



Pennsylvania  
**Department of  
Environmental Protection**

**COMMENT AND RESPONSE  
DOCUMENT**

**Water Quality Standards –  
Class A Stream Redesignations**

25 Pa. Code Chapter 93  
55 Pa.B. 914 (February 1, 2025)  
Environmental Quality Board Regulation #7-583  
(Independent Regulatory Review Commission #3423)

## Water Quality Standards – Class A Stream Redesignations

The Environmental Quality Board (Board) adopted the proposed rulemaking for Class A stream redesignations at its September 10, 2024 meeting. On December 17, 2024, the Board submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) for review and comment in accordance with Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). On February 27, 2025, the Board submitted a copy of the proposed rulemaking to the Chairpersons of the Senate Environmental Resources and Energy Committee and the House Environmental and Natural Resource Protection Committee for review and comment in accordance with Section 5(f) of the Regulatory Review Act.

The proposed rulemaking was published in the *Pennsylvania Bulletin* on February 1, 2025 ([55 Pa.B. 914](#)) with a 45-day public comment period was open through March 18, 2025. Comments were received from seven commentators. The Board also held one virtual public hearing on March 13, 2025, for the purpose of accepting testimony on the proposed rulemaking. No testimony was received during the public hearing.

This document addresses the written comments received during the public comment period and comments from IRRC. For the purposes of this document, most comments are summarized; comments copied verbatim are identified by quotation marks.

A list of the commentators including name, affiliation (if any), and location can be found below. The commentator list also includes identification numbers for each comment submission, which are referenced in parentheses following each comment in this document.

No commentators requested a copy of the final-form rulemaking.

### Copies of Comments

Copies of all comments received by the Board are posted on the Department of Environmental Protection’s (Department) eComment website at the following link:

<https://www.ahs.dep.pa.gov/eComment/ViewComments.aspx?enc=DN064MT8R38NKyiRv2iU7EboZzpe7A5M8gIgcyTjFc4%3d>

Additionally, copies of all comments are available on IRRC’s website at the following link:

<https://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3438>

### List of Commentators

ID #	Name	Affiliation	City	State
1	David Sumner	Independent Regulatory Review Commission (IRRC)	Harrisburg	PA
2	Jessica Martinsen	U.S. EPA Region 3	Philadelphia	PA
3	Richard Budahas	Martins Jacoby Watershed Association	Easton	PA
4	Brian Wagner	Pennsylvania Council of Trout Unlimited	Nazareth	PA

<b>ID #</b>	<b>Name</b>	<b>Affiliation</b>	<b>City</b>	<b>State</b>
5	Faith Zerbe	Pennsylvania Campaign for Clean Water's Exceptional Value Workgroup	Philadelphia	PA
6	Heather Smiles	Pennsylvania Fish and Boat Commission (PFBC)	Bellefonte	PA
7	Faith Zerbe	Delaware Riverkeeper Network	Bristol	PA

1. **Comment:** IRRC recognized the comments on the proposed rulemaking submitted by the PFBC. IRRC asked “the Board to address or clarify the various concerns and errors raised by the PFBC related to the drainage lists in the final regulation.” (1)

**Response:** The Department responds to the PFBC’s comments in their entirety in Comments #3 – #12.

2. **Comment:** The EPA commended the Department on “its continuing efforts to upgrade streams into its Special Protection Waters Program. The EPA appreciates the [Department’s] coordination throughout the development of this rulemaking, and as a result, the EPA has no comments.” The EPA’s “letter is strictly for the Board and [Department’s] consideration and does not constitute approval or disapproval decisions” under the federal Clean Water Act (CWA) or determination by the EPA Administrator “that revised or new [water quality standards] are necessary to meet the requirements of the CWA.” (2)

**Response:** The Department appreciates the EPA’s support for the rulemaking.

3. **Comment:** The PFBC commented that in Drainage List L, Bradley Run is designated as Class A wild trout from headwaters to mouth and the entire basin should be redesignated to High Quality-Cold Water Fishes (HQ-CWF). The proposed rulemaking is incorrect as it lists only the lower reaches of Bradley Run basin from UNT 26562 to Mouth as being redesignated to HQ-CWF. (6)

**Response:** The Department reexamined the available information and amended the redesignation recommendation for Bradley Run. During an evaluation of protected water uses, the Department will consider the representativeness and appropriate spatial extent of the available fisheries data. The Department also may consider the implementation of the protected water use and the supporting water quality criteria. Pennsylvania contains a high concentration of surface waters, and watersheds or basins often have many branching surface waters, both large and small, that may or may not always be documented or surveyed. Permitted activities to any surface water are required to be protective of all downstream protected water uses. Many of the smaller tributaries within a basin have a direct and immediate connection to larger downstream surface waters and permitted activities can be completely influenced by the downstream protected use due to a combination of proximity, flow and assimilative capacity. In these situations, the Department generally will include smaller tributaries in the protected use delineation for the larger downstream surface water. As a result of the Department’s reevaluation, the entire Bradley Run Basin is redesignated to HQ-CWF in this final-form rulemaking.

4. **Comment:** The PFBC commented that in Drainage List M, the Department’s delineation of the Penns Creek basin from Penns Cave to Pine Creek (Elk Creek) in Coburn is separated into many small pieces, which is overly complicated and unnecessary. The PFBC further commented that, “The unnamed tributaries [in this section of Penns Creek] play an important role in maintaining the ecological and water quality integrity of the mainstem of Penns Creek, which is designated as Class A. The tributaries are small and either support Class A wild trout populations, wild trout populations, or haven’t been sampled. The entire basin

from Penns Cave Spring to Pine Creek (with the exception of Sinking Creek basin) should be redesignated as HQ-CWF....” (6)

**Response:** The Department contacted and obtained additional information from the PFBC regarding several of the unnamed tributaries (UNT) to Penns Creek. Following the receipt of additional information, the Department reexamined the redesignation recommendations for the Penns Creek basin from Penns Cave Spring to Pine Creek. UNT 18312 was classified Class A by the PFBC in 2016, and this UNT was redesignated to HQ-CWF in the Class A final-form rulemaking published at 51 Pa.B. 3733 (July 10, 2021). UNT 18429 was sampled in 2024 and classified Class A by the PFBC in April 2025. During an evaluation of protected water uses, the Department will also consider the representativeness and appropriate spatial extent of the available fisheries data. The Department may consider the implementation of the protected water use and the supporting water quality criteria. Pennsylvania contains a high concentration of surface waters, and watersheds or basins often have many branching surface waters, both large and small, that may or may not always be documented or surveyed. Permitted activities to any surface water are required to be protective of all downstream protected water uses. Many of the smaller tributaries within a basin have a direct and immediate connection to larger downstream surface waters and permitted activities can be completely influenced by the downstream protected use due to a combination of proximity, flow and assimilative capacity. In these situations, the Department