

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

### Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of July 15, 2003.

#### A. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8464, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The proposed rulemaking is made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. *Background and Purpose of the Proposed Rulemaking*

The Commonwealth's water quality standards, which are codified in portions of Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) and Chapter 93, are designed to implement the requirements of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. The water quality standards consist of the designated uses of the surface waters of this Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses and an antidegradation policy. Thus, water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements and effluent limitations, on individual sources of pollution.

Water quality standards are an important element of the Commonwealth's water quality management program. Some type of water quality standard has been in use for approximately 75 years in this Commonwealth. One of the early actions after the Sanitary Water Board (SWB) was created in 1923 was to classify streams by priority for water quality management actions. In 1947, the SWB classified all streams in this Commonwealth by the degree of treatment that had to be provided before discharge could occur. Article 301—Water Quality Control, which specifically contained water uses, general and specific water quality criteria and designated water uses and water quality criteria, was added to the SWB's rules and regulations on June 28, 1967. The SWB was abolished on January 19, 1971, following the formation of the Department of Environmental Resources (DER) in 1968. Responsibilities for developing and maintaining the water quality criteria and standards and other related regulations were transferred to the DER. New or revised specific water quality criteria and standards were developed by the DER for all surface waters in this Commonwealth and formally adopted into Chapter 93 on September 10, 1971.

The DER completed its first major review and complete overhaul of the water quality criteria and standards in 1979. After a series of public hearings and extensive public participation, revisions to the water quality criteria and uses were incorporated into Chapter 93. The United States Environmental Protection Agency (EPA) Region III formally approved the revisions to the Commonwealth's water quality standards on January 26, 1981. Section 303(c)(1) of The Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary their water quality standards. Additional reviews and revisions were made to the Commonwealth's water quality standards during 1985, 1989 and 1994. The Department, which was created in June 1995 after splitting the DER into two agencies by approval of the Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1103), began to conduct the Department's first comprehensive review of water quality standards regulations, policies and implementation procedures which became the basis for the Department's next triennial review.

Additional reviews and revisions were made to the Commonwealth's water quality standards during 1998—2000 and 2002 to address amendments for the Great Lakes Initiative, the antidegradation policies, the Water Quality Standard Regulatory Basics Initiative Triennial and several other corrective amendments.

This proposal constitutes Pennsylvania's current triennial review of its water quality standards.

#### E. *Summary of Issues and Proposed Amendments*

In this triennial review, it is proposed to clarify language in several sections of Chapter 93, update water quality criteria for dissolved oxygen and correct several stream listings.

##### § 93.2. *Scope.*

The Board is proposing to amend subsection (a) by deleting the words "and will be considered by the Department in its regulation of discharges." It has been the Department's longstanding position that § 93.2 is broad and that Chapter 93 is not limited to "discharges" or to "point sources" as defined in § 92.1 (relating to defini-

tions). On December 31, 2002, the Environmental Hearing Board (EHB) issued an opinion in *Consol Pennsylvania Coal Company v. Commonwealth of Pennsylvania, Department of Environmental Protection et al.*, EHB Doc. No. 2002-112, that interpreted the scope section of Chapter 93 as applying only to "discharges." After accepting petitions for reconsideration on the interpretation of the language in § 93.2, the EHB issued a subsequent opinion in the case withdrawing its portion of the earlier opinion that related to the scope of Chapter 93. The proposed amendment to § 93.2 will avoid future misunderstandings about the scope of Chapter 93. The proposed amendment will reaffirm the Department's longstanding position that the water quality standards in Chapter 93 are the standards that are used whenever the environmental statutes authorize the Department to make decisions or approvals relating to stream quality protection.

*§ 93.6. General water quality criteria.*

In § 93.6(b), a grammatical correction is proposed to replace the word "which" with the word "that." Also, a spelling correction is proposed for the word "odors."

