

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Water Quality Standards; Class A Stream Redesignations

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code, Chapter 93 (relating to water quality standards). The amendments will modify the drainage lists at §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t to read as set forth in Annex A. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection. This proposed rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This proposed rulemaking was adopted by the Board at its meeting of December 18, 2018.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as a final rulemaking. Once approved by the United States Environmental Protection Agency (EPA), water quality standards are used to implement the Federal Clean Water Act (CWA) (33 U.S.C.A. §§ 1251—1388).

B. Contact Persons

For further information, contact Thomas Barron, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (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 Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This proposed rulemaking is being 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 the provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), 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 CWA (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

D. Background and Purpose

The purpose of developing the water quality standards is to protect waters of the Commonwealth. Waters of the Commonwealth, through the water quality standards program, are protected for a variety of uses including: drinking water supplies for humans, livestock and wild-

life; fish consumption; irrigation for crops; aquatic life uses; recreation; and industrial water supplies. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of protection.

Section 5 of The Clean Streams Law, 35 P.S. § 691.5, instructs the Department to consider water quality management and pollution control in the watershed as a whole, and the present and possible future uses of waters when adopting rules and regulations. In addition to these requirements, the Commonwealth has responsibilities under the CWA that require water quality standards to be reviewed and approved by the EPA for consistency with the mandates under that act. Section 101(a)(2) of the CWA, (33 U.S.C.A. § 1251(a)(2)), establishes the National goal that, wherever attainable, water quality should provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Section 303(c)(2)(A), (33 U.S.C.A. § 1313(c)(2)(A)), requires water quality standards to include designated uses of waters, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other purposes. Section 303(d)(4)(B), (33 U.S.C.A. § 1313(d)(4)(B)), establishes an antidegradation policy for waters where the quality of the water equals or exceeds levels necessary to protect the designated uses for such waters. The designated uses in this proposed rulemaking are consistent with these State and Federal statutory mandates.

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMPs)) on individual sources of pollution. Section 303(c)(1) of the CWA, (33 U.S.C.A. § 1313(c)(1)), requires states to periodically review and revise, as necessary, water quality standards. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. These proposed amendments are the result of new information presented for stream evaluations of designated uses.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may be initiated by other agencies, or members of the public may submit a rulemaking petition to the Board. These proposed amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (Commission) under § 93.4c (relating to implementation of antidegradation requirements).

In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the Commission, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The Commission published notice and requested comments on the Class A designation of these streams. The Commissioners of the Commission approved

these waters after public notice and comment. Department staff conducted an independent review of the trout biomass data in the Commission’s fisheries management reports for the streams proposed for redesignation. This review was conducted to ensure that the HQ criteria were met.

Prior to rulemaking, the Department has an obligation to provide existing uses protection when data indicates that a surface water attains or has attained an existing use. Section 93.1 (relating to definitions) defines “existing uses” 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.” Section 93.4c requires the Department to make a final determination of existing uses protection for the surface water as part of a final permit or approval action. During a review of a permit application and a draft permit, interested persons may provide the Department with additional information regarding existing uses protection for the surface water. The Department also presents available information in a draft report that is made available for public comment.

Where the existing uses are different than the designated uses for a surface water, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. For example, if the designated use of a stream is listed as protecting Cold Water Fishes (CWF) but the Department’s evaluation of available existing use information indicates that the water attains the use of HQ-CWF, the stream would be protected for this HQ-CWF existing use, prior to a rulemaking. A stream redesignation proposal will then be initiated through the rulemaking process to match the existing uses with the designated uses in the drainage lists found in §§ 93.9a–93.9z. See Section E for a detailed explanation of the public participation process preceding the development of this proposed rulemaking.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all citizens of this Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking-water illnesses. Clean surface waters also benefit the Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries. This proposed rulemaking benefits not only local residents but those from outside the area who come to enjoy the benefits and aesthetics of outdoor recreation.

E. Summary of Proposed Rulemaking

Proposed Redesignations of Class A Wild Trout Waters

As part of this stream redesignation process, the Department offered opportunities for the public to provide data and information during the review of the uses of the streams. First, the Department provided public notice of its intent to assess the Class A wild trout stream data. The Department’s notices requesting additional water quality data for the streams were published at 46 Pa.B. 503 (January 23, 2016); 46 Pa.B. 1287 (March 5, 2016); and 46 Pa.B. 3328 (June 25, 2016). Additionally, the notices were posted on the Department web site. No water quality data were received. The Department directly notified all affected municipalities, county planning commissions, conservation districts and Commonwealth agencies of these redesignation evaluations in letters dated January 5, May 27 and July 8, 2016. No data or comments were received in response to these notices.

Once the data solicitation was completed, the Department prepared a draft streams evaluation report and made it available to all affected municipalities, county planning commissions, county conservation districts and other Commonwealth agencies on April 26, 2017. This draft report was mailed to these same entities and posted on the Department’s web site, for a 45-day public comment period. Two letters of support were received. The Department considered these comments in drafting the final Class A Wild Trout Streams Evaluation Report.

Department staff delivered two separate presentations to the Agricultural Advisory Board (AAB). The first presentation was delivered at the August 16, 2018, joint meeting of the AAB and the Nutrient Management Advisory Board. That presentation was focused on this proposed rulemaking consisting of Class A stream redesignations. In response to a request from the AAB following the first presentation, a second presentation was delivered to the AAB on October 25, 2018, which included a broader scope of the stream redesignations rulemaking process and then more specifically how AAB is involved in the process.

A copy of the stream evaluation report for these waterbodies is available on the Department’s web site or from the contact persons listed in Section B of this preamble. Copies of the Commission fisheries management reports for these streams and the Commission’s sampling protocols for Wadeable streams are available on the Department’s web site or from Thomas Barron, whose address and telephone number are listed in Section B of this preamble. The data and information collected on these waterbodies support the Board’s proposed rulemaking as set forth in Annex A. The Board’s proposed HQ redesignations associated with Class A wild trout waters is summarized in the following table.

Summary Table: Proposed Rulemaking Class A Stream Redesignations Package

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
Beaver Run	Carbon	D	Basin	CWF, MF	HQ-CWF, MF
Wash Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF
UNT 04074 to Mahoning Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
UNT 04088 to Lehigh Canal (Weisport)	Carbon	D	Basin, Source to Phifer Ice Dam Inlet	CWF, MF	HQ-CWF, MF
UNT 03913 to Lehigh River	Carbon	D	Main Stem	CWF, MF	HQ-CWF, MF
Fireline Creek	Carbon	D	Main Stem, UNT 03907 to Mouth	CWF, MF	HQ-CWF, MF
UNT to Little Schuylkill River	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02248 to Little Schuylkill River "Rabbit Run"	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02204 to Little Schuylkill River	Schuylkill/Berks	F	Basin	CWF, MF	HQ-CWF, MF
Sixpenny Creek	Berks	F	Basin, UNT 64027 to Mouth	CWF, MF	HQ-CWF, MF
Aylesworth Creek	Lackawanna	J	Basin, Source to UNT 28567	CWF, MF	HQ-CWF, MF
Brace Brook	Susquehanna/Wayne	J	Basin	CWF, MF	HQ-CWF, MF
Glen Brook	Columbia	K	Main Stem, UNT 28087 to Foundryville Road	CWF, MF	HQ-CWF, MF
Douglas Run	Cambria/Indiana	L	Basin	CWF, MF	HQ-CWF, MF
Emeigh Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF
Beaver Run	Cambria/Clearfield	L	Basin, Source to and including UNT 27182	CWF, MF	HQ-CWF, MF
Patchin Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
North Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26735 to West Branch Susquehanna River	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
Hogback Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26562 to Bradley Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF
Little Dent Run	Cameron	L	Basin	CWF, MF	HQ-CWF, MF
Laurel Run	Centre	L	Basin, from a point at 40°49'3.5"N; 78°5'52.0"W to Mouth	CWF, MF	HQ-CWF, MF
Gap Run	Centre	L	Main Stem, Source to the sink hole located at 40°51'59"N; 77°44'4"W	CWF, MF	HQ-CWF, MF
Council Run	Centre	L	Main Stem	CWF, MF	HQ-CWF, MF
Salt Lick Run	Centre	L	Basin	CWF, MF	HQ-CWF, MF
Sand Run	Tioga	L	Basin	CWF, MF	HQ-CWF, MF
Rauchtown Creek	Lycoming/Clinton	L	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	CWF, MF	HQ-CWF, MF
Mosquito Creek	Lycoming	L	Basin	CWF, MF	HQ-CWF, MF

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
Potter Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Kettle Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
UNT 18312 to Penns Creek	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Peet Brook	Potter	P	Basin	CWF	HQ-CWF
UNT 57738 to Blacksmith Run	McKean	P	Basin	CWF	HQ-CWF
UNT 54466 to Marsh Run	Crawford	Q	Basin	CWF	HQ-CWF
Spencer Creek	Erie	Q	Main Stem	CWF	HQ-CWF
Benson Run	Erie	Q	Main Stem	TSF	HQ-CWF
Water Tank Run	Elk	R	Basin	CWF	HQ-CWF
UNT 45591 to Stonycreek River	Somerset	T	Basin	CWF	HQ-CWF
UNT 46054 to Trout Run	Cambria	T	Basin	CWF	HQ-CWF
UNT 46033 to North Branch Little Conemaugh River	Cambria	T	Basin	CWF	HQ-CWF

CWF = cold water fishes HQ = high quality
 TSF = trout stocking MF = migratory fishes
 UNT = unnamed tributary

Proposed Corrections to Drainage Lists

In addition to the recommended changes to stream designations, the Board is proposing other amendments to the drainage lists in §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t to clarify stream names and segment boundaries and to reformat portions of drainage lists. In addition, the Board is recommending changes consistent with the National Hydrography Dataset (NHD) flowline. These additional changes are nonsubstantive in nature, because they do not change any current water quality designations to the drainage lists.

