint Comments on the Draft 2024 Pennsylvania Integrated Water Quality Report (“Draft IWQR”). The Clean Water Act’s IWQR process is a critical tool to understanding the health of our waterways, identifying restoration needs, and engaging the public in these processes. We thank the Pennsylvania Department of Environmental Protection (the “Department” or “DEP”) for its commitment to the health and protection of Pennsylvania’s water bodies and safe and accessible recreation for all.

**Response:**
DEP appreciates these organizations’ collaborative effort to participate in the public comment period of the draft 2024 Integrated Report.

**Comment:**
General Report Comments
Usability
The Draft IWQR is a valuable tool used by many to evaluate, research, and assess the status of local waters which impact the overall restoration of our water bodies. The continued evolution in accessibility of the reports is commendable. Advocate Commenters appreciate the intricate interface that was created to make the Draft IWQR more interactive, engaging, and informational. To enhance the value of the Draft IWQR, we recommend the following:

Integration with existing Total Maximum Daily Loads (TMDLs), Section 319 plans, and other relevant documents: As part of the report data viewer, adding hyperlinks to established TMDLs for applicable stream segments would allow users to not only determine whether a stream is impaired but also if a TMDL has been established, including a link to the TMDL document. Additional documents, including but not limited to Section 319 Watershed Management Plans, Rivers Conservation Plans, and Act 167 Stormwater Management Plans would empower individuals and local partners with additional information regarding the streams and watersheds of interest. Inclusion of such additional documents and information would thus serve as an additional channel DEP uses to inform the public of the various programs already in place to address water quality issues in a particular watershed.

**Response:**
The 2024 Integrated Report Viewer includes hyperlinks to the TMDL documents. This information can be accessed by clicking on the stream or lake and scrolling to the bottom of the pop-up. DEP will be adding other plan types such as Advance Restoration Plans and 4b Restoration Plans in the 2026 Integrated Report.

**Comment:**
Enhanced data cross-referencing and query features: the Draft IWQR supplies a lot of information, but there still seems to be information that is not readily accessible or available. For instance, a feature allowing users to determine impaired stream miles more easily from various impaired uses, sources and causes combinations (e.g., Use: Aquatic Life; Source: Agriculture; Cause: Nutrients, Sediments, Pathogens, etc.). As the Draft IWQR stands currently, the Source and Cause data do not easily allow for cross-referencing of this type.

**Response:**
DEP will consider adding these advanced query features in future Integrated Reports; however, these requests can easily be calculated by downloading the full 2024 Integrated Report dataset and running queries using free software, such as R.

**Comment:**
Related to the above bullet point, the Draft IWQR does not include a spatial feature that allows users to see which streams and watersheds have TMDLs (finals or draft), nor does the Draft IWQR currently include any information regarding TMDLs that are anticipated to be created within the next two years (i.e., 2024-6). These types of features would be welcomed additions, and would serve to alert the public and various interested parties of both current and pending programs meant to address impairments in their watershed.

**Response:**
The final 2024 Integrated Report Viewer includes a query feature for Integrated Report categories. This query feature will allow the public to search for category 4a, which are surface waters with TMDLs. The Integrated Report's Restoration Priorities section provides a spreadsheet and an interactive map that shows TMDLs and Advance Restoration Plans that are anticipated to be created

within the next two years (i.e., 2024-6).

**Comment:**
Advocate Commenters appreciate the opportunity to comment on the Draft IWQR. We applaud the Department's successful efforts to clearly communicate the vast amount of information contained within the Draft IWQR. We hope that the above suggestions will serve to further improve both the 2024 Draft IWQR, as well as future versions.

And

The Draft IWQR builds upon the online improvements and interactive tools made over the last several iterations and is clearly more informative for the general public and conservation groups than previous versions. We wish to emphasize that we both appreciate and applaud DEP's continued efforts to make the information it has gathered accessible, and that this feedback is given in an effort to further those efforts. We also want to note that some communities still do not have access to online tools alone to stay engaged in the public process, and hope that DEP can find reasonable measures to ensure that these communities are able to engage, as well. We look forward to continued evolution in future reports.

**Response:**
DEP appreciates the Advocate Commenters' feedback on the Integrated Report. For individuals without online access, a single reviewable document containing the entirety of the Integrated Report can be provided in PDF format upon request.