*§ 93.7. Specific water quality criteria.*

The dissolved oxygen (DO) water quality criteria applicable to waters designated Cold Water Fishes (CWF), High Quality (HQ)-Warm Water Fishes (WWF) or HQ-Trout Stocking (TSF) (DO<sub>1</sub>) and HQ-CWF (DO<sub>4</sub>) currently do not recognize the natural phenomenon of thermal stratification that can occur in lakes, ponds and impoundments. The DO<sub>1</sub> criterion currently requires that DO levels meet the criteria at any location throughout the water column in lakes. The DO<sub>4</sub> criterion, on the other hand, does not specifically mention lakes. The current DO<sub>2</sub> and DO<sub>3</sub> criteria, applicable to waters designated WWF and TSF respectively, recognize the fact that DO levels in the bottom waters of lakes are likely to be depressed due to naturally occurring conditions and specify that the criteria are applicable to the epilimnion (upper layer) of lakes. It is important to account for the natural stratification of lakes, which may occur in the summer and early fall. The hypolimnion (lower layer) is typically the coldest layer in the summer (but may be the warmest in the winter) and tends to have naturally depressed DO levels because it is isolated from the effects of wind mixing that physically incorporates oxygen and is typically too dark for photosynthesis to occur to produce or replenish oxygen in this lower layer. Further, DO in the hypolimnion is also gradually consumed through respiration and decomposition faster than it can be replaced. A similar phenomenon of thermal stratification may also occur in the winter, especially under ice cover. As a result, these natural conditions of stratification prevent specific DO criteria from being met throughout this lower layer of the lake. To recognize the effects of natural stratification in CWF, HQ-WWF, HQ-TSF and HQ-CWF lakes, it is proposed that the DO<sub>1</sub> and DO<sub>4</sub> criteria be amended to apply to the epilimnion of stratified lakes, as the other DO<sub>2</sub> and DO<sub>3</sub> criteria apply. For those periods when lakes are not stratified, the DO criterion applies throughout the lake. The natural processes that cause this stratification are time and site-specific and may be very changeable, not only from one waterbody to another but also within the same lake under different weather or prevailing conditions or from year to year. Fish populations, however, are not adversely affected by these conditions because the fish move to areas containing sufficient DO, including the epilimnion, shallow near-shore areas or shallow coves and embay-

ments. The general narrative water quality criteria in § 93.6 protect aquatic life in the hypolimnion of these stratified lakes.

*§ 93.8. Development of site-specific water quality criteria for the protection of aquatic life.*

The heading of this section indicates that it applies only to the protection of aquatic life. To clarify that the section also applies to human health and wildlife criteria, the proposed rulemaking removes the words "for the protection of aquatic life" from the heading.

In § 93.8(b), a language correction is proposed to replace the word "upgraded" with the word "updated" to be consistent with the language used throughout Chapter 93.

*§ 93.9. Designated water uses and water quality criteria.*

The proposed rulemaking reorganizes the abbreviations in § 93.9(a) into alphabetical order.

In § 93.9, the following changes to the drainage lists are proposed to clarify stream names and segment boundaries.

*§ 93.9a. Drainage List A.*

Sand Pond Creek is listed as a tributary to the West Branch Delaware River and Sherman Creek is listed as a tributary to Sand Pond Creek. The Department's Stream Directory does not list Sand Pond Creek. The topographic maps of the area show that Sherman Creek flows into the West Branch Delaware River and the Stream Directory correctly reflects this drainage pattern. It appears that this error was made in 1979 and has been carried forward since then. The Department's records indicate that the upper portion of Sherman Creek was a Conservation Area and designated HQ waters. Two tributaries to Sherman Creek, Starboard Creek and Cat Hollow, were excluded from the Conservation Area designation. This error is corrected in this proposed rulemaking. This action will not affect the current stream use designations.

*§ 93.9b. Drainage List B.*

Johnson Creek is a tributary to the West Branch Lackawaxen River, above Prompton Reservoir. It is currently shown as being below the reservoir. It is therefore proposed to delete Johnson Creek from the drainage list because it is a tributary in the upper part of the basin and is therefore included in the designation for the upper basin. This proposed amendment will have no effect on the existing stream designations.

*§ 93.9c. Drainage List C.*

An error was made to the stream listing hierarchy pertaining to Sand Hill Creek and Little Bush Kill during the reformatting of Chapter 93, which was published as a final-form rulemaking at 22 Pa.B. 1037 (March 7, 1992). These streams were listed as tributaries to the unnamed tributaries of Bush Kill. It is proposed to correct the hierarchy to show that Sand Hill Creek and Little Bush Kill are tributaries to Bush Kill. These proposed amendments will not affect the current stream designations.

*§ 93.9d. Drainage List D.*

First Hollow Run is the local name of an unnamed tributary to Nesquehoning Creek. To clarify the name and location, it is proposed to add the stream code, UNT 04106, to the First Hollow Run listing.

An error was made when listing the upper portion of the Mauch Chunk basin. White Bear Creek was mistaken for Mauch Chunk Creek. White Bear Creek is a tributary to the upper Mauch Chunk Creek basin. It is therefore

proposed that the current stream entries for White Bear Creek be deleted because they are included in the designation for the Mauch Chunk Creek basin. This correction will not affect the current stream designations.