The NHD flowline forms the basis of the Department's Designated and Existing Use Geographic Information System (GIS) layers. The NHD flowline is established using the United States Geological Survey (USGS) Geographic Names Information System (GNIS), which is the Federal and National standard for geographic nomenclature. The Department strives to maintain consistency with the GNIS database and the NHD flowline.

The Department routinely receives internal and external communications concerning streams that appear to be missing from Chapter 93. Often, these streams were considered unnamed at the time the drainage list was established and therefore were captured under unnamed tributaries entries. These streams currently have a designated use even though they do not appear as named entries in Chapter 93. In contrast, there are a number of named tributaries in Chapter 93 that are not currently recognized by the USGS and are not represented by the

NHD flowline. These may be unofficial local names. Consolidation within drainage lists will greatly reduce these issues.

In many parts of the drainage lists, the current format consists of a main stem entry for a stream, followed by unnamed tributaries to that stream, and then individually named tributaries within the basin. Often, most of the tributaries, both named and unnamed, have the same designated use. In some cases, an entire basin is the same designated use except for a few streams. Large stream basins may take up several pages within a drainage list and can be difficult for individuals to navigate and understand. Reformatting large basins to consolidate portions of Chapter 93 that have the same designated use enables readers to view that entire basin within a page or two. In addition, a condensed drainage list reduces the likelihood that errors will occur in transcription of Chapter 93 during rulemaking procedures. The Department currently has several GIS mapping tools available (e.g. eMapPA) to assist staff, members of the public and the regulated community in locating streams in this Commonwealth, and they should be used in conjunction with the *Pennsylvania Code* to determine designated uses. The Board proposes to reformat § 93.9j (relating to Drainage List J) and the Stonycreek River basin in § 93.9t (relating to Drainage List T) as described in this paragraph.

Furthermore, all river mile indexes (RMI) proposed to be added in this proposed rulemaking—§§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t—

will be converted to (x,y) coordinates for latitude and longitude. Going forward, whenever changes are proposed to Chapter 93, associated locational information will be inserted as latitude and longitude. Eventually, all reference to RMI in §§ 93.9a—93.9z will be converted to latitude and longitude.

Additionally, all “unnamed tributaries” included in this proposed rulemaking will be abbreviated to UNTs. Going forward, the abbreviation UNTs will eventually replace “unnamed tributaries” in the *Pennsylvania Code*.

Section 93.9d. Drainage List D

Additional changes to § 93.9d (relating to Drainage List D) were proposed at 47 Pa.B. 6609 (October 21, 2017), including a stream name correction from “Beaverdam Run to Beaver Run.” Beaver Run is a candidate for redesignation in this Class A stream package. The Board recommends making this change.

Section 93.9k. Drainage List K

The Board recommends correcting the spelling for Huntington Creek in § 93.9k (relating to Drainage List K) to be consistent with the NHD flowline.

Section 93.9t. Drainage List T

Additional changes to § 93.9t were proposed at 47 Pa.B. 6609, including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run. According to the GNIS database and the NHD flowline, Trout Run is not a direct tributary to the Little Conemaugh River. It is a tributary to Kane Run, which is a tributary to the Little Conemaugh River. An unnamed tributary to Trout Run (UNT 46054) is a candidate for redesignation in this proposed rulemaking. The Board recommends making this change.

F. Benefits, Costs and Compliance

Benefits

Overall, this Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply. Water uses in the Commonwealth include water supplies for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption); water contact sports and boating; and aquatic life and special protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

Increased property values are an economic and social benefit of clean water protected by this proposed regulation.

A reduction in toxics found in the Commonwealth’s waterways may lead to increased property values for properties located near rivers or lakes. The study, “The Effect of Water Quality on Rural Nonfarm Residential Property Values,” (Epp and Al-Ani, *American Journal of Agricultural Economics*, Vol. 61, No. 3 (Aug. 1979), pp. 529—534 (<https://www.jstor.org/stable/1239441>)), used real estate prices to determine the value of improvements in water quality in small rivers and streams in this Commonwealth. Water quality, whether measured in pH or by the owner’s perception, has a significant effect on the price of adjacent property. Their analysis showed a

positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2006 study from the Great Lakes region estimated that property values were significantly depressed in two regions associated with toxic contaminants (polyaromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and heavy metals). The study showed that a portion of the Buffalo River region (approximately 6 miles long) had depressed property values of between \$83 million and \$118 million for single-family homes, and between \$57 million and \$80 million for multifamily homes as a result of toxic sediments. The same study estimated that a portion of the Sheboygan River (approximately 14 miles long) had depressed property values of between \$80 million and \$120 million as the result of toxics. *Economic Benefits of Sediment Remediation in the Buffalo River AOC and Sheboygan Rice AOC: Final Project Report*, (<http://www.nemw.org/Econ>). While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in this Commonwealth. A reduction in toxic pollution in this Commonwealth’s waters has a substantial economic benefit to property values in close proximity to waterways.

Maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation are social and economic benefits of clean water protected by this proposed rulemaking.

Businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries. Because the focus of this proposal relates directly to the protection of fisheries, sportsmen in this Commonwealth will benefit by the preservation of the existing Class A fisheries. Class A wild trout streams should be protected so that they can continue to be a self-sustaining angling opportunity as compared to the cost-intensive alternative of raising and stocking fish. The purpose of these proposed stream redesignations is to preserve this resource for current and future sportsmen so that the social and economic benefits are maintained in the local area. As recreation demands increase in the future, the preservation of unique resources such as Class A wild trout waters will no doubt add economic value to the local areas and, importantly, provide a valuable social function for outdoor recreation. Specific revenue-related benefits associated with outdoor trout fishing in this Commonwealth are outlined as follows.

The Center for Rural Pennsylvania prepared a report titled “Economic Values and Impacts of Sport Fishing, Hunting and Trapping Activities in Pennsylvania,” (<http://www.rural.palegislature.us/documents/reports/hunting.pdf>) that examined such economic values and impacts between the years 1995 to 1997. The report provides a snapshot of how much money these sporting activities bring to the State and how they affect employment in rural areas. A major finding of that report is the total annual value of \$3.7 billion for sport fishing was almost three times the \$1.26 billion spent in travel costs to use fishing resources during the same 12-month period of time. The total net annual benefit to anglers was \$2.49 billion.

According to the “Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania,”

(R. Greene, et al. 2005) (<http://www.fishandboat.com/Fish/Fisheries/TroutPlan/Documents/WildTroutStreamAnglerUseCatchEconomicContribution.pdf>), the Commission collected information to assess the economic impact of wild trout angling in this Commonwealth, during the 2004 regular trout season, April 17 through September 3, 2004. The Commission found, based on the results of this study, that angling on wild trout streams contributed over \$ 7.16 million to this Commonwealth's economy during the regular trout season in 2004.

According to the "2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" (<https://www.census.gov/prod/2012pubs/fhw11-nat.pdf>) for this Commonwealth, prepared by the United States Fish and Wildlife Service, approximately 1,101,000 anglers participated in fishing and 3,598,000 persons participated in wildlife watching in the year 2011. In addition, all fishing-related expenditures in this Commonwealth totaled \$485 million in 2011. The expenditures include food and lodging, transportation and other expenses (equipment rental, bait and cooking fuel). In 2011, wildlife watchers spent \$1.3 billion on activities in this Commonwealth. Expenditures include trips-related costs and equipment.

According to the Outdoor Recreation Industry Association, this Commonwealth's outdoor recreation generates 251,000 direct jobs in this Commonwealth, \$8.6 billion in wages and salaries, and \$1.9 billion in State and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. The association reports that 56% of residents in this Commonwealth participate in outdoor recreation each year. (See Outdoor Industry Association (2017), "The Outdoor Economy: Take it Outside for American Jobs and a Strong Economy," (<https://outdoorindustry.org/resource/pennsylvania-outdoor-recreation-economy-report/>)).

Savings in water filtration for downstream communities that rely on surface waters for water supplies and availability of unpolluted water for domestic, agricultural and industrial uses are benefits of clean water protected by this proposed rulemaking.

The Department identified 11 public water supply facilities with raw water intakes that are no further downstream than 30 stream miles of the candidate stream sections for redesignation in this proposed rulemaking package. These 11 public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream. By maintaining cleaner water, public water suppliers will incur the benefits of lower water treatment costs. In addition, cleaner intake water will reduce consumer costs for purchasing clean drinking water.

Compliance Costs

This proposed rulemaking is necessary to maintain the existing water quality and effectively control discharges of pollutants into the stream segments. These amendments to Chapter 93 will not impose any new compliance costs on persons engaged in regulated activities under existing permits or approvals from the Department. Additional compliance costs may arise when permits or approvals are necessary for new or expanded regulated activities. The Department will implement the proposed stream redesignations through permit and approval actions.

Persons adding or expanding a discharge to a stream may need to provide a higher level of treatment or additional BMPs to meet the designated and existing uses of the stream, which could result in higher engineering, construction or operating costs. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. The Department cannot accurately estimate such costs because of the variability associated with each discharge.

Any person proposing a new, additional or increased point source discharge would need to satisfy the antidegradation requirements found at 25 Pa. Code § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and the applicant must use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to special protection streams do not qualify for National Pollutant Discharge Elimination System (NPDES) general permits, based on 25 Pa. Code § 92a.54(a)(8) (relating to general permits), and therefore, will require individual permits.

There are approximately 10,300 facilities across this Commonwealth that hold permits issued under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). This Statewide number of approximately 10,300 includes NPDES permits for concentrated animal feeding operations, industrial waste, municipal separate storm sewer systems (MS4), sewage and industrial storm water. Out of this Statewide total of approximately 10,300 permits, only 19 facilities are known to hold NPDES permits within the boundaries of the watersheds of the stream segments being considered for redesignation in this proposed rulemaking.

The types of NPDES discharges identified that have watershed involvement in this proposed rulemaking include industrial waste, sewage, MS4 and industrial stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on the existing discharges from these 19 NPDES permitted entities.