**Comment:**
2022 to 2024 Changes
Stream Assessment Changes
There are 522 streams that were previously listed as supporting their designated uses and are now listed as impaired. Of these new listings, a significant portion of the causes stem from flow regime modification and habitat modification, likely from development and increased stormwater runoff. As we see a continued increase in development of the landscape–whether residential, industrial, or the build out of massive distribution centers–the associated increase of impervious surfaces will proportionally increase, and we will continue to see impairment due to flooding, flow regime and/or habitat modification. Critically, these causes do not trigger a TMDL because they are not considered a pollutant. However, the data show that the effect on Pennsylvania's streams is undeniably negative. What does the Department plan to do to combat the increased risk to and increasing impairment of our rivers and streams from stream alteration due to development given the impairment cause does not trigger a TMDL or restoration plan under the current category 4c definition?

**Response:**
DEP will continue to require the impacts of increased impervious area to be mitigated through NPDES permit requirements. When construction projects will result in at least one acre of land disturbance, an NPDES Permit for Stormwater Discharges Associated with Construction Activities

must be obtained prior to commencing any earth disturbance. The NPDES permit requires the site development to manage post construction stormwater in such a way as to preserve the integrity of stream channels, protect the physical, biological and chemical qualities of the receiving stream, prevent increases in the rate of stormwater runoff, minimize increases in stormwater runoff volume, and maximize the protection of existing drainage features and existing vegetation. Requiring development sites subject to Construction Stormwater NPDES permits to manage the volume of runoff generated by any new impervious on-site will prevent the new development from impacting the flow regime and habitat of downstream waterways.

DEP also notes that many surface waters that are impaired by non-pollutants are impaired by pollutants too. For example, most streams impaired by habitat modification are also impaired by siltation. Many best management practices designed to restore surface waters from siltation impacts would also work to restore non-pollutant causes such as habitat modification. In urban areas that require MS4 NPDES permit coverage, permittees that discharge to impaired waters (including impaired waters without a TMDL) are required to implement BMPs to reduce the discharge of pollutants from their MS4 to the impaired waters. While these MS4 BMPs are developed and implemented to achieve the sediment and/or nutrient reduction requirements of the MS4 permit, the same BMPs often provide stormwater rate and volume control benefits that preserve the integrity of stream channels and protect habitat.

**Comment:**
Section 303(d)
Restoration Priorities
The Department’s prioritization strategy is to focus on siltation impairments. This is reasonable, because of the large number of siltation-impaired streams in the state, as well as the potential to reduce other impairments often carried by sediment, such as nutrients and pathogens. However, Advocate Commenters note that the final 2024 prioritization list overwhelmingly prioritizes watersheds where the source is agriculture, and priority watersheds in the Delaware and Ohio Basins, or in the major urban areas of Philadelphia and Pittsburgh, are severely lacking. Why were no streams with urban runoff (as a source) selected for prioritization? Advocate Commenters are concerned that the process of filtering and selecting streams for prioritization results in the exclusion of addressing impairments within environmental justice communities.

The current selection process includes evaluating whether a water meets one or more of the following considerations: watersheds that either have an existing approved 319 Watershed Implementation Plan; watersheds previously identified as Regional Targeted Watersheds; watersheds where urban runoff-related impairments are prevalent but there is nothing currently in place for remediation, and/or those that have been prioritized previously for another purpose. In the 2024 Prioritization List, many of the target areas already have existing resources and plans in place.

While Joint Commenters acknowledge that the Department is trying to improve as many streams as possible as quickly as possible, and that there are practical reasons driving this, prioritization selection must not come at the cost of disregarding the historical and ongoing disinvestment in

environmental justice communities. We cannot continue to prioritize communities that have enough resources to implement restoration plans and we must begin to identify and provide resources and investments to communities of color and low-income communities with water quality impairments. It is critical that the Department use these opportunities to implement its own Environmental Justice policies.

We ask the Department to consider adding a prioritization consideration that addresses sedimentation pollution and flood waters in environmental justice areas or waters that are carrying sedimentation pollution to waters within environmental justice communities. We cannot continue to ignore the areas of highest pollution and continue the pattern of systemic disinvestment to environmental justice communities. In the report's "Rising to the Challenge" section, the Department mentions their focus on climate action for environmental justice communities and while we applaud this effort, we ask the Department to apply this lens to every aspect of your water program including restoration prioritization.

**Response:**
DEP's current restoration prioritization strategy has been applied through the current Integrated Report cycle. An updated prioritization strategy consistent with the USEPA Section 303(d) program's vision through 2032 will soon be made available for public comment. The updated strategy will consider many of the comments provided here.

**Comment:**
Evaluating Outcomes
Advocate Commenters support the Department's efforts to focus restoration on certain streams and believe it presents an opportunity for improved future processes. To that end, it would be helpful if the Draft IWQR included specific information following up on the outcomes of previous years' priority listings. What has been the success rate? Has the Department documented improvements in stream health since prioritization? What are the most effective restoration measures that are being implemented? Advocate Commenters view this as an opportunity to learn from previous restoration efforts, evaluate what has been successful, and use that data-based information to form strategies and assist with future restoration efforts. As one example, the Department could include case studies of stream fencing, riparian buffer projects, large scale tree planting, or preservation projects of certain streams. Incorporating success stories at this stage could prove helpful to inform and change people's behaviors and encourage increased restoration efforts. This information could be included in the Draft IWQR in a number of ways, possibly as an additional information column in the overall stream assessment data set, as a stand-alone data set, or other presentation as the Department deems appropriate.