*§ 93.9e. Drainage List E.*

Neshaminy Creek is a tributary to the Delaware River. The drainage list uses the PA 614 Dam as a segment boundary. This dam was never built. To clarify the location of this segment boundary it is proposed to use the river mile location of the proposed dam site.

*§ 93.9f. Drainage List F.*

It is proposed to correct an error that was made during a proposed rulemaking published at 26 Pa.B. 3637 (August 3, 1996) concerning Drainage List F. Before the proposed rulemaking there were two entries for unnamed tributaries (UNTs) to the Schuylkill River from the Berks-Chester-Montgomery County border to Valley Creek. One included all UNTs except those in Spring City and Phoenixville. The other referred to only the UNTs in Spring City and Phoenixville. In that proposed rulemaking, the reference to the tributaries in Spring City and Phoenixville was inadvertently omitted and wording from the first entry was included in the second entry. The proposed amendments restore the original entry for the tributaries in Spring City and Phoenixville. There is no change in the use designation of these tributaries as a result of this correction.

Typographical errors were made in the segmentation of portions of Perkiomen Creek during the final Class A Wild Trout Waters rulemaking, which was published as a final-form rulemaking at 32 Pa.B. 4695 (September 28, 2002). The entries were correct in this proposed rulemaking. The upper part of the Perkiomen Creek basin (source to SR 1010 bridge at Hereford) was redesignated HQ-CWF. The next entry should be for the main stem of Perkiomen Creek from that bridge to the Green Lane Reservoir Dam. In the final-form rulemaking, the entry was incorrectly listed as the basin in this reach. In addition, the entry for the UNTs in this reach still refers to the old segment boundary, instead of SR 1010. These errors are proposed for correction.

*§ 93.9i. Drainage List I.*

While conducting assessments in Bradford County, the Department determined that the Little Wysox Creek entry was incorrect. After reviewing the stream maps and the Stream Directory, it was found that the correct name for the stream is Laning Creek, rather than Little Wysox Creek. It is proposed to delete the name Little Wysox Creek and add the correct name, Laning Creek. This correction will not alter the current stream designation, as it is simply a name change.

*§ 93.9l. Drainage List L.*

Rather than redesignating only a portion of Spring Run, Elk County as a Class A Wild Trout Water, the entire basin was inadvertently redesignated as HQ-CWF. Neither the Fish and Boat Commission (Commission) nor the Department noticed this error during the rulemaking process. The Board approved the Class A Wild Trout Waters for final-form rulemaking at its July 16, 2002, meeting and the final-form rulemaking was published at 32 Pa.B. 4695.

The Commission's fisheries management report describes the Class A portion of Spring Run as that portion of the basin from a UNT near the Elk State Forest boundary downstream to Stony Brook and includes a map showing the segment. Department staff conducted an

independent review of the trout biomass data in the fisheries management report for this stream. There is no additional information that meets the criteria for HQ waters in the other portions of the basin. The Board proposes to correct this error, limiting the HQ-CWF designation to the correct segment and relisting the rest of the basin as the CWF use as it was before the error was made. The corrected designations are shown in Annex A.

*§ 93.9m. Drainage List M.*

Muddy Creek, a tributary to Penns Creek in Centre County, was inadvertently omitted from the Class A Wild Trout Waters final-form rulemaking published at 32 Pa.B. 4695. The Muddy Creek basin is included on the Commission list of Class A Wild Trout Waters. The Department reviewed the fisheries management report and concluded that the stream qualifies for HQ designation. Therefore, the Board proposes to change the designation of the Muddy Creek basin from CWF to HQ-CWF.

*§ 93.9o. Drainage List O.*

Laurel Run is a tributary to Sherman Creek in the Susquehanna River basin. In Chapter 93, North Branch Laurel Run is listed as a tributary to Laurel Run. There is no North Branch Laurel Run in the Stream Directory. To make the listing correct, it is proposed that the North Branch entry be deleted and the upper portion of Laurel Run be listed. This change will have no effect on the current stream designation.

Mill Creek is a tributary to the Conestoga River. An outdated road designation is used as the downstream boundary of the listing for the upper main stem. To clarify this segment of the stream, it is proposed that an updated State Route number be substituted for the current road number in the stream listing.