However, discharge activities to special protection streams do not qualify for NPDES general permits and, therefore, will require individual permits. The individual permits are necessary to track any additional or increased discharges to a special protection water.

There are thousands of general and individual NPDES permits for Stormwater Discharges Associated with Construction Activities issued under 25 Pa. Code Chapter 102 (relating to erosion and sediment control) that were not included in the Statewide total of NPDES permits. These construction permits were not included in the permit counts because of their temporary nature. However, if the construction permit was issued as a general permit, and if the permitted activity is not completed by the expiration date on the permit and the permittee seeks to renew the permit, then it must be renewed as an individual permit. Additionally, when earth disturbance activities occur within the basins of the stream segments redesignated in this proposed rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102.

Local governments will most likely have additional costs associated with MS4 permitting requirements. Any permittees that discharge to an HQ water will be required to obtain an individual permit when the permit is up for renewal. Any new first-time MS4 permits in these waters will be required to obtain individual permits. The cost of a new first-time individual permit is \$5,000 compared to \$500 for a general permit. There is a difference in cost between the initial issuance of an individual permit and a general permit due to increased staff time needed to review permit applications and implementation oversight that is associated with individual permits. An individual permit allows for the tailoring of a municipality's stormwater management program and its implementation of the minimum control measures.

If there is an existing permit (whether it is currently a general permit or an individual permit) on a water that has been redesignated to special protection, the fee to renew it to an individual permit is \$2,500. The annual fee is the same for a general permit and an individual permit. Individual permits will require an application and general permits will no longer be required to submit a Notice of Intent (NOI) as the annual report submittal and annual fee payment will serve the purpose of past NOIs. In general, there are no special consulting services fees that are needed for a new permittee when applying for the individual permit.

Where onlot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 (relating to administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for onlot sewage treatment facilities) will continue to satisfy § 93.4c in these redesignated HQ waters. Permit applicants for sewage facilities in HQ waters who demonstrate SEJ at the sewage facilities planning stage need not re-demonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants.

Compliance Assistance Plan

This proposed rulemaking will not impose any new compliance requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, the Department will provide compliance assistance.

Paperwork Requirements

This proposed rulemaking will not impose any new paperwork requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, additional information may need to be submitted to the Department as part of the permit application or approval request. As previously discussed, the permit applicant will complete an antidegradation analysis. The applicant will describe how the proposed activity will be conducted to maintain existing water quality. If water quality cannot be maintained, the applicant will describe an SEJ for the proposed activity. NPDES general permits are not available for discharges to these streams. Thus, an individual permit, and its associated paperwork, would be required.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking has incorporated the following pollution prevention incentives.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives must be evaluated and are required to be used when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except as provided in § 93.4c(b)(1)(iii).

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 4, 2019, 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. 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 this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory

review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by May 7, 2019.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. Public Hearings

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on the following date:

April 26, 2019 Department of Environmental Protection
Southcentral Regional Office
Susquehanna Room A
909 Elmerton Avenue
Harrisburg, PA 17110

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. Verbal testimony is limited to 5 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 Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-548. 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
DESIGNATED WATER USES AND WATER QUALITY CRITERIA

(Editor’s Note: Additional changes to drainage list 93.9d were proposed at 47 Pa.B. 6609 (October 21, 2017), including a stream name correction from “Beaverdam Run” to “Beaver Run.”)

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania
Lehigh River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Lehigh River	Main Stem, PA 903 Bridge to Allentown Dam	Lehigh	TSF, MF	None
3—[Unnamed Tributaries] <u>UNTs</u> to Lehigh River	Basins, PA 903 Bridge to [Allentown Dam] UNT 03913 at 40°48’11.1”N; 75°40’20.6”W	Carbon [- Lehigh]	CWF, MF	None
3—Silkmill Run	Basin	Carbon	CWF, MF	None
3—Mauch Chunk Creek	Basin, Source to SR 902 Bridge	Carbon	EV, MF	None
3—Mauch Chunk Creek	Basin, SR 902 Bridge to Mouth	Carbon	CWF, MF	None
3—Beaverdam Run	Basin	Carbon	<u>HQ</u> -CWF, MF	None
3—Long Run	Basin	Carbon	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Mahoning Creek	Basin, <u>Source to Wash Creek</u>	[Carbon] <u>Schuylkill</u>	CWF, MF	None
<u>4—Wash Creek</u>	<u>Basin</u>	<u>Schuylkill</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Mahoning Creek	Basin, <u>Wash Creek to UNT 04074 at 40°46'43.4"N; 75°50'35.2"W</u>	<u>Schuylkill</u>	<u>CWF, MF</u>	<u>None</u>
<u>4—UNT 04074</u>	<u>Basin</u>	<u>Schuylkill</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Mahoning Creek	Basin, <u>UNT 04074 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to US 209 Bridge at Kresgeville at 40°53'51.0"N; 75°30'8.8"W	Monroe	HQ-CWF, MF	None
4—[<u>Unnamed Tributaries</u>] <u>UNTs to Pohopoco Creek</u>	Basins, SR 3016 Bridge to US 209 Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to T 444 Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, T 444 Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, US 209 Bridge at Kresgeville to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to <u>UNT 64089 at 40°48'55.7"N; 75°40'21"W</u> [Mouth]	Carbon	CWF, MF	None
<u>4—UNT 64089 (locally known as Lehigh Canal)</u>	<u>Basin, Source to UNT 04088 at 40°49'47.3"N; 75°41'58.9"W</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
<u>5—UNT 04088</u>	<u>Basin, Source to Phifer Ice Dam inlet at 40°50'27.7"N; 75°41'21"W</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>5—UNT 04088</u>	<u>Basin, Phifer Ice Dam inlet to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
<u>4—UNT 64089</u>	<u>Basin, UNT 04088 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Pohopoco Creek	Basin, <u>UNT 64089 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3— <u>UNT 03913 (locally known as Nis Hollow)</u>	<u>Main Stem</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—Tributaries to UNT 03913</u>	<u>Basins</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3— <u>UNTs to Lehigh River</u>	<u>Basins, UNT 03913 to Allentown Dam</u>	<u>Carbon-Lehigh-Northampton</u>	<u>CWF, MF</u>	<u>None</u>
3—Fireline Creek	Basin, <u>Source to UNT 03907 at 40°49'1.0"N; 75°38'5.2"W</u>	Carbon	CWF, MF	None
<u>4—UNT 03907</u>	<u>Basin</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Fireline Creek	<u>Main Stem, UNT 03907 to Mouth</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—Tributaries to Fireline Creek</u>	<u>Basins, UNT 03907 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF, MF	None
	* * * * *			

(Editor's Note: Additional changes to drainage list 93.9f were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 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>
* * * * *				
4—Still Creek	Basin, Tamaqua Water Supply Dam to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Still Creek to [Owl Creek] UNT at 40°48'48.5"N; 75°58'45.0"W	Schuylkill	CWF, MF	None
4—UNT at 40°48'48.5"N; 75°58'45.0"W	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT at 40°48'48.5"N; 75°58'45.0"W to Owl Creek	Schuylkill	CWF, MF	None
4—Owl Creek	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, Owl Creek to [Cold Run] UNT 02248 at 40°46'46.8"N; 75°57'39.6"W	Schuylkill	CWF, MF	None
4—UNT 02248 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02248 to Cold Run	Schuylkill	CWF, MF	None
4—Cold Run	Basin, Source to Beaver Creek	Schuylkill	HQ-CWF, MF	None
5—Beaver Creek	Basin, Source to [Church Lane] Tabernacle Drive at [RM 1.5] 40°44'18.7"N; 76°1'26.9"W	Schuylkill	HQ-CWF, MF	None
5—Beaver Creek	Basin, [RM 1.5] 40°44'18.7"N; 76°1'26.9"W to Mouth	Schuylkill	CWF, MF	None
4—Cold Run	Basin, Beaver Creek to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Cold Run to UNT 02206 at [RM 4.3] 40°37'40.8"N; 76°0'53.8"W	Schuylkill	CWF, MF	None
4—[Unnamed Tributary] UNT 02206 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02206 to [Rattling Run] UNT 02204 at 40°36'41.4"N; 76°1'6.3"W	Schuylkill	CWF, MF	None
4—UNT 02204 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02204 to Rattling Run	Schuylkill	CWF, MF	None
4—Rattling Run	Basin, Source to [PA] SR 61	Schuylkill	EV, MF	None
4—Rattling Run	Basin, [PA] SR 61 to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Rattling Run to Mouth	Schuylkill	CWF, MF	None
* * * * *				
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin[, Source to UNT 64027 at 40°14'37.2"N; 75°46'40.3"W]	Berks	HQ-CWF, MF	None
[4—UNT 64027 to Sixpenny Creek	Basin	Berks	HQ-CWF, MF	None
3—Sixpenny Creek	Basin, UNT 64027 to Mouth	Berks	CWF, MF	None]

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Monocacy Creek	Basin, Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W	Berks	WWF, MF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9j were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9j. Drainage List J.

