



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

pennsylvania PA

Michelle Moses
Bureau of Regulatory Counsel, DEP
mmoses@pa.gov

November 2, 2017



pennsylvania

OFFICE OF GENERAL COUNSEL



Disclaimer

The views and positions expressed in this presentation and its materials are those of the author and do not necessarily reflect those of the Commonwealth or the Governor's Office of General Counsel or the Department of Environmental Protection.



Water Quality Standards Update

- High Quality Cold Water Fishes Rulemaking (“Class A2”) (Final; waiting for publication)
- Sobers Run et al. Stream Package (Final; waiting for IRRC action in Nov.)
- Upcoming Triennial Review (Proposed; waiting for publication)
- Clean Water Act Integrated Report and Listing Decisions (Sections 303(d), 305(b) and 314)(pre-Final)



- **High Quality Cold Water Fishes Rulemaking**

- Based on Class A wild trout biomass data provided by PFBC
- Final rulemaking: publication likely before the end of the year.
- 207 stream miles will be designated as HQ-CWF





Sobers Run et al.

| Stream Name | County | Zone Description | List | Current DU | Requested DU | Recommended DU |
|------------------|-------------|----------------------------------------------------|------|------------|--------------------------------------------------------------------------------------|----------------|
| Swiftwater Creek | Monroe | Basin, Source to but not including UNT 04960 | C | HQ-CWF, MF | EV (<i>Petition requested basin upstream of SR 611.</i>) | EV, MF |
| Sobers Run | Northampton | Basin | C | HQ-CWF, MF | EV | EV, MF |
| Mill Creek | Berks | Basin, excluding UNT at 40°14'33.8"N; 75°43'49.6"W | F | WWF, MF | EV (<i>Petition requested entire Mill Creek basin.</i>) | EV, MF |
| Silver Creek | Susquehanna | Basin, Source to Laurel Lake Creek | I | CWF, MF | EV (<i>Petition excluded Laurel Lake Creek basin, except McCormick Run basin.</i>) | EV, MF |
| McCormick Run | Susquehanna | Basin | I | CWF, MF | | EV, MF |
| Silver Creek | Susquehanna | Basin, From Laurel Lake Creek to Mouth | I | CWF, MF | | EV, MF |





- **Triennial Review (303(c) of CWA)**
 - EPA recommendations: ammonia (aquatic life), bacteria (recreational use) and 94 revised, existing human health criteria
 - Did not propose Chloride aquatic life criteria (statewide)
 - Delaware Estuary
 - Add specific reference to the Biotic Ligand Model for development of site-specific criteria for copper
 - Revisions to Chapter 16 Statement of Policy



- **Integrated Report and Listing Decisions**

- Final 2016 Integrated Water Quality Monitoring and Assessment Report (waiting for EPA)

- New methodologies that will soon be available for public comment:

- Draft 2017 Eutrophication Cause Determination Protocol

- Draft 2017 Semi-wadeable Large River Macroinvertebrate Assessment Method

- Draft 2017 Continuous Physiochemical Assessment Method



- Water Quality Management and NPDES Fees
 - On Oct. 25, 2017, WRAC unanimously supported moving forward with fee increases, as proposed by the program
 - Goal is to present a proposed fee regulatory package to EQB in early 2018
 - Fee increases will apply to new permit applications, reissuances, amendments, and annual fees.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

pennsylvania PA

What's Next???



pennsylvania

OFFICE OF GENERAL COUNSEL