Deer Creek is a tributary to the Susquehanna River and is presently classified as CWF. The Commission's fisheries management report revealed the presence of the American Eel at all sampling stations along this creek. The Department reviewed the fisheries management report and concluded that the stream qualifies for the additional designation of Migratory Fishes, which is proposed in this rulemaking.

*§ 93.9q. Drainage List Q.*

Four tributaries to the South Branch Tionesta Creek are missing from Drainage List Q: Wolf Run, Chaffee Run, Tuttle Run and Martin Run. The entire South Branch Tionesta basin was a Conservation Area and was designated HQ-CWF, with the exception of Crane Run that was designated EV as a Wilderness Trout Stream. This meant that all tributaries, named and unnamed, should have been included in the drainage list. These four named streams were inadvertently omitted in 1978-1979 and the error has been carried forward since then. These four streams are added in Annex A with the HQ-CWF designation. In addition, the county where the stream mouth is located has been corrected for some streams.

*§ 93.9s. Drainage List S.*

North Fork is listed as a tributary of Redbank Creek and South Branch is shown as a tributary of North Fork. North Fork and South Branch are incomplete stream names that have been used since about 1979. It is proposed to correct the names of these two streams in the drainage list. The correct names are North Fork Redbank Creek and South Branch of North Fork Redbank Creek.

### *Fishable/Swimmable Waters*

Part of the triennial review requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Federal Clean Water Act (33 U.S.C.A. § 1251(a)(2)). The Department evaluated the two Pennsylvania water bodies where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay; and (2) several zones in the Delaware Estuary.

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because boat and shipping traffic pose a serious safety hazard in this area. This decision was based on a Use Attainability study in 1985. Because the same conditions exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is proposed.

The Department cooperated with the Delaware River Basin Commission (DRBC), the EPA and other DRBC signatory states on a comprehensive Use Attainability study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations regarding swimmable use, which the DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. Criteria for enterococcus and changes in application to the fecal coliform criteria in this area reflect the use. The appropriate DRBC standards were referenced in §§ 93.9e and 93.9g (relating to Drainage List E; and Drainage List G) in 1994. The primary water contact use remains excluded from the designated uses for River Miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows.

### F. *Benefits, Costs and Compliance*

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from this proposed rulemaking because it provides the appropriate level of protection for the uses of surface waters in this Commonwealth.

2. *Compliance Costs*—The proposed rulemaking is not expected to impose any significant additional compliance costs on the regulated community. The proposed rulemaking is not expected to increase total pollution control expenditures over that which would otherwise be required under existing regulations.

Persons conducting or proposing activities or projects must comply with the regulatory requirements regarding designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The proposed rulemaking is consistent with and based on existing Department regulations.

The proposed rulemaking will be implemented in part through the National Pollutant Discharge Elimination System (NPDES) permitting program. No additional compliance materials are anticipated. Staff are available to assist regulated entities in complying with the regulatory requirements if any questions arise.

4. *Paperwork Requirements*—The proposed rulemaking should have no significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

### G. *Pollution Prevention*

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. The proposed rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations on the designated use of the stream and assures water quality criteria are achieved and designated and existing uses are protected.

### H. *Sunset Review*

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

### I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 7, 2003, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

### J. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments by December 17, 2003. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 17, 2003. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed rulemaking will be considered. Two public hearings will be scheduled at appropriate locations to receive additional comments.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and

address must be included in each transmission. The Board must also receive comments submitted electronically by December 17, 2003.

*K. Public Meetings and Public Hearings*

The Department will hold two public meetings to explain the proposed rulemaking and to respond to questions from participants. The meetings will be held at 6 p.m. as follows:

- December 2, 2003      Four Points by Sheraton  
Pittsburgh North  
910 Sheraton Drive  
Mars, PA 16046
- December 4, 2003      Courtyard by Marriott  
16 Glenmaura National Blvd.  
Moosic, PA 18507

The Board will hold two public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 7 p.m. as follows:

- December 2, 2003      Four Points by Sheraton  
Pittsburgh North  
910 Sheraton Drive  
Mars, PA 16046
- December 4, 2003      Courtyard by Marriott  
16 Glenmaura National Blvd.  
Moosic, PA 18507

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the

Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-386. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS  
GENERAL PROVISIONS**

**§ 93.2. Scope.**

(a) This chapter sets forth water quality standards for surface waters of this Commonwealth, including wetlands. These standards are based upon water uses which are to be protected [ **and will be considered by the Department in its regulation of discharges** ].