**Susquehanna River Basin in Pennsylvania
Lackawanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Susquehanna River				
2—Lackawanna River	Basin, Source to East Branch Lackawanna River	Susquehanna	CWF, MF	None
[3—West Branch Lackawanna River	Basin, Source to Confluence with East Branch	Susquehanna	CWF, MF	None]
3—East Branch Lackawanna River	Basin[, Source to Confluence with West Branch]	Susquehanna	HQ-CWF, MF	None
2—Lackawanna River	Main Stem, [Confluence of East and West Branches] East Branch Lackawanna River to SR 0347 Bridge at Dickson City	Lackawanna	HQ-CWF, MF	None
3—[UNTs] Tributaries to Lackawanna River	Basins, [Confluence of East and West Branches] East Branch Lackawanna River to [Clarks Creek] Brace Brook	Susquehanna[—Wayne]	CWF, MF	None
3—Brace Brook	Basin	Susquehanna	HQ-CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Brace Brook to Clarks Creek	Wayne	CWF, MF	None
3—Clarks Creek	Basin	Wayne	EV, MF	None
3—[UNTs] Tributaries to Lackawanna River	Basins, Clarks Creek to [SR 0347 Bridge at Dickson City] Aylesworth Creek	Wayne—Lackawanna	CWF, MF	None
[3—Wilson Creek	Basin	Lackawanna	CWF, MF	None
3—Coal Brook	Basin	Lackawanna	CWF, MF	None
3—Racket Brook	Basin	Lackawanna	CWF, MF	None
3—Fall Brook	Basin	Lackawanna	CWF, MF	None
3—Lees Creek	Basin	Lackawanna	CWF, MF	None
3—Powderly Creek	Basin	Lackawanna	CWF, MF	None
3—Rush Brook	Basin	Lackawanna	CWF, MF	None]
3—Aylesworth Creek	Basin, Source to UNT 28567 at 41°31'18.6"N; 75°31'23.5"W	Lackawanna	HQ-CWF, MF	None
4—UNT 28567	Basin	Lackawanna	CWF, MF	None
3—Aylesworth Creek	Basin, UNT 28567 to Mouth	Lackawanna	CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Aylesworth Creek to Grassey Island Creek	Lackawanna	CWF, MF	None
[3—White Oak Run	Basin	Lackawanna	CWF, MF	None
3—Laurel Run	Basin	Lackawanna	CWF, MF	None]
3—Grassey Island Creek	Basin, Source to [1100 ft Contour Line (Olyphant 7 1/2' Quadrangle)] US Hwy 6	Lackawanna	HQ-CWF, MF	None
3—Grassey Island Creek	Basin, [1100 ft Contour Line] US Hwy 6 to Mouth	Lackawanna	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Tributaries to Lackawanna River	Basins, Grasse Island Creek to SR 0347 Bridge	Lackawanna	CWF, MF	None
[3—Sterry Creek	Basin	Lackawanna	CWF, MF	None
3—Wildcat Creek	Basin	Lackawanna	CWF, MF	None
3—Hull Creek	Basin	Lackawanna	CWF, MF	None
2—Lackawanna River	Main Stem, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None
3—Unnamed Tributaries to Lackawanna River	Basins, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None]
2—Lackawanna River	Basin, SR 0347 Bridge to Eddy Creek	Lackawanna	CWF, MF	None
3—Eddy Creek	Basin	Lackawanna	WWF, MF	None
2—Lackawanna River	Basin, Eddy Creek to Leggetts Creek	Lackawanna	CWF, MF	None
3—Leggetts Creek	Basin, Source to Summit Lake Creek	Lackawanna	CWF, MF	None
4—Summit Lake Creek	Basin	Lackawanna	TSF, MF	None
3—Leggetts Creek	Basin, Summit Lake Creek to Mouth	Lackawanna	TSF, MF	None
[3—Meadow Brook	Basin	Lackawanna	CWF, MF	None]
2—Lackawanna River	Basin, Leggetts Creek to Roaring Brook	Lackawanna	CWF, MF	None
3—Roaring Brook	Basin, Source to Elmhurst Reservoir	Lackawanna	HQ-CWF, MF	None
3—Roaring Brook	Basin, Elmhurst Reservoir to Mouth	Lackawanna	CWF, MF	None
2—Lackawanna River	Basin, Roaring Brook to Stafford Meadow Brook	Lackawanna	CWF, MF	None
3—Stafford Meadow Brook	Basin, Source to Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary	Lackawanna	HQ-CWF, MF	None
3—Stafford Meadow Brook	Basin, Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary to Mouth	Lackawanna	WWF, MF	None
[3—Keyser Creek	Basin	Lackawanna	CWF, MF	None]
2—Lackawanna River	Basin, Stafford Meadow Brook to Spring Brook	Lackawanna	CWF, MF	None
3—Spring Brook	Basin, Source to N. E. Ext. PA Turnpike	Lackawanna	HQ-CWF, MF	None
3—Spring Brook	Basin, N. E. Ext. PA Turnpike to Mouth	Lackawanna	CWF, MF	None
[3—Mill Creek	Basin	Lackawanna	CWF, MF	None
3—St. Johns Creek	Basin	Luzerne	CWF, MF	None
3—Red Spring Run	Basin	Luzerne	CWF, MF	None]
2—Lackawanna River	Basin, Spring Brook to Mouth	Lackawanna	CWF, MF	None

(Editor's Note: Additional changes to drainage list 93.9k were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9k. Drainage List K.

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—Tributaries to Nescopeck Creek	Basins, Kester Creek to Mouth	Luzerne	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Briar Creek	Basin, Source to East Branch Briar Creek	Columbia	CWF, MF	None
3—East Branch Briar Creek	Basin, Source to Glen Brook	Columbia	CWF, MF	None
4—Glen Brook	Basin, Source to UNT 28087 at 41°5'39.1"N; 76°13'56.5"W	Columbia	CWF, MF	None
5—UNT 28087 to Glen Brook	Basin	Columbia	CWF, MF	None
4—Glen Brook	Main Stem, UNT 28087 to Foundryville Road at 41°4'43.3"N; 76°14'8.7"W	Columbia	HQ-CWF, MF	None
5—Tributaries to Glen Brook	Basins, UNT 28087 to Foundryville Road	Columbia	CWF, MF	None
4—Glen Brook	Basin, Foundryville Road to Mouth	Columbia	CWF, MF	None
3—East Branch Briar Creek	Basin, Glen Brook to Mouth	Columbia	CWF, MF	None
2—Briar Creek	Basin, East Branch Briar Creek to Mouth	Columbia	CWF, MF	None
2—Tenmile Run	Basin, Source to UNT 28081 at [RM 2.49] 41°0'5"N; 76°19'9.5"W	Columbia	HQ-CWF, MF	None
3—[Unnamed Tributary] UNT 28081 to Tenmile Run	Basin	Columbia	CWF, MF	None
2—Tenmile Run	Basin, UNT 28081 to Mouth	Columbia	CWF, MF	None
* * * * *				
3—Coles Creek	Basin, UNT 27963 to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Coles Creek to [Huntingdon] Huntingdon Creek	Columbia	CWF, MF	None
3—[Huntingdon] Huntingdon Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF, MF	None
3—[Huntingdon] Huntingdon Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—Tributaries to [Huntingdon] Huntingdon Creek	Basins, Kitchen Creek to Pine Creek	Luzerne-Columbia	CWF, MF	None
4—Pine Creek	Basin, Source to Wasp Branch	Luzerne	CWF, MF	None
5—Wasp Branch	Basin	Luzerne	HQ-CWF, MF	None
4—Pine Creek	Basin, Wasp Branch to Mouth	Columbia	CWF, MF	None
4—Tributaries to [Huntingdon] Huntingdon Creek	Basins, Pine Creek to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9l were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 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>
* * * * *				
3—Moss Creek	Basin	Cambria	CWF, MF	None