**Response:**
Restoration Priorities describe DEP's projected TMDLs and Advance Restoration Plans. These plans can take time to implement; however, success of these plans can be measured through two primary methods within the Integrated Report. First, water quality trends in the Measuring Progress section of the Integrated Report can be used to see how pollutants have decreased across many watersheds.

Also, the Restored Waters section of the Integrated Report highlights the many surface waters where a protected use has been fully restored. Many of these restorations are the result of DEP's restoration priorities and plans.

**Comment:**
Section 305(b)
Recreational Use Assessments
Over 52 thousand miles of stream are unassessed for recreational uses, while the other uses have all or nearly all been assessed. We understand the Department is working diligently to assess the remaining streams in Pennsylvania and realize there is a lot of freshwater to cover. We are also aware of state and local organizations, as well as volunteer monitoring programs, that would be willing to conduct sampling efforts that could provide valuable information for your assessments, if given the proper training, equipment, and lab analyses necessary to meet the thresholds for data to be included in the IWQR. We ask that the Department consider partnering with state and local organizations, as it has in previous years (seasonal bacteria sampling and DEP's Healthy Waters Initiative, for example), to alleviate the constraints on the Department biologists and staff, while also tapping into local volunteer monitoring groups.

Volunteer monitoring groups and local watershed associations have tremendous commitment and knowledge of the streams that flow through their communities. At the same time, we understand that there is a critical quality of information that must be provided to the Department for it to be used in the IWQR, and volunteer monitoring groups may have their own, separate, focused goals and data needs. However, these volunteer groups have proved capable of providing such high quality data. By engaging interested trained volunteer monitoring groups and NGOs to monitor waters throughout the state, as the Department did during the Citizens Volunteer Monitoring Program of the early 2000's, the Department can simultaneously build community support, train and implement additional watch and monitoring systems, and achieve compliance with the requirements of the Clean Water Act. The C-SAW Program continues to be a partly DEP-funded technical assistance program that the Department could tap into to facilitate targeted area monitoring by trained volunteers.

We ask that the Department consider partnering with and supporting local monitoring groups to help achieve their goal of assessing the remaining 52 thousand stream miles for recreation. Support from the Department could come in many forms, and there are great examples of how other states have been successfully partnering with local monitoring groups to achieve shared goals. In New Jersey, the NJ Watershed Watch Network, a partnership between New Jersey Department of Environmental Protection (NJDEP) and The Watershed Institute, works to build relationships and avenues for information sharing between the NJDEP and community monitoring groups. The Network offers support to monitoring groups by offering trainings, technical guidance and resources, and direct assistance. In Virginia, the state offers support through grants to volunteer monitoring programs, reviewing and approving Quality Assurance Plans, and providing technical guidance. Volunteer monitors have provided the state of Virginia with data on thousands of stream miles and an estimated 20% of volunteer collected data is used directly for their Integrated Report. In Virginia, it's estimated that the monitoring volunteers provided a monetary value of $3.25 million per year. Pennsylvania's

own C-SAW Program has existed in the Commonwealth for decades. Monitoring groups in Pennsylvania could benefit from more direct support from the Department, in the form of trainings, technical guidance, direct assistance, coordinated communication and information sharing, and grant funding, while at the same time providing quality data to the Department's water quality assessment program. The Department could also partner with state, regional, and local water- focused non-governmental organizations across the Commonwealth to conduct trainings and outreach.

**Response:**
As required by 40 CFR § 130.7(b)(5), each State must assemble and evaluate "all existing and readily available" water quality-related data and information, which "at a minimum," includes water quality problems that have been reported by local, state, or federal agencies, members of the public, or academic institutions. DEP's tiered data acceptance policy complies with this regulation and EPA guidance. It is through this structure that DEP welcomes collaboration with community monitoring organizations. If volunteer organizations are interested in collaboration, DEP recommends using the Existing and Readily Available Data webpage to connect with the proper DEP staff.

## PENNSYLVANIA FISH AND BOAT COMMISSION

**Comment:**
The Pennsylvania Fish and Boat Commission (PFBC) appreciates the opportunity to review and comment on the Draft 2024 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Report). Pennsylvania is blessed with vast water resources including over 85,000 miles of flowing waterways and over 2,000,000 acres of lakes, bays, and wetlands. Assessing and reporting on the status of these waters is a massive undertaking, and we continue to appreciate the delivery of the Report in an electronic and interactive format. The Report and accompanying Integrated Report Viewer provides the opportunity for users to digest a large quantity of data, focus in on the status of specific waters, and see specific changes from past Reports.