\* \* \* \* \*

**ANTIDegradation Requirements**

**§ 93.6. General water quality criteria.**

\* \* \* \* \*

(b) In addition to other substances listed within or addressed by this chapter, specific substances to be controlled include, but are not limited to, floating materials, oil, grease, scum and substances [ **which** ] that produce color, tastes, [ **orders** ] odors, turbidity or settle to form deposits.

**§ 93.7. Specific water quality criteria.**

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**TABLE 3**

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
<b>Dissolved Oxygen</b>		<b>The following specific dissolved oxygen criteria recognize the natural process of stratification in lakes, ponds and impoundments, and allow that the hypolimnion in a stratified lake, pond or impoundment is protected by the narrative water quality criteria in § 93.6 (relating to general water quality criteria). For nonstratified lakes, ponds or impoundments, the dissolved oxygen criteria are the same as for the epilimnion to protect the critical use of the lake, pond or impoundment.</b>	<b>See the following table.</b>
Dissolved Oxygen	DO <sub>1</sub>	Minimum daily average 6.0 mg/l; minimum 5.0 mg/l. For <b>the epilimnion of stratified lakes, ponds and impoundments [ only ]</b> , minimum 5.0 mg/l [ <b>at any point</b> ].	CWF, HQ-WWF, HQ-TSF
		* * * * *	
	DO <sub>4</sub>	Minimum 7.0 mg/l. For <b>stratified lakes, ponds and impoundments, the criterion applies to the epilimnion.</b>	HQ-CWF
		* * * * *	

§ 93.8. Development of site-specific water quality criteria [ for the protection of aquatic life ].

\* \* \* \* \*

(b) Scientific studies shall be performed in accordance with the procedures and guidance in the Water Quality Standards Handbook (EPA 1994), as amended and [ up-graded ] updated, guidance provided by the Department or other scientifically defensible methodologies approved by the Department.

\* \* \* \* \*

§ 93.9. Designated water uses and water quality criteria.

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream is located. Abbreviations used in the **Stream and the “Zone” [ column ] columns** are as follows:

[ T—Township Road

LR—Pennsylvania Legislative Route

SR—Pennsylvania State Route

FAS—Federal Aid Secondary Highway

US—United States Federal Route

I—Interstate Highway

RM—River Mile; river miles are used to indicate the distance from a point on the waterbody to its mouth and are based on the Department’s River Mile Index ]

FAS—Federal Aid Secondary Highway

I—Interstate Highway

LR—Pennsylvania Legislative Route

RM—River Mile; river miles are used to indicate the distance from a point on the waterbody to its mouth and are based on the Department’s River Mile Index

SR—Pennsylvania State Route

T—Township Road

UNT—Unnamed Tributaries.

US—United States Federal Route

\* \* \* \* \*

§ 93.9a. Drainage List A.

Delaware River Basin in Pennsylvania  
Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
[ 3—Sand Pond Creek	<b>Basin (all sections in PA), Source to Sherman Creek</b>	Wayne	CWF	<b>None ]</b>
[ 4 ]3—Sherman Creek	Basin (all sections in PA), <b>Source to Starboard Creek</b>	Wayne	HQ-CWF	None
[ 3—Sand Pond Creek	<b>Basin (all sections in PA), Sherman Creek to PA-NY State Border</b>	Wayne	CWF	<b>None ]</b>
4—Starboard Creek	<b>Basin (all sections in PA)</b>	Wayne	CWF	<b>None</b>
3—Sherman Creek	<b>Basin (all sections in PA), Starboard Creek to PA-NY State Border</b>	Wayne	CWF	<b>None</b>
3—[ Sand Pond ] Sherman Creek (NY)				
4—[ Unnamed Tributaries ] UNTs to [ Sand Pond ] Sherman Creek	Basins (all sections in PA), PA-NY State Border to Mouth	Wayne	CWF	None
2—West Branch Delaware River	Main Stem, PA-NY State Border to Confluence with East Branch	Wayne	CWF, MF	See DRBC regulations—Water Quality Zone 1A
	* * * * *			

§ 93.9b. Drainage List B.

**Delaware River Basin in Pennsylvania  
Lackawaxen River**

Stream	Zone					County	Water Uses Protected	Exceptions To Specific Criteria
	*	*	*	*	*			
3—West Branch Lackawaxen River	Main Stem, Prompton Reservoir to Confluence with Dyberry Creek					Wayne	HQ-TSF, MF	None
[ 4—Johnson Creek	Basin					Wayne	HQ-CWF, MF	None ]
4—Van Auken Creek	Basin					Wayne	HQ-TSF, MF	None
	*	*	*	*	*			

§ 93.9c. Drainage List C.