PROPOSED RULEMAKING

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Douglas Run	Basin	Cambria	<u>HQ-CWF, MF</u>	None
3—Emeigh Run	Basin	Cambria	<u>HQ-CWF, MF</u>	None
3—Peg Run	Basin	Cambria	CWF, MF	None
3—Cush Cushion Creek	Basin	Indiana	HQ-CWF, MF	None
3—Kilns Run	Basin	Clearfield	CWF, MF	None
3—Kings Run	Basin	Clearfield	CWF, MF	None
3—Shyrock Run	Basin	Clearfield	CWF, MF	None
3—Boiling Spring Run	Basin	Clearfield	CWF, MF	None
<u>3—Beaver Run</u>	<u>Basin, Source to UNT 27182 at 40°44'7.3"N; 78°45'43.6"W</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—UNT 27182 to Beaver Run</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>3—Beaver Run</u>	<u>Basin, UNT 27182 to Mouth</u>	<u>Clearfield</u>	<u>CWF, MF</u>	<u>None</u>
<u>3—Patchin Run</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Sawmill Run	Basin	Clearfield	CWF, MF	None
3—Rock Run	Basin	Clearfield	CWF, MF	None
3—Cush Creek	Basin	Clearfield	CWF, MF	None
3—Martin Run	Basin	Clearfield	CWF, MF	None
3—North Run	Basin	Clearfield	<u>HQ-CWF, MF</u>	None
3—Deer Run	Basin	Clearfield	CWF, MF	None
* * * * *				
3—Bell Run	Basin	Clearfield	CWF, MF	None
<u>3—UNT 26735 to West Branch Susquehanna River</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Hiles Run	Basin	Clearfield	CWF, MF	None
* * * * *				
3—Anderson Creek	Basin, Bear Run to Mouth	Clearfield	CWF, MF	None
3—Hogback Run	Basin	Clearfield	<u>HQ-CWF, MF</u>	None
3—Hartshorn Run	Basin	Clearfield	CWF, MF	None
3—Montgomery Creek	Basin, Source to Montgomery Dam	Clearfield	HQ-CWF, MF	None
3—Montgomery Creek	Basin, Montgomery Dam to Mouth	Clearfield	CWF, MF	None
3—Moose Creek	Basin, Source to Dam	Clearfield	HQ-CWF, MF	None
3—Moose Creek	Basin, Dam to Mouth	Clearfield	CWF, MF	None
3—Wolf Run	Basin	Clearfield	CWF, MF	None
3—Clearfield Creek	Main Stem	Clearfield	WWF, MF	None
4—Unnamed Tributaries to Clearfield Creek	Basins	Cambria-Clearfield	CWF, MF	None
4—Bradley Run	<u>Basin, Source to UNT 26562 at 40°30'3.1"N; 78°34'21.9"W</u>	Cambria	CWF, MF	None
<u>5—UNT 26562 to Bradley Run</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—Bradley Run</u>	<u>Basin, UNT 26562 to Mouth</u>	<u>Cambria</u>	<u>CWF, MF</u>	<u>None</u>
4—Beaverdam Run	Basin	Cambria	CWF, MF	None
* * * * *				
5—Water Plug Hollow	Basin	Cameron	CWF, MF	None
5—Mix Run	Basin, Source to <u>UNT 24542 at 41°18'15.2"N; 78°18'11.7"W (locally English Draft Run)</u>	Elk	EV, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
6—[English Draft Run] UNT 24542	Basin	Elk	HQ-CWF, MF	None
5—Mix Run	Basin, [English Draft Run] UNT 24542 to Mouth	Cameron	HQ-CWF, MF	None
5—Little Dent Run	Basin	Cameron	<u>HQ</u> -CWF, MF	None
5—Nanny Run	Basin	Cameron	CWF, MF	None
* * * * *				
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF, MF	None
4—Laurel Run (at Port Matilda)	Basin[, Source to a point at 40°49'3.5"N; 78°5'52"W]	Centre	HQ-CWF, MF	None
[4—Laurel Run	Basin, from the point at 40°49'3.5"N; 78°5'52"W to Mouth	Centre	CWF, MF	None]
3—Bald Eagle Creek	Main Stem, Laurel Run (at Port Matilda) to Nittany Creek	Centre	TSF, MF	None
4—Unnamed Tributaries to Bald Eagle Creek	Basins, Laurel Run to Nittany Creek	Centre	CWF, MF	None
* * * * *				
4—Moose Run	Basin	Centre	CWF, MF	None
4—Spring Creek	Main Stem[, Source to PA 550 Bridge]	Centre	HQ-CWF, MF	None
5—[Unnamed] Tributaries to Spring Creek	Basins, Source to [PA 550 Bridge] Galbraith Gap Run	Centre	CWF, MF	None
5—Galbraith Gap Run	Basin	Centre	HQ-CWF, MF	None
5—Tributaries to Spring Creek	Basins, Galbraith Gap Run to Cedar Run	Centre	CWF, MF	None
5—Cedar Run	Main Stem	Centre	HQ-CWF, MF	None
6—Tributaries to Cedar Run	Basins	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Cedar Run to UNT 23057	Centre	CWF, MF	None
5—UNT 23057 to Spring Creek at 40°47'41.2"N; 77°48'16.6"W (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5—Tributaries to Spring Creek	Basins, UNT 23057 to Slab Cabin Run	Centre	CWF, MF	None
5—Slab Cabin Run	Basin, Source to SR 26 at [40°43'46"N] 40°43'46.0"N; 77°52'42.4"W	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, SR 26 to UNT 23037 at [40°48'50"N] 40°48'50.0"N; 77°50'8.9"W	Centre	CWF, MF	None
6—[Unnamed Tributary] UNT 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, UNT 23037 to Mouth	Centre	CWF, MF	None
[4—Spring Creek	Main Stem, PA 550 Bridge to Mouth	Centre	HQ-CWF, MF	None
5—UNTs to Spring Creek	Basins, PA 550 Bridge to Mouth	Centre	CWF, MF	None]
5—Tributaries to Spring Creek	Basins, Slab Cabin Run to Logan Branch	Centre	CWF, MF	None
5—Logan Branch	Basin, Source to UNT 23007 at RM 7.16	Centre	CWF, MF	None

PROPOSED RULEMAKING

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
5—Logan Branch	Main Stem, T-371 Bridge to Mouth	Centre	HQ-CWF, MF	None
6—Unnamed Tributaries to Logan Branch	Basins, T-371 Bridge to [Mouth] Gap Run	Centre	CWF, MF	None
6—Gap Run	Main Stem, Source to the sink hole located at 40°51'59.0"N; 77°44'4.0"W	Centre	HQ-CWF, MF	None
7—Tributaries to Gap Run	Basins, Source to the sink hole	Centre	CWF, MF	None
6—Gap Run	Basin, sink hole to Mouth	Centre	CWF, MF	None
6—Tributaries to Logan Branch	Basins, Gap Run to Mouth	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Logan Branch to Buffalo Run	Centre	CWF, MF	None
5—Buffalo Run	Basin, Source to T 942 Bridge at RM 0.66 (near Coleville)	Centre	HQ-CWF, MF	None
5—Buffalo Run	Basin, T 942 Bridge to Mouth	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Buffalo Run to Mouth	Centre	CWF, MF	None
4—Antis Run	Basin	Centre	CWF, MF	None
	* * * *	*		
5—Logway Run	Basin	Centre	CWF, MF	None
5—Council Run	[Basin] Main Stem	Centre	HQ-CWF, MF	None
6—Tributaries to Council Run	Basins	Centre	CWF, MF	None
5—Two Rock Run	Basin	Centre	EV, MF	None
	* * * *	*		
6—West Branch Big Run	Basin	Clinton	EV, MF	None
5—Salt Lick Run	Basin	Centre	HQ-CWF, MF	None
5—Monument Run	Basin	Clinton	HQ-CWF, MF	None
	* * * *	*		
5—Long Run	Basin, Custard Run to Mouth	Tioga	CWF, MF	None
5—Wilson Creek	Basin, Source to Sand Run	Tioga	CWF, MF	None
6—Sand Run	Basin	Tioga	HQ-CWF, MF	None
5—Wilson Creek	Basin, Sand Run to Mouth	Tioga	CWF, MF	None
5—Harrison Run	Basin	Tioga	CWF, MF	None
	* * * *	*		
4—UNT 21134	Basin, Source to Raughtown Creek	Lycoming	CWF, MF	None
5—Raughtown Creek	Basin	Lycoming	HQ-CWF, MF	None
[6—Rockey Run	Basin	Clinton	HQ-CWF, MF	None
6—Gottshall Run	Basin	Clinton	HQ-CWF, MF	None
5—Raughtown Creek	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	Lycoming	CWF, MF	None]
4—UNT 21134	Basin, Raughtown Creek to Confluence with UNT 21135	Lycoming	CWF, MF	None
	* * * *	*		
3—Daugherty Run	Basin	Lycoming	WWF, MF	None
3—Mosquito Creek	Basin	Lycoming	HQ-CWF, MF	None
3—Lycoming Creek	Main Stem, Source to Long Run	Tioga-Lycoming	CWF, MF	None
	* * * *	*		

(Editor's Note: Additional changes to drainage list 93.9m were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 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—Boile Run	Basin	Northumberland	WWF, MF	None
2—Penns Creek	Basin, Source to [Muddy] Sinking Creek	Centre	CWF, MF	None
3—Sinking Creek	Basin, Source to Potter Run	Centre	CWF, MF	None
4—Potter Run	Basin	Centre	HQ-CWF, MF	None
3—Sinking Creek	Basin, Potter Run to Mouth	Centre	CWF, MF	None
2—Penns Creek	Basin, Sinking Creek to Muddy Creek	Centre	CWF, MF	None
3—Muddy Creek	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, Muddy Creek to [Pine Creek] Kettle Run	Centre	CWF, MF	None
3—Kettle Run	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, Kettle Run to UNT 18312 at 40°51'11.6"N; 77°29'49.0"W	Centre	CWF, MF	None
3—UNT 18312	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, UNT 18312 to Pine Creek	Centre	CWF, MF	None
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV, MF	None
	* * * * *			

(Editor's Note: Additional changes to drainage list 93.9p were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9p. Drainage List P.

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>
	* * * * *			
3—Dwight Creek	Basin	Potter	HQ-CWF	None
3—Peet Brook	Basin	Potter	HQ-CWF	None
3—Lent Hollow	Basin	Potter	CWF	None
	* * * * *			
5—Blacksmith Run	Basin from Source to Smethport Water Intake	McKean	HQ-CWF	None
5—Blacksmith Run	Basin From Smethport Water Intake to [Mouth] UNT 57738 at 41°48'50.7"N; 78°28'18.1"W	McKean	CWF	None
6—UNT 57738	Basin	McKean	HQ-CWF	None
5—Blacksmith Run	Basin, UNT 57738 to Mouth	McKean	CWF	None
4—Cole Creek	Basin, Source to South Branch Cole Creek	McKean	CWF	None
	* * * * *			

(Editor's Note: Additional changes to drainage list 93.9q were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania
Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
4—East Branch Oil Creek	Basin	Crawford	CWF	None
4—Marsh Run	Basin, Source to UNT 54466 at 41°41'5.0"N; 79°47'24.9"W	Crawford	CWF	None
5—UNT 54466	Basin	Crawford	HQ-CWF	None
4—Marsh Run	Basin, UNT 54466 to Mouth	Crawford	CWF	None
3—Oil Creek	Basin, Marsh Run to Thompson Creek	Venango	CWF	None
4—Thompson Creek	Basin, Source to Shirley Run	Crawford	CWF	None
* * * * *				
4—Alder Run	Basin	Erie	CWF	None
4—South Branch French Creek	Basin, Source to [Beaver Run] Spencer Creek	Erie	CWF	None
5—Spencer Creek	Main Stem	Erie	HQ-CWF	None
6—Tributaries to Spencer Creek	Basins	Erie	CWF	None
4—South Branch French Creek	Basin, Spencer Creek to Beaver Run	Erie	CWF	None
5—Beaver Run	Basin	Erie	EV	None
4—South Branch French Creek	Basin, Beaver Run to Mouth	Erie	CWF	None
4—Wheeler Creek	Basin	Erie	WWF	None
4—Le Boeuf Creek	Basin, Source to [Trout Run] Benson Run	Erie	TSF	None
5—Benson Run	Main Stem	Erie	HQ-CWF	None
6—Tributaries to Benson Run	Basins	Erie	TSF	None
4—Le Boeuf Creek	Basin, Benson Run to Trout Run	Erie	TSF	None
5—Trout Run	Basin	Erie	HQ-CWF	None
4—LeBoeuf Creek	Basin, Trout Run to Mouth	Erie	TSF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9r were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania
Clarion River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
4—Mason Creek	Basin	Elk	CWF	None
4—Elk Creek	Basin, Source to Water Tank Run	Elk	CWF	None
5—Water Tank Run	Basin	Elk	HQ-CWF	None
4—Elk Creek	Basin, Water Tank Run to Mouth	Elk	CWF	None
4—Island Run	Basin	Elk	CWF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9t were proposed at 47 Pa.B. 6609 (October 21, 2017), including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run.)