The PFBC commends the Pennsylvania Department of Environmental Protection's (DEP) efforts to assess a protected use for the first time or reassess nearly 10% of flowing waters since the 2022 Report. Many of these assessments confirmed previously supporting assessments suggesting that many surface waters are maintaining their water quality. Additionally, 353 miles of the Susquehanna River and West Branch Susquehanna River were assessed for Aquatic Life Use for the first time and an additional 195 miles of these rivers were reassessed. While it is concerning to see that close to 1,000 additional stream miles are listed as impaired for at least one use when compared to the 2022 report, over 99% of stream miles have been assessed, and this Report provides a clear picture of the status of our Commonwealth's waterways and what needs to be done to restore streams to support their protected uses.

With over 28,000 miles of streams listed as impaired in Pennsylvania, we face challenges moving forward to maintain water quality as anthropogenic stressors increase, as we learn more about emerging contaminants, and in the face of a changing climate. With continued regulatory programs to assist in supporting protected water uses, and increased resources in restoration programs, the future

holds promise to improve our waterways by maintaining water quality or restoring streams from impaired to supporting their protected use. It is noted that acid mine drainage (AMD), agriculture, and urban runoff/storm sewers remain the leading sources of stream impairment in Pennsylvania, and it appears there is a corresponding focus in regulatory and restoration programs to address these sources of impairment.

One example of a success story that was highlighted in the 2022 Report was the Bennet Branch Sinnemahoning Creek where 32 miles of stream that were previously impaired by AMD were able to be listed as attaining. A specific example from this report that presents opportunity is the Black Creek drainage in Carbon County. Portions of Hazle and Wetzel Creek exhibit legacy mining impacts that are reflected in impaired listings of Hazle, Wetzel, and portions of Quakkake and Black Creeks. Wild Brook and Brown Trout are present in these waterways, but abundance is likely limited by the legacy mining impacts. It is understood that discussions are ongoing to treat AMD impairments in the Wetzel Creek watershed. If similar efforts were successful in the Hazle Creek watershed most sources of impairment would be addressed in the Black Creek watershed and we would expect a corresponding improvement in the wild trout populations. Unfortunately, similar examples of needed restoration are too numerous across the state, but increased resources aimed at addressing these sources of impairment, especially AMD, may help accelerate action to restore stream miles to attaining status.

Like DEP, PFBC biologists are out conducting regular field surveys across the state to assess the status of biological communities in our Commonwealth waterways. It is noted that PFBC surveys targeting wild trout and mussels generally corroborate the findings in the Report. As an example, mussel surveys in the Potomac drainage revealed a healthy mussel community in Sideling Hill Creek, whereas there were no mussels found in Antietam Creek. Sideling Hill Creek is listed as supporting its aquatic life use, and Antietam Creek is listed as impaired. These findings should help build confidence in DEP's assessment methodologies and corresponding listings in the report.

Thank you for the opportunity to review and comment on the Report, and we look forward to continued collaboration to maintain and improve our Commonwealth's waterways for the enjoyment of ours and future generations.

**Response:**
DEP appreciates the PFBC's comments and feedback on the Integrated Report, as well as the coordination with PFBC in conducting surveys, sharing information, and working collaboratively on various water quality issues. DEP agrees that there are certainly water quality challenges that lie ahead but we also join PFBC in celebrating success stories.

## PENNSYLVANIA SUSTAINABLE FORESTRY INITIATIVE IMPLEMENTATION COMMITTEE AND PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Comment:**
The draft 2024 integrated report mapping application identifies 1.6 miles of Belltown Run in Mifflin County (Reachcode: 02050304001225) and 1.74 miles of an Unnamed Tributary to Dunkard Creek in

Greene County (Reachcode: 05020005000985) as being impaired for Aquatic Life by Silviculture Activities. Being otherwise undefined, we assume Silviculture to mean timber harvesting disturbances. The fact that the impairment cause for both stream segments is listed as siltation, the most common pollutant generated by timber harvesting activities, would seem to support this assumption. The issue is the date that these stream segments were listed as being impaired for this pollutant with Silviculture Activities identified as the cause. The Belltown Run segment was listed in 2002 (more than 20 years ago), and the segment of Unnamed Tributary to Dunkard Creek was listed in 2018 (5 years ago). While timber harvesting activities have the ability to generate sediment pollution when done carelessly, these impacts are temporary in nature and nonpoint source sediment pollutions are abated within a few years of the harvest as the site revegetates – certainly within 21 years! Additionally, recent ariel photography in both locations does not show timber harvesting activity in the area of these stream segments that could be contributing to the current siltation they are apparently being impaired by. We therefore request that the Silviculture Activities impairment source be reevaluated for these impaired stream segments. If current on-the-ground conditions do not support Silviculture Activities as the true source of the siltation impairment, then we would request that a different impairment cause be assigned or that the steam segments be de-listed.