**Delaware River Basin in Pennsylvania  
Delaware River**

Stream	Zone					County	Water Uses Protected	Exceptions To Specific Criteria
	*	*	*	*	*			
3—Unnamed Tributaries to Bush Kill	Basins, Saw Creek to Mouth					Monroe	HQ-CWF	None
[ 4 ]3—Sand Hill Creek	Basin					Monroe	HQ-CWF	None
[ 4 ]3—Little Bush Kill	Basin, Source to Unnamed Tributary (UNT) 05067					Pike	EV	None
[ 5 ]4—Unnamed Tributary 05067 to Little Bush Kill	Basin					Pike	EV	None
[ 4 ]3—Little Bush Kill	Basin, UNT 05067 to UNT 05059					Pike	HQ-CWF	None
[ 5 ]4—Unnamed Tributary 05059 to Little Bush Kill	Basin					Pike	EV	None
[ 4 ]3—Little Bush Kill	Basin, UNT 05059 to UNT 05057					Pike	EV	None
[ 5 ]4—Unnamed Tributary 05057 to Little Bush Kill	Basin					Pike	HQ-CWF	None
[ 4 ]3—Little Bush Kill	Basin, UNT 05057 to Mouth					Pike	EV	None
1—Delaware River	Main Stem, Tocks Island to Lehigh River					Northampton	WWF, MF	See DRBC regulations—Water Quality Zone 1D
	*	*	*	*	*			

§ 93.9d. Drainage List D.

**Delaware River Basin in Pennsylvania  
Lehigh River**

Stream	Zone					County	Water Uses Protected	Exceptions To Specific Criteria
	*	*	*	*	*			
3—Nesquehoning Creek	Main Stem, Tibbetts Pond Dam to Mouth					Carbon	CWF	None
4—[ First Hollow Run ] UNT 04106 (locally First Hollow Run)	Basin					Carbon	EV	None
4—Jeans Run	Basin					Carbon	HQ-CWF	None

	* * * * *				
3—Mauch Chunk Creek	[ Main Stem ] Basin, Source to SR 902 Bridge	Carbon	[ CWF ]EV	None	
[ 4—Unnamed Tributaries to Mauch Chunk Creek	Basins	Carbon	CWF	None	
4—White Bear Creek	Basin, Source to PA 902 Bridge	Carbon	EV	None	
4—White Bear Creek	Basin, PA 902 Bridge to Mouth	Carbon	CWF	None ]	
3—Mauch Chunk Creek	Basin, SR 902 Bridge to Mouth	Carbon	CWF	None	
3—Beaverdam Run	Basin	Carbon	CWF	None	

§ 93.9e. Drainage List E.

**Delaware River Basin in Pennsylvania  
Delaware River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Neshaminy Creek	Main Stem, Confluence of West and North Branches to [ PA 614 Dam ] RM 26.84	Bucks	TSF, MF	Add Tur <sub>2</sub>
3—Unnamed Tributaries to Neshaminy Creek	Basins, Confluence of West and North Branches [ of PA 614 Dam ] to RM 26.84	Bucks	TSF, MF	Add Tur <sub>2</sub>
3—Cooks Run	Basin	Bucks	WWF, MF	Add Tur <sub>2</sub>
3—Mill Creek	Basin	Bucks	TSF, MF	Add Tur <sub>2</sub>
3—Country Club Creek	Basin	Bucks	WWF, MF	Add Tur <sub>2</sub>
2—Neshaminy Creek	Non-Tidal Portion of Main Stem, [ PA 614 Dam ] RM 26.84 to Mouth	Bucks	WWF, MF	Add Tur <sub>1</sub>
3—Unnamed Tributaries to Neshaminy Creek	Non-Tidal Portions of Basins, [ PA 614 Dam ] RM 26.84 to Mouth	Bucks	WWF, MF	Add Tur <sub>1</sub>
3—Little Neshaminy Creek	Basin	Bucks	WWF, MF	Add Tur <sub>1</sub>

§ 93.9f. Drainage List F.