§ 93.9t. Drainage List T.

**Ohio River Basin in Pennsylvania
Kiskiminetas River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Ohio River				
2—Allegheny River				
3—Kiskiminetas River				
4—Conemaugh River				
5—[Stony Creek] Stonycreek River	Basin, Source to Beaverdam Creek	Somerset	CWF	None
6—Beaverdam Creek	Basin	Somerset	HQ-CWF	None
5—[Stony Creek] Stonycreek River	Main Stem, Beaverdam Creek to Quemahoning Creek	Somerset	TSF	None
6—[Unnamed] Tributaries to [Stony Creek] Stonycreek River	Basins, Beaverdam Creek to [Quemahoning Creek] UNT 45591 at 40°10'16.7"N; 78°54'30.1"W	Somerset	CWF	None
6—UNT 45591	Basin	Somerset	HQ-CWF	None
[6—Oven Run	Basin	Somerset	CWF	None
6—Fallen Timber Run	Basin	Somerset	CWF	None]
6—Tributaries to Stonycreek River	Basins, UNT 45591 to Quemahoning Creek	Somerset	CWF	None
6—Quemahoning Creek	[Main Stem] Basin, Source to North Branch Quemahoning Creek	Somerset	CWF	None
[7—Unnamed Tributaries to Quemahoning Creek	Basins	Somerset	CWF	None]
7—North Branch Quemahoning Creek	[Main Stem] Basin, Source to Spruce Run	Somerset	CWF	None
[8—Unnamed Tributaries to North Branch Quemahoning Creek	Basins	Somerset	CWF	None
8—Horner Run	Basin	Somerset	CWF	None
8—Beams Run	Basin	Somerset	CWF	None]
8—Spruce Run	Basin	Somerset	HQ-CWF	None
7—North Branch Quemahoning Creek	Basin, Spruce Run to Mouth	Somerset	CWF	None
6—Quemahoning Creek	Basin, North Branch Quemahoning Creek to Beaverdam Creek	Somerset	CWF	None
[8—Beaverdam Run	Basin	Somerset	CWF	None]
7—Beaverdam Creek	Basin	Somerset	HQ-CWF	None
6—Quemahoning Creek	Beaverdam Creek to Roaring Run	Somerset	CWF	None
7—Roaring Run	Basin, Source to Boswell Municipal Authority Dam	Somerset	EV	None
7—Roaring Run	Basin, Boswell Municipal Authority Dam to Mouth	Somerset	CWF	None
6—Quemahoning Creek	Basin, Roaring Run to Higgins Run (including Twomile Run)	Somerset	CWF	None
[7—Twomile Run	Basin	Somerset	CWF	None]

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
7—Higgins Run	Basin, Source to UNT 45416 at 40°6'45.9"N; 78°59'50.6"W	Somerset	CWF	None
8—UNT 45416 to Higgins Run	Basin	Somerset	CWF	None
7—Higgins Run	Main Stem, UNT 45416 to Mouth	Somerset	HQ-CWF	None
8—Tributaries to Higgins Run	Basins, from UNT 45416 to Mouth (including UNTs 45406 and 45405)	Somerset	CWF	None
<u>6—Quemahoning Creek</u>	<u>Basin, Higgins Run to Mouth</u>	<u>Somerset</u>	<u>CWF</u>	<u>None</u>
5—[<u>Stony Creek</u>] <u>Stonycreek River</u>	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
6—[<u>Unnamed Tributaries</u>] <u>UNT</u> s to [<u>Stony Creek</u>] <u>Stonycreek River</u>	Basins, Quemahoning Creek to Confluence with Little Conemaugh River	Somerset-Cambria	CWF	None
6—Shade Creek	Main Stem	Somerset	CWF	None
* * * * *				
6—Spring Run	Basin	Cambria	CWF	None
6—Trout Run	Basin, <u>Source to UNT 46054 at 40°22'17.8"N; 78°39'34.5"W</u>	Cambria	CWF	None
<u>7—UNT 46054 to Trout Run</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF</u>	<u>None</u>
<u>6—Trout Run</u>	<u>Basin, UNT 46054 to Mouth</u>	<u>Cambria</u>	<u>CWF</u>	<u>None</u>
6—North Branch Little Conemaugh River	Basin, <u>Source to UNT 46033 at 40°27'53.2"N; 78°40'35.9"W</u>	Cambria	CWF	None
<u>7—UNT 46033 to North Branch Little Conemaugh River</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF</u>	<u>None</u>
<u>6—North Branch Little Conemaugh River</u>	<u>Basin, UNT 46033 to Mouth</u>	<u>Cambria</u>	<u>CWF</u>	<u>None</u>
5—Little Conemaugh River	Main Stem, North Branch Little Conemaugh River to Confluence with [<u>Stony Creek</u>] <u>Stonycreek River</u>	Cambria	WWF	None
6—[<u>Unnamed Tributaries</u>] <u>UNT</u> s to Little Conemaugh River	Basins, North Branch Little Conemaugh River to Confluence with [<u>Stony Creek</u>] <u>Stonycreek River</u>	Cambria	CWF	None
6—Laurel Run	Basin	Cambria	CWF	None
* * * * *				

[Pa.B. Doc. No. 19-424. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 141.20 (relating to protective material required) to eliminate requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Requirements for the wearing of fluorescent orange protective material within this Commonwealth are com-

plex and make up a significant number of violations detected each year by State Game Wardens. On a National scale, the requirements for fluorescent orange protective material vary from state-to-state. Those regulations include 11 states, such as Texas and New York, which do not require any fluorescent orange protective material to be worn; 10 states only requiring it to be worn while hunting big game; 20 states only requiring it to be worn when hunting big game with a firearm; and 9 states, including this Commonwealth, having a mixture of instances in which the wearing of fluorescent orange is required. The Commission is proposing to amend § 141.20 to eliminate the requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons. While representing a significant reduction to the current requirements for fluorescent orange protective material requirements, the proposed changes will still maintain Commonwealth's position as one of the more restrictive states in the nation.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.20 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.20 by eliminating requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons.

3. Persons Affected

Persons wishing to hunt or take wildlife during applicable archery deer seasons, archery bear seasons and fall turkey seasons within each Wildlife Management Unit may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-441. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.20. Protective material required.

(a) The following requirements apply:

(1) *General rule.* Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b)(2) [**and (3)**], camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(2) *Additional requirements.* It is unlawful to hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act (relating to unlawful devices and methods) without placing a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind so it is visible in a 360° arc.

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for applicable wildlife during the following seasons:

(i) All crow seasons.

(ii) All dove seasons.

(iii) All waterfowl seasons.

(iv) All falconry small game seasons.

(v) All flintlock muzzleloading deer seasons.

(vi) All archery deer seasons [, **except as otherwise provided in paragraphs (3)(ii) and (4)(ii)**].

(vii) All archery bear seasons [, **except as otherwise provided in paragraph (3)(iii)**].

(viii) All furbearer seasons, except coyote seasons.

(ix) All coyote seasons, except during the respective portion of any coyote season that runs concurrent with the legal hunting hours of any [**special firearms deer season, regular firearms deer season, regular firearms bear season or extended firearms bear season**] **special firearms or regular firearms seasons for deer, bear or elk** within each wildlife management unit, when the requirements of subsection (a) remain applicable.

(x) All [**spring**] turkey seasons.

(2) Hunt for woodchucks during any woodchuck season while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

[**(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wear-**

ing the required orange-colored material when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 2B, 5B, 5C and 5D.

(ii) The respective portions of any archery deer season that runs concurrent with any fall turkey season within each wildlife management unit.

(iii) The respective portions of any archery bear season that runs concurrent with any fall turkey season within each wildlife management unit.

(4) Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

(ii) The respective portions of any archery deer season that runs concurrent with any early muzzleloading deer season or any special firearms deer season within each wildlife management unit.]

(c) A person who violates this section shall be subject to the penalties as provided in the act.

[Pa.B. Doc. No. 19-425. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 141.4, Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such

regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4, Appendix G are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2019-2020 hunting/furtaking license year will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2019, to June 30, 2020.