**Response:**
DEP appreciates this comment as it demonstrates the enhanced transparency and usability of this report for the public. Belltown Run and Unnamed Tributary to Dunkard Creek assessments will be reviewed, considering this information. DEP will update the assessments for the 2026 Integrated Report, as appropriate.

**THREE RIVERS WATERKEEPER**

**Comment:**
Three Rivers Waterkeeper (3RWK) thanks you for the opportunity to submit comments on the Draft 2024 Pennsylvania Integrated Water Quality Report. 3RWK was founded in 2009 and aims to improve and protect the water quality of the Allegheny, Monongahela, and Ohio Rivers. These waterways are critical to the health, vitality, and economic prosperity of our region and communities. We are both a scientific and legal advocate for the community, working to ensure that our three rivers are protected and that our waters are safe to drink, fish, swim, and enjoy. We are one of the over 300 organizations that make up the global Waterkeeper Alliance and work together to connect local communities to global environmental and advocacy resources.

**Response:**
DEP appreciates 3RWK's commitment to protecting surface water quality in the three rivers region.

**Comment:**
We appreciate the importance of assessments on Pennsylvania's waterways and the analysis of the data collected. However, this report appears to over-represent the eastern side of the state and is not the best representation of the Ohio River Basin in Southwestern PA. We understand the importance of the Delaware and Chesapeake Bay Basins, but we wish more attention would be given to the

issues specific to the Ohio River Basin in an equal manner. For example, urban runoff and combined sewage overflows is a big concern in the Ohio River Basin along with industrial pollution while siltation is not the main reason for impairment in our region's watershed. Because of this, the issues experienced in the Ohio River Basin in Southwestern PA seem to be underrepresented. For instance, the Priority Stream List provided in this report shows a total of twenty-two priority streams, but only two of those are in the Ohio River Basin. We recommend that a further breakdown of commonalities and differences across large, regional areas is provided in the integrated water quality report.

Not only does the report inadequately represent the Ohio River Basin and the issues impacting water quality, but these data can alter the future of stream restoration that is not equitable. We already see a disparity when it comes to restoration across PA streams. For example, using the restored stream data provided, we found that the total number of restored streams in the Ohio River Basin from 2004-2024 was 119 unique streams, while the total number restored in the mid-Atlantic region was 237 unique streams. The mid-Atlantic region restored almost twice the number of unique streams than the Ohio River Basin region. This emphasizes the need to recognize the uniqueness and commonness across our regional watersheds to create a restoration prioritization that allows for a more equitable restoration prioritization. It is important that all watershed regions in Pennsylvania are represented, otherwise it leads to further disparity for future restoration of our impaired streams.

**Response:**
DEP's current restoration prioritization strategy has been applied through the current Integrated Report cycle. An updated prioritization strategy consistent with the USEPA Section 303(d) program's vision through 2032 will be made available for public comment in early 2024. The updated strategy will consider many of the comments provided here.

**Comment:**
The report provides a generalized insight into the different sources and causes of impairment to streams. The report lists the source (cause) of impairment, but there is a lack of identification and acknowledgement of the multiple sources of impairment that co-occur within a single stream. The majority of streams in the commonwealth are impaired due to multiple sources and causes, but the listed numbers of miles impaired per each cause and source do not appear to reflect the multiple sources of impairment in this report. A specific example within the report that highlights this concern is that only 15 miles of streams are considered to be impaired due to trash pollution. This is one of the most visible forms of pollution that is seen on waterways, and in Allegheny County alone, most of the waterways are visibly impacted by marine debris (aka trash and litter). We believe that it is essential to consider the multitude of reasons that a single stream is impaired in order to fully understand the sources of impairment and the need for restoration.

**Response:**
The 3RWK correctly points out that many impaired streams have multiple sources and causes of impairment for each assessed use category. The number of sources and causes can also increase if multiple use categories are impaired on the same stream. For public communication purposes, DEP consolidates these complexities down to overall impaired stream miles and then compares them to

the total stream miles calculated for Pennsylvania (approximately 85,500 miles). This provides the public with general statistics about the overall status of surface waters, which is a requirement of the Clean Water Act Section 305(b).