**Delaware River Basin in Pennsylvania  
Schuylkill River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Monocacy Creek	Basin	Berks	WWF	None
3—[ Unnamed Tributaries ] UNTs to Schuylkill River	Basins, Berks-Chester-Montgomery County Border to Valley Creek (except those in Spring City and Phoenixville)	Chester— Montgomery	HQ-TSF	None
3—[ Unnamed Tributaries ] UNTs to Schuylkill River	Basins, [ Berks-Chester-Montgomery County Border to Valley Creek ] in Spring City and Phoenixville	[ Montgomery ] Chester	WWF	None
3—Manatawny Creek	Main Stem	Berks	CWF	None



	* * * * *				
3—Perkiomen Creek	Basin, Source to SR 1010 Bridge at Hereford	Berks	HQ-CWF	None	
3—Perkiomen Creek	[ <b>Basin</b> ] <b>Main Stem</b> , SR 1010 Bridge to Green Lane Reservoir Dam	Montgomery	TSF	None	
4—Unnamed Tributaries to Perkiomen Creek	Basins, [ <b>LR 06119</b> ] <b>SR 1010</b> Bridge to Green Lane Reservoir <b>Dam</b>	Montgomery	TSF	None	
4—Hosensack Creek	Basin	Montgomery	CWF	None	
	* * * * *				

## § 93.9i. Drainage List I.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—[ <b>Little Wysox</b> ] <b>Laning</b> Creek	Basin	Bradford	WWF	None
2—Wysox Creek	Basin	Bradford	CWF	None
	* * * * *			

## § 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania**  
***West Branch Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
4—Bennett Branch Sinnemahoning Creek	Main Stem, Mill Run to Confluence with Driftwood Branch	Cameron	WWF	None
	* * * * *			
5—Trout Run	Basin, Source to Spring Run	Elk	CWF	None
6—Spring Run	Basin, <b>Source to UNT 24721</b>	Elk	[ <b>HQ-CWF</b> ] <b>CWF</b>	None
7— <b>UNT 24721 to Spring Run</b>	<b>Basin</b>	<b>Elk</b>	<b>CWF</b>	<b>None</b>
6— <b>Spring Run</b>	<b>Basin, UNT 24721 to Stony Brook</b>	<b>Elk</b>	<b>HQ-CWF</b>	<b>None</b>
7— <b>Stony Brook</b>	<b>Basin</b>	<b>Elk</b>	<b>CWF</b>	<b>None</b>
6— <b>Spring Run</b>	<b>Basin, Stony Run to Mouth</b>	<b>Elk</b>	<b>CWF</b>	<b>None</b>
5—Trout Run	Basin, Spring Run to Mouth	Elk	CWF	None
	* * * * *			

## § 93.9m. Drainage List M.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Penns Creek	Basin, Source to [ <b>Pine</b> ] <b>Muddy</b> Creek	Centre	CWF	None
3— <b>Muddy</b> Creek	<b>Basin</b>	<b>Centre</b>	<b>HQ-CWF</b>	<b>None</b>

2—Penns Creek	<b>Basin, Muddy Creek to Pine Creek</b>	Centre	CWF	None
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV	None
	* * * * *			

§ 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania  
Susquehanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Laurel Run	<b>Basin, Source to South Branch Laurel Run</b>	Perry	EV	None
[ 4—North Branch Laurel Run	<b>Basin, Source to Confluence with South Branch</b>	Perry	EV	None ]
4—South Branch Laurel Run	Basin[ , <b>Source to Confluence with North Branch ]</b>	Perry	HQ-CWF	None
3—Laurel Run	Basin, [ <b>Confluence of North and ] South [ Branches ] Branch to T 339</b>	Perry	HQ-CWF	None
3—Laurel Run	Basin, T 339 to Mouth	Perry	CWF	None
	* * * * *			
3—Mill Creek	Main Stem, Source to [ <b>PA A-352 ] SR 1011</b>	Lancaster	CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, Source to Tailwaters of New Holland Reservoir	Lancaster	HQ-CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, New Holland Reservoir	Lancaster	CWF	None
4—Unnamed Tributary to Mill Creek From New Holland Reservoir	Basin, New Holland Reservoir Dam to Mouth	Lancaster	CWF	None
3—Mill Creek	Basin, [ <b>PA A-352 ] SR 1011 to Mouth</b>	Lancaster	WWF	None
3—Stehman Run	Basin	Lancaster	WWF	None
	* * * * *			
2—Deer Creek	Basin (all sections in PA)	York	CWF, <b>MF</b>	None
1—Chesapeake Bay				
	* * * * *			

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania  
Allegheny River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
4—South Branch Tionesta Creek	Main Stem, Source to Confluence with West Branch	Warren	HQ-CWF	None
5—[ <b>Unnamed Tributaries ] UNTs to South Branch Tionesta Creek</b>	Basins	Elk-Forest-Warren	HQ-CWF	None
5—Martin Run	Basin	Elk	HQ-CWF	None
<b>5—Wolf Run</b>	<b>Basin</b>	<b>Elk</b>	<b>HQ-CWF</b>	<b>None</b>