6. Contact Person

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-440. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

Appendix G. HUNTING HOURS

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-39, serial pages (392111)—(392113), with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 30, 2019, THROUGH JULY 4, 2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 30—July 6	5:08	9:02
July 7—13	5:13	8:59
July 14—20	5:18	8:55
July 21—27	5:24	8:49
July 28—Aug. 3	5:31	8:42
Aug. 4—10	5:37	8:34
Aug. 11—17	5:44	8:25
Aug. 18—24	5:51	8:15
Aug. 25—31	5:57	8:04
Sept. 1—7	6:04	7:53
Sept. 8—14	6:10	7:41
Sept. 15—21	6:17	7:30
Sept. 22—28	6:24	7:18
Sept. 29—Oct. 5	6:31	7:07
Oct. 6—12	6:38	6:56
Oct. 13—19	6:45	6:46
Oct. 20—26	6:53	6:36
Oct. 27—Nov. 2	7:00	6:27
Nov. 3—9 **Ends	6:08	5:20
Nov. 10—16	6:16	5:14
Nov. 17—23	6:24	5:09
Nov. 24—30	6:32	5:06
Dec. 1—7	6:39	5:05
Dec. 8—14	6:44	5:05
Dec. 15—21	6:49	5:06
Dec. 22—28	6:51	5:09
Dec. 29—Jan. 4	6:53	5:19
Jan. 5—11	6:53	5:25
Jan. 12—18	6:52	5:26
Jan. 19—25	6:49	5:34
Jan. 26—Feb. 1	6:44	5:42
Feb. 2—8	6:38	5:51
Feb. 9—15	6:31	5:59
Feb. 16—22	6:23	6:07
Feb. 23—29	6:13	6:15
Mar. 1—Mar. 7	6:03	6:23
Mar. 8—14 *Begins	6:52	7:31
Mar. 15—21	6:41	7:38
Mar. 22—28	6:30	7:45
Mar. 29—Apr. 4	6:19	7:52
Apr. 5—11	6:07	7:59
Apr. 12—18	5:57	8:07
Apr. 19—25	5:46	8:14
Apr. 26—May 2	5:37	8:21
May 3—May 9	5:28	8:28
May 10—16	5:20	8:35

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 17—23	5:13	8:41
May 24—30	5:08	8:47
May 31—June 6	5:04	8:53
June 7—13	5:02	8:57
June 14—20	5:02	9:01
June 21—27	5:04	9:03
June 28—July 4	5:08	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD HUNTING
HOURS TABLE
2019-2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 1—7	6:04	7:23
Sept. 8—14	6:10	7:11
Sept. 15—21	6:17	7:00
Sept. 22—28	6:24	6:48
Sept. 29—Oct. 5	6:31	6:37
Oct. 6—12	6:38	6:26
Oct. 13—19	6:45	6:16
Oct. 20—26	6:53	6:06
Oct. 27—Nov. 2	7:00	5:57
Nov. 3—9 **Ends	6:08	4:50
Nov. 10—16	6:16	4:44
Nov. 17—23	6:24	4:39
Nov. 24—30	6:32	4:36
Dec. 1—7	6:39	4:35
Dec. 8—14	6:44	4:35
Dec. 15—21	6:49	4:36
Dec. 22—28	6:51	4:39
Dec. 29—Jan. 4	6:53	4:49
Jan. 5—Jan. 11	6:53	4:55
Jan. 12—18	6:52	4:56
Jan. 19—25	6:49	5:04
Jan. 26—Feb. 1	6:44	5:12
Feb. 2—8	6:38	5:21
Feb. 9—15	6:31	5:29
Feb. 16—22	6:23	5:37
Feb. 23—29	6:13	5:45
Mar. 1—7	6:03	5:53
Mar. 8—14 *Begins	6:52	7:01
Mar. 15—21	6:41	7:08
Mar. 22—28	6:30	7:15
Mar. 29—April 4	6:19	7:22
Apr. 5—11	6:07	7:29
Apr. 12—18	5:57	7:37

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 19-426. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year. The 2019-2020 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

To provide an overall increase in black bear hunting opportunity and harvest, and to better align open seasons with dates when agricultural producers are experiencing bear damage, the Commission is proposing to shift the archery bear season to mid-October and expand the October muzzleloader and special firearms seasons (previously limited to wildlife management units (WMU) on the periphery of the bear range) Statewide. Also, the Commission is proposing to increase the length of the extended firearms bear season in several WMUs from 4 to 6 days to increase bear harvest and reduce regulations complexity.

For elk, the Commission is proposing the addition of a September archery season and a January antlerless season to address hunter crowding issues during the regular season while simultaneously reducing elk habituation toward humans and residential areas, and improving the agency's ability to respond to elk-human conflicts and to potential future chronic wasting disease infection.

Expansions of bobcat hunting and trapping opportunity to WMU 4B, and of fisher trapping opportunity to WMU 4A, are recommended in light of population indices in

these units that are comparable to those in other WMUs where harvest is occurring sustainably. For beaver, an increase in the season bag limit from 20 to 40 is recommended for WMUs 2A and 2B in response to increasing nuisance complaints in these units. For porcupine, a reduction in season length is proposed to ensure population sustainability given significant uncertainty about the impacts of harvest on this species.

To increase hunting opportunities for younger deer hunters, a Saturday opener for rifle deer season is being proposed. Changing the historic opening day from the Monday following Thanksgiving to the Saturday following Thanksgiving represents a significant change in tradition. However, retaining our younger hunters is important to preserving our hunting heritage. By shifting the opening day to a Saturday this change will create more hunting opportunity by selecting a day which better fits the working/school schedule of youth and young adults. Minor changes are also proposed for small game and turkey season closing dates to accommodate the 1-day shift in the opening of deer rifle season.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . ." The amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2019-2020 hunting/furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2019, to June 30, 2020.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-439. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

(*Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-13, serial pages (392073)—(392083), with the following table.)

§ 139.4. Seasons and bag limits for the license year.

**2019-2020 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Oct. 5		Oct. 19	6	18
Squirrel—(Combined species)	Oct. 19		Nov. 29	6	18
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 29, 2020		
Ruffed Grouse	Oct. 19		Nov. 29	2	6
	Dec. 16	and	Dec. 24		
Rabbit, Cottontail— Eligible Junior Hunters only, with or without the required junior license	Oct. 5		Oct. 19	4	12
Rabbit, Cottontail	Oct. 19		Nov. 29	4	12
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 29, 2020		
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Hegins-Gratz or Franklin County wild pheasant recovery areas.					
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license WMUs 4E and 5A—Male only WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Oct. 12		Oct. 19	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only	As authorized by the Executive Order				
Ring-necked Pheasant	Oct. 26		Nov. 29	2	6
WMUs 4E and 5A—Male only	Dec. 16	and	Dec. 24		
WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Dec. 26	and	Feb. 29, 2020		

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Bobwhite Quail	Oct. 19 Dec. 16 Dec. 26	and and	Nov. 29 Dec. 24 Feb. 29, 2020	8	24
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26		Jan. 1, 2020	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female WMU 2B (Shotgun, Bow and Arrow only) WMU 1B WMUs 1A, 2A, 4A and 4B WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E WMU 2C WMU 5A WMU 5B WMUs 5C and 5D	Nov. 2 Nov. 28 Nov. 2 Nov. 2 Nov. 28 Nov. 2 Nov. 28 Nov. 2 Nov. 28 Nov. 7 Nov. 5	and and and and and and and and and and and	Nov. 22 Nov. 29 Nov. 9 Nov. 9 Nov. 29 Nov. 16 Nov. 29 Nov. 22 Nov. 29 Nov. 9 Nov. 7	1	1
Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 25, 2020		Apr. 25, 2020	1	1
Turkey, Spring ¹ Bearded Bird only	May 2, 2020 May 18, 2020	and	May 16, 2020 May 30, 2020	1 May be hunted 1/2 hour before sunrise to 12 noon	2 May be hunted 1/2 hour before sunrise to 1/2 hour after sunset
Closed to fall turkey hunting					

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 5		Apr. 12, 2020	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.			Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species)	Sept. 2		Mar. 31, 2020	6	18
Quail	Sept. 2		Mar. 31, 2020	8	24
Ruffed Grouse	Sept. 2		Mar. 31, 2020	2	6
Cottontail Rabbits	Sept. 2		Mar. 31, 2020	4	12
Snowshoe or Varying Hare	Sept. 2		Mar. 31, 2020	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 2		Mar. 31, 2020	2	6
Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.					

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 2B, 5C and 5D	Sept. 21 Dec. 26	and	Nov. 29 Jan. 25, 2020	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 5 Dec. 26	and	Nov. 16 Jan. 11, 2020	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 19		Oct. 26	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, ³ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 24		Oct. 26	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Nov. 30		Dec. 14	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 30		Dec. 6	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 7		Dec. 14	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 11, 2020	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 25, 2020	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 25, 2020	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Bear, Archery ⁴ WMUs 2B, 5C and 5D	Sept. 21		Nov. 29		1
Bear, Archery ⁴ WMU 5B	Oct. 5		Nov. 16		1
Bear, Archery ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 28		Nov. 9		1
Bear, Muzzleloader ⁴ (Statewide)	Oct. 19		Oct. 26		1
Bear, Special firearms ⁴ Only Junior and Senior License Holders ³ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard (Statewide)	Oct. 24		Oct. 26		1
Bear, Regular Firearms ⁴ (Statewide)	Nov. 23		Nov. 27		1
Bear, Extended firearms ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 30		Dec. 14		1
Bear, Extended firearms ⁴ WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 30		Dec. 7		1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag ⁵ and Special-License Tag ⁵ (Antlered and Antlerless)	Sept. 2		Nov. 9		1
Elk, Archery ⁵	Sept. 14		Sept. 28		1
Elk, Regular ⁵ (Antlered and Antlerless)	Nov. 4		Nov. 9		1
Elk, Extended ⁵ (Antlered and Antlerless)	Nov. 11		Nov. 16		1
Elk, Late ⁵ (Antlerless only)	Jan. 4, 2020		Jan. 11, 2020		1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 23		Jan. 12, 2020	Unlimited	
Beaver WMUs 1A, 1B, 2A, 2B and 3C (Combined)	Dec. 26		Mar. 31, 2020	20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 27		Feb. 23, 2020	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 23, 2020	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 21		Jan. 12, 2020	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 21		Jan. 2, 2020	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 15, 2020		Feb. 22, 2020	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season)	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.				
Raccoon and Fox	Oct. 26		Feb. 22, 2020	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 11, 2020		Feb. 5, 2020	1	1
Porcupine	Oct. 12		Feb. 1, 2020	3	10

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁴ Only one bear may be taken during the hunting license year with the required bear license.

⁵ Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 19-427. Filed for public inspection March 22, 2019, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Public Health Dental Hygiene Practitioner Practice Sites

The State Board of Dentistry (Board) proposes to amend § 33.205b (relating to practice as a public health dental hygiene practitioner) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3(o) of the Dental Law (act) (63 P.S. § 122(o)) authorizes the Board to adopt, promulgate and enforce these rules and regulations as may be deemed necessary by the Board to carry out the provisions of the act. Section 11.9(b)(10) of the act (63 P.S. § 130j(b)(10)) authorizes the Board to determine other locations at which public health dental hygiene practitioners may practice.