DEP agrees that trash pollution is one of the most visible forms of pollution in surface waters. The development of a trash data collection protocol and assessment method have been a focus for DEP over the past couple years. DEP will be releasing a new trash data collection protocol in 2024, which will facilitate the development of a semiquantitative assessment method. As data are collected and assessments are made throughout Pennsylvania, DEP will gain a more accurate calculation of trash pollution in future Integrated Reports.

**Comment:**
The report format is also not ideal for most users, and, although aesthetically appealing, it was hard to navigate due to the amount of information that is available. The charts and graphs provided in the integrated report were useful in understanding the findings, but it would be helpful if the tabular summaries were available on a separate webpage in one place. We recommend creating another format in addition to the story map that can be downloaded and viewed and searched offline. This would also make it more accessible to a wider audience.

**Response:**
DEP has received numerous comments from the public and the media that the draft 2024 Integrated Report format was preferable to the previous versions of the Integrated Report. DEP earnestly strives to balance between the many opinions that are shared. For individuals interested in a different format, a single reviewable document containing the entirety of the Integrated Report can be provided in PDF format upon request.

**Comment:**
Further, the report does not allow the reader to fully understand how potential sources of impairment are monitored and assessed specifically around industrial pollution. As the report stands, it is challenging to tease apart how industrial and permitted discharges impact our waterways. We would like to gain a better understanding of the parameters utilized during the assessments and how they specifically include industrial wastewater into the analysis. As it is written, we believe there is a general lack of emphasis on the impact of industrial impacts - legacy, novel, and accumulative - in this report.

We urge the DEP to acknowledge the variety of issues and the variability between the different river basins in the state, and to separate these issues regionally. Additionally, we would like to gain a better understanding of the parameters used to determine source and cause of stream impairment specifically around industrial pollution. We also recommend the PA DEP to provide a report format of the information in the story map, allowing for easier review.

**Response:**
DEP implements a broad conceptual framework that includes the assessment of protected uses as

reported in the Integrated Report. This framework includes: Technical Documentation that contains the technical support information and literature to ensure accurate and precise data analysis and interpretation; Data Collection Protocols that include, in addition to data collection protocols, sampling design and planning and quality assurance; and Assessment Methodology that contain the methods used to assess designated and exiting uses along with source and cause information. DEP encourages 3RWK to review the Assessment Book for more information regarding how DEP makes assessment decisions.

## COMMENTS ON EVALUATIONS FOR PROTECTED USES

Although the Integrated Report is designed to meet the requirements of the Clean Water Act Sections 303(d) and 305(b), DEP often receives comments regarding Pennsylvania's evaluations of protected uses for designated and existing uses . Comments related to these evaluations are not directly related to the Integrated Report and have been moved to this separate section so as to not detract from comments directly relevant to the Integrated Report.

### Exceptional Value Wetlands

**Comment:**

DRN suggests the DEP begin listing wetlands in naturally reproducing wild trout waters designated by the FBC as EV wetlands to ensure applicants are aware of those exceptional water resources. Large linear projects like gas pipelines expanding throughout the state, often have mis-identified, entirely missed, or mis-characterized these important wetlands that deserve the strongest protections. Having EV wetlands and all wetlands clearly mapped and provided in table format as is done with lakes for example, would ensure these important wetlands do not get overlooked during permitting processes (Delware Riverkeeper Network).

**Response:**

The Pennsylvania Wetland Mapping Initiative, funded by DEP to enhance wetland mapping for Pennsylvania, was recently completed for the entire state. The original statewide estimated wetland acreages were approximately 403,924 acres. The new mapping provides an estimate of 1,591,012 acres of wetlands across Pennsylvania, which explains the increase of more than three times the previous estimated acreages. DEP will reconcile the 1,999,029 figure to reflect the correct estimate of 1,591,012 acres.

DEP's Bureau of Waterways Engineering and Wetlands does include wetland resource condition evaluations in its review of Chapter 105 permit applications and does have guidance about how to conduct those evaluations for the purpose of protecting and maintaining the functions and values of wetlands. DEP has not included wetlands in the Integrated Reports or associated mapping systems but will work with the Bureau of Waterways and Engineering and Wetlands to integrate wetlands into the Integrated Report and associated mapping systems.

**Delaware Estuary Redesignation Comments**

**Comment:**

Aquatic Life & Contact Recreation Uses for the Main Stem Delaware River Are Desperately Needed and Long Overdue: DRN continues to urge the DRBC and DEP to delay no further and immediately adopt, as required under the Clean Water Act, Primary Contact Recreation uses and full Aquatic Life uses (i.e., maintenance and propagation, as well as spawning and nursery habitat) for all interstate water quality zones of the tidal Delaware River. As DRBC and DEP knows, DRN and a coalition of 47 additional organizations submitted a petition to the DRBC in 2020 requesting an upgrade of the designated use of Zone 3 and River Miles 95.0 to 81.8 of Zone 4 of the Delaware Estuary to include primary contact recreation. Zone 3 and Upper Zone 4 are currently designated only for secondary contact recreation. Today people enjoy the main stem Delaware River in many ways that bring them into direct contact with the water (what is known as primary contact recreation), such as kayaking, jet skiing, and swimming. However, the regulations currently upheld by the Delaware River Basin Commission (DRBC), Pennsylvania and New Jersey fail to recognize that these primary contact recreation uses already take place frequently on the Delaware River along Philadelphia and Camden. As a result, the regulations and water quality standards currently in place cannot be relied upon to sufficiently protect the health and safety of individuals, children and families who enjoy primary contact recreation activities on this stretch of the Delaware River. DRBC has recognized the need for this existing use of primary recreation at its Water Quality advisory committee meetings that supports this goal that the “Safe and Healthy Delaware River” petition is requesting (Delware Riverkeeper Network).

And

**Comment:**

Anticipated 2023 Dissolved Oxygen Upgrades to the Main Stem Delaware River – Following a petition by DRN and supporting partners, the USEPA issued an Administrator’s Determination in December 2022 indicating that the USEPA would intervene in the water quality standards for the tidal Delaware River. In September 2023, the DRBC stepped back from writing its own competing water quality standards and will now defer to USEPA’s rulemaking. Two key upgrades are anticipated in December 2023 from the USEPA’s effort. First, DRN expects the USEPA to propose upgrading the designated use throughout the tidal Delaware River to full 101(a)(2) aquatic life uses. Second, DRN expects the USEPA to proposed new and fully protective dissolved oxygen criteria for the tidal Delaware River in support of the upgraded aquatic life use. While the specifics will only be known once proposed and then promulgated, these upgrades are long overdue for the tidal Delaware River. We hope and expect PADEP will help implement these upgrades to the fullest extent possible, including rapid incorporation of new requirements into permits for point source loads into the tidal Delaware River that continue to cause hypoxia and aquatic life impairments each year. In particular, the genetically unique population of Atlantic sturgeon continues to suffer and decline from inaction at the federal and state levels, and improved dissolved oxygen conditions are needed immediately to preclude the extinction of this unique population that once was the largest of any of the river populations across its range. With a state and federally endangered species precariously close to extinction, the support of the new proposed USEPA water quality standards, and perhaps more

importantly, the rapid implementation of these standards is imperative. This is literally a life-or-death situation. PADEP must recognize the gravity of this need, and take all steps to immediately implement the full recovery of dissolved oxygen for the tidal Delaware River (Delware Riverkeeper Network).

**Response:**
DEP has and continues to work closely with DRBC, state and federal regulatory agencies to evaluate Delaware Estuary Designated Uses. EPA has recently published a proposed rule to redesignate portions of the Delaware Estuary where the Aquatic Life Use has been modified or removed to include full Aquatic Life Use protection. Once a final regulation is promulgated, DEP will need to implement more stringent criteria in permits. DRBC has recently communicated, through their strategic plan documentation, a shared long-term goal of redesignating the Delaware Estuary primary contact recreation by coregulating agencies, including DEP, along with outlining near-term and long-term activities to ensure this goal is met.

**Special Protection Evaluation Comments**
**Comment:**
In 2009, the Pennsylvania Water Plan identified the need for an integrated approach to managing water resources as a core value in aligning Pennsylvania water policy, programming, and funding. In particular, the plan calls to protect and enhance river-based environments and address sediment and nutrient loads for improvement of Pennsylvania water quality. The 2024 Pennsylvania Integrated Water Quality Report should build on these values and objectives by highlighting the growing socio-economic value of water-based outdoor recreation to all of Pennsylvania and the importance of sustaining healthy watersheds and rivers to the state's outdoor recreation and agriculture industries.

The Theodore Roosevelt Conservation Partnership (TRCP) appreciates the opportunity to submit the following comments concerning the outdoor recreation economy, access to quality places to hunt and fish, and water quality for the 2024 draft. We look forward to working with the Commonwealth on these priorities as the process continues.

Many of TRCP's members hunt, fish, camp, and enjoy Pennsylvania's abundant natural resources every year, and we want future generations to have these opportunities. As noted in this Update, there are changes occurring in the waters we wade. Agricultural runoff and abandoned mines pollute nearly 30 percent—more than 25,000 miles—of our rivers and streams and degrade hundreds of thousands of acres of land, robbing sportsmen and sportswomen of access to quality places to hunt and fish.