5—Coon Run	Basin	Elk	HQ-CWF	None
<b>5—Chaffee Run</b>	<b>Basin</b>	<b>Elk</b>	<b>HQ-CWF</b>	<b>None</b>
5—Crane Run	Basin	Elk	EV	None
5—Iron Run	Basin	Forest	HQ-CWF	None
5—Fork Run	Basin	Forest	HQ-CWF	None
5—Bogus Run	Basin	Forest	HQ-CWF	None
5—Rock Run	Basin	Forest	HQ-CWF	None
<b>5—Tuttle Run</b>	<b>Basin</b>	<b>Forest</b>	<b>HQ-CWF</b>	<b>None</b>
5—Cherry Run	Basin	<b>[ Forest ]</b> <b>Warren</b>	HQ-CWF	None
<b>5—Martin Run</b>	<b>Basin</b>	<b>Warren</b>	<b>HQ-CWF</b>	<b>None</b>
5—East Branch Tionesta Creek	Basin	<b>[ Forest ]</b> <b>Warren</b>	HQ-CWF	None
3—Tionesta Creek	Main Stem, Confluence of West and South Branches to Mouth	Forest	CWF	None
	* * * * *			

§ 93.9s. Drainage List S.

**Ohio River Basin in Pennsylvania**  
***Allegheny River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
4—North Fork <b>Redbank Creek</b>	Main Stem, Source to Confluence with Sandy Lick Creek	Jefferson	HQ-CWF	None
5—Unnamed Tributaries to North Fork	Basins, Source to Confluence with Sandy Lick Creek	Jefferson	HQ-CWF	None
	* * * * *			
5—South Branch <b>of North Fork Redbank Creek</b>	Basin	Jefferson	EV	None
5—Acy Run	Basin	Jefferson	HQ-CWF	None
	* * * * *			

[Pa.B. Doc. No. 03-2024. Filed for public inspection October 17, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[L-00030161]  
[Correction]

## Electric Service Reliability

Errors occurred in the proposed rulemaking which appeared at 33 Pa.B. 4921, 4929—4931 (October 4, 2003). The correct version of the affected sections is as follows with ellipses referring to the unaffected sections of the proposal.

### Annex A

#### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 57. ELECTRIC SERVICE

#### Subchapter N. ELECTRIC RELIABILITY STANDARDS

#### § 57.194. Distribution system reliability.

\* \* \* \* \*

(h) An [electric distribution company] EDC shall take measures necessary to meet the reliability performance benchmarks and performance standards adopted under this subsection.

\* \* \* \* \*

(2) The benchmark will be based on an [electric distribution company's] EDC's historic performance [for each operating area] for that measure for the entire service territory. [In establishing the benchmark, the Commission may consider historic superior or inferior performance or system-wide performance.]

\* \* \* \* \*

#### § 57.195. Reporting requirements.

\* \* \* \* \*

[ (c) The report shall include a ] (3) A table showing the actual values of each of the reliability indices[, and other performance measures required by this subchapter or Commission order, for each operating area and ] (SAIFI, CAIDI, SAIDI, and if available, MAIFI) for the [ electric distribution company as a whole ] EDC's service territory for each of the preceding [ 5 ] 3 calendar years. The report shall include the data used in calculating the indices, namely the average number of customers served, the number of sustained customer minutes interruptions, the number of customers affected and the minutes of interruption. If MAIFI values are provided, the number of customer momentary interruptions shall also be reported.

\* \* \* \* \*

(6) A comparison of established transmission and distribution inspection and maintenance goals/objectives versus actual results achieved during the year being reported on. Explanations of any variances shall be included.

(7) A comparison of budgeted versus actual transmission and distribution operation and maintenance expenses for the year being reported on. Explanations of any variances shall be included.

(8) A comparison of budgeted versus actual transmission and distribution capital expenditures for the year being reported on. Explanations of any variances shall be included.

(9) Quantified transmission and distribution inspection and maintenance goals/objectives for the current calendar year detailed by system area (that is, transmission, substation and distribution).

\* \* \* \* \*

(h) An EDC shall, within 30 calendar days, report to the Commission any problems it is having with its data gathering system used to track and report reliability performance.

\* \* \* \* \*

[Pa.B. Doc. No. 03-1935. Filed for public inspection October 3, 2003, 9:00 a.m.]