Background and Purpose

On January 4, 2016, the act of November 4, 2015 (P.L. 225, No. 60) (Act 60 of 2015) became effective, amending § 11.9 of the act to allow the Board to add other “locations” it deems appropriate for practice by public health dental hygiene practitioners in addition to those enumerated by the General Assembly. Prior to this amendment, subsection (b)(10) permitted the Board to add other “institutions” it deemed appropriate. After the amendment became effective, the Board undertook a review of the existing locations at which a public health dental hygiene practitioner may practice and found them to be acceptable. The enumerated locations limited the practice of a public health dental hygiene practitioner to nine types of locations. The common thread between these locations is that they are all licensed, operated or otherwise regulated by State or Federal agencies. At that time, the Board did not believe the change from the term “institutions” to the term “locations” necessitated a revision to the regulations.

On March 3, 2016, the Pennsylvania Dental Hygienists’ Association (PDHA) petitioned the Board seeking amendments to the regulations to include additional practice sites for public health dental hygiene practitioners. Specifically, the PDHA asked the Board to consider adding the following locations: private settings of hospice and home-bound patients; primary care settings, especially pediatric settings; and childcare settings. The PDHA pointed out that the intent of the change in language in the act was to provide an opportunity for those home-bound or in hospice care to be able to receive preventive dental hygiene care in their homes or hospice settings. The PDHA also pointed out that as this Commonwealth moves to shift more care from institutional to community settings, the need for home-bound patients to receive services will significantly increase and that transportation for home-bound patients is difficult to arrange and expensive. They argue that allowing public health dental hygiene practitioners with portable equipment to serve home-bound patients will provide a more affordable option and help to improve their oral health outcomes. Finally, the PDHA pointed out that inter-professional care is now becoming a standard. Pediatric medical offices and

other primary care settings see populations that need the most preventive oral health care on a regular basis for well-child visits. The PDHA argues that medical offices are “a perfect setting to deliver safe and effective oral hygiene education and services,” and that day care centers that provide child care to low-income individuals are taking care of the neediest populations. The PDHA believes the inclusion of these locations would improve access to oral health care in this Commonwealth and would improve the oral health of citizens of this Commonwealth. For all of these reasons, the PDHA requested the Board consider the expansion of locations at which public health dental hygiene practitioners may practice.

The Board discussed the PDHA’s proposal at meetings throughout 2016, and ultimately assigned the issue to the Board’s Legislative/Regulatory Review Committee (Committee), which met on January 20, 2017, with the PDHA and other interested parties. The Committee developed this proposed rulemaking which was presented to the Board at its meeting on May 19, 2017. At that meeting, the Board authorized the release of the proposal as an “exposure draft” to interested parties and stakeholders. The exposure draft was sent out to over 140 individuals and entities on June 7, 2017. The Board received numerous comments both in support and in opposition to the proposal, which were discussed at meetings on July 28, 2017, and September 15, 2017. Ultimately, at the September 15, 2017, meeting, the Board voted to proceed with promulgating this proposed rulemaking as drafted.

The purpose of this proposed rulemaking is threefold: (1) to clarify, by way of example, some of the acceptable practice sites included within the definition of “health care facility” under section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a); (2) to expand the locations at which a public health dental hygiene practitioner may practice beyond just “personal care homes” to include other “facilities” regulated by the Department of Human Services as defined in section 1001 of the Human Services Code (62 P.S. § 1001); and (3) to add “an office or clinic of a physician who is licensed by the State Board of Medicine or the State Board of Osteopathic Medicine” as an acceptable location for the practice of public health dental hygiene practitioners. These additional sites are meant to expand access to dental hygiene services, oral health education and referrals to dentists.

Description of the Proposed Amendments

The Board proposes to amend § 33.205b(c)(3) to clarify, by way of example, those types of health care facilities that are regulated by the Department of Health under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). It appeared to the Board that there had been some confusion among the regulated community on this issue. Further, the Board proposes to add a provision which would allow public health dental hygiene practitioners employed by health care facilities to provide services to patients of the health care facility in their place of residence or other independent living environment. Permitting the provision of services in these locations is consistent with the language provided in the definitions of “home care agency,” “home health care agency” and “hospice” in section 802.1 of the Health Care Facilities Act, which include services provided by these health care facilities to patients in their homes or other independent living environments.

The Board also proposes to amend § 33.205b(c)(4) by deleting the term “personal care homes” and replacing it with “a facility” as defined in section 1001 of the Human Services Code. The Board intends this replacement to

expand access to the services provided by public health dental hygiene practitioners to additional facilities that are regulated by the Department of Human Services, not only personal care homes. The Board is adding, by way of example, adult day care centers; child day care centers; family child care homes; boarding homes for children; mental health establishments; assisted living residences; nursing homes; hospitals; maternity homes and any other facility licensed and regulated by the Department of Human Services or a successor agency.

The Board is also proposing an amendment to § 33.205b(c)(6) to correct the citation to section 2 of the Older Adults Daily Living Centers Licensing Act (62 P.S. § 1511.2).

Finally, the Board proposes to add a new paragraph (c)(11) to add an additional acceptable location for public health dental hygiene practitioners to provide dental hygiene services to include “an office or clinic of a physician licensed by the State Board of Medicine or the State Board of Osteopathic Medicine.” The Board believes that this additional site will expand access to oral health care and education by public health dental hygiene practitioners and will assist patients, particularly pediatric patients, find a “dental home” by way of the annual referral to a dentist as required by § 33.205b(b).

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any fiscal impact relating to these amendments. Because public health dental hygiene practitioners will not be required to submit any additional paperwork based on their practice locations, these amendments will not require any further paperwork.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 12, 2019, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-4633 (Public Health Dental Hygiene Practitioner Practice Sites).

JOHN F. ERHARD, III, DDS,
Chairperson

Fiscal Note: 16A-4633. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.205b. Practice as a public health dental hygiene practitioner.

(a) *Scope of professional practice.* A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(2)—(6) (relating to practice as a dental hygienist) in the practice settings identified in subsection (c) without the authorization, assignment or examination by a dentist. A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(1) and (7) in accordance with § 33.205(d).

(b) *Requirement of referral.* A public health dental hygiene practitioner shall refer each patient to a licensed dentist on an annual basis. Documentation of the referral must be maintained in the patient’s dental record. The failure of the patient to see a dentist as referred will not prevent the public health dental hygiene practitioner from continuing to provide dental hygiene services to the patient within the scope of professional practice set forth in subsection (a).

(c) *Practice settings.* A public health dental hygiene practitioner may perform dental hygiene services without the supervision of a dentist in the following practice settings:

(1) Public and private educational institutions that provide elementary and secondary instruction to school aged children under the jurisdiction of the State Board of Education, and in accordance with all applicable provisions of the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), the regulations relating to the certification of professional personnel in 22 Pa. Code Chapter 49 (relating to certification of professional personnel), and the regulations of the Department of Health in 28 Pa. Code § 23.35 (relating to dental hygienists).

(2) Correctional facilities. For purposes of this section, correctional facilities include Federal prisons and other institutions under the jurisdiction of the United States Department of Justice, Bureau of Prisons which are located within this Commonwealth; institutions, motivational boot camps and community corrections centers operated or contracted by the Department of Corrections; and jails, prisons, detention facilities or correctional institutions operated or contracted by local, county or regional prison authorities within this Commonwealth.

[(3)] (3)(i) Health care facilities, as defined in section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a).

(ii) **By way of example, a health care facility includes, but is not limited to, a general, chronic disease or other type of hospital; a home health**

care agency; a home care agency; a hospice; a long-term care nursing facility; a cancer treatment center; an ambulatory surgical facility or any other facility licensed and regulated by the Department of Health or a successor agency.

(iii) For purposes of this section, services provided by a health care facility to patients in their places of residence or other independent living environment are included as acceptable practice locations for public health dental hygiene practitioners.

[(4) Personal care homes] (4)(i) A “facility,” as defined in section 1001 of the [Public Welfare] Human Services Code (62 P.S. § 1001).

(ii) By way of example, a facility includes, but is not limited to, an adult day care center; child day care center; family child care home; boarding home for children; mental health establishment; personal care home; assisted living residence; nursing home, hospital or maternity home or any other facility licensed and regulated by the Department of Human Services or a successor agency.

(5) Domiciliary care facilities, as defined in section 2202-A of The Administrative Code of 1929 (71 P.S. § 581-2).

(6) Older adult daily living centers, as defined in section 2 of the Older Adult Daily Living Centers Licensing Act [(62 P.S. § 10225.102)] (62 P.S. § 1511.2).

(7) Continuing-care provider facilities, as defined in section 3 of the Continuing-Care Provider Registration and Disclosure Act (40 P.S. § 3203).

(8) *Federally-qualified health centers*, as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C.A. § 1369(1)(2)(B)). For purposes of this section, the term includes Federally-qualified health center lookalikes that do not receive grant funds under section 330 of the Public Health Service Act (42 U.S.C.A. § 254b).

(9) Public or private institutions under the jurisdiction of a Federal, State or local agency.

(10) Free and reduced-fee nonprofit health clinics.

(11) An office or clinic of a physician who is licensed by the State Board of Medicine or the State Board of Osteopathic Medicine.

(d) *Recordkeeping.* A public health dental hygiene practitioner shall maintain a dental record which accurately, legibly and completely reflects the dental hygiene services provided to the patient. The dental record must be retained for at least 5 years from the date of the last treatment entry. The dental record must include, at a minimum, the following:

(1) The name and address of the patient and, if the patient is a minor, the name of the patient’s parents or legal guardian.

(2) The date dental hygiene services are provided.

(3) A description of the treatment or services rendered at each visit.

(4) The date and type of radiographs taken, if any, and documentation demonstrating the necessity or justification for taking radiographs, as well as the radiographs themselves.

(5) Documentation of the annual referral to a dentist.

[Pa.B. Doc. No. 19-428. Filed for public inspection March 22, 2019, 9:00 a.m.]