That is why TRCP is incredibly interested in the backlog of streams that qualify for High Quality and Exceptional Value status at DEP. Unfortunately, there is a lengthy list of PA's top wild trout streams that qualify for these additional conservation safeguards, but the agency has failed to implement these protections. TRCP polling shows that 92 percent of sportsmen and sportswomen in Pennsylvania support maintaining and strengthening clean water standards in the state, which is home to some of the best publicly accessible fishing that the East Coast has to offer. Providing

additional conservation safeguards to the best wild trout streams also supports small businesses like tackle shops and fishing guide services that make up an important part of the robust outdoor recreation industry in Pennsylvania.

A 2020 economic study finds that outdoor recreation in Pennsylvania, including hunting and fishing, generated $58 billion in 2020—that's 26 percent more than in 2016. The state's wealth of natural resources and rich outdoor traditions also supported more than 430,000 jobs—up 10 percent—with Pennsylvanians earning $20 billion in salaries and wages. Conservation of our natural resources is critical for this to continue. As the update process continues, we hope the Commonwealth will prioritize objectives that help conserve the fish and wildlife resources that outdoor recreation businesses rely on to employ and serve Pennsylvanians.

Again, thank you for the opportunity to provide these comments. Clearing the backlog would go a long way toward helping us protect Pennsylvania's water resources and expand access to outdoor recreation, while shoring up the health of vital industries like tourism and agriculture (Theodore Roosevelt Conservation Partnership)

And

**Comment:**
We urge the DEP to consider working with sister agencies like DCNR to designate all waterbodies within those lands as special protection watersheds (Exceptional Value). We believe that broader review and bundle upgrades would increase protections and be more in keeping with Pennsylvania's Environmental Rights Amendment (Delware Riverkeeper Network).

And

**Comment:**
Class A and Wild Trout Waters Deserve Immediate Upgrades and Protections – We urge that DEP work to eliminate the backlog of stream designations for those waters that have been determined to be Class A waters by the PA Fish and Boat Commission (FBC) which we believe should provide automatic HQ status designation as set out in Chapter 93. That sister agency data should simply trigger automatic upgrades to HQ when these sister agencies or their partners of universities and watershed groups determine Class A biomass and not be held up for another DEP review that leaves these streams languishing without required protections being realized. FBC and many TU chapters have expressed similar concerns about this process. Recent economic studies continue to show the importance to the PA economy these clean cold diverse streams bring to the state – for example, according to a study conducted by Southwick Associates for TRCP fishing and other recreation brings over $58 billion in statewide spending. The Our Pocono Waters Economic reports and tools provide additional statistics on the value of EV and HQ streams (Delware Riverkeeper Network).

And

**Comment:**
Upper and Middle Delaware River segments and Need For EV Designations to be Realized –
It appears that most streams reassessed in the upper and middle Delaware river sections are still listed now as reassessed and still are attaining their uses. This is important since most if not all of these tributaries have special protection designation as HQ or EV. Back in December 2011, DRN and over 20 co-petitioners submitted a long standing petition to DEP to upgrade all tributaries flowing into the Delaware River north of Milford, PA to Exceptional Value status. However, this petition has not yet been fully realized though several stream upgrades have occurred in sections since that time. We encourage based on these new assessments that DEP no longer delay and upgrade the remaining streams to EV – all of these streams flow into Special Protection Waters and various initiatives, protection efforts including the regulatory sister agency DRBC frack ban, and supplements have been shared with DEP since the original petition that further justify these long overdue EV upgrades (Delaware Riverkeeper Network).

**Response:**
DEP appreciates these comments and the commenters' dedication to environmental conservation. While stream redesignation rulemakings ensure the designated uses of surface waters of the Commonwealth are appropriate, DEP must also protect existing instream water uses. "Existing use" is defined in 25 Pa Code Chapter 93 (relating to Water quality standards) as "those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards." When the available water quality data and related information for a stream has been reviewed by DEP and determined to support an existing use that is more stringent than the designated use, the stream is protected at the appropriate level to maintain the existing use prior to the initiation of a rulemaking.

DEP works closely with sister agencies such as PFBC and DCNR, also trustees under Article 1, Section 27, during the redesignation evaluation process. In the past two years, DEP has completed approximately 116 stream redesignation evaluations and two redesignation rulemaking activities (that is, a Class A stream redesignation rulemaking (2021) and the Dunbar Creek et al. stream redesignation rulemaking (2023)). DEP is currently working on many additional stream redesignation evaluations and is developing several additional stream redesignation rulemakings for 2024 and 2025, including a Class A proposed rulemaking package consisting of approximately 94 candidate streams or stream segments across PA. Stream redesignation evaluations and rulemakings are conducted in response to Environmental Quality Board petitions, requests from the PFBC, ongoing Statewide monitoring efforts, and any errors identified in Chapter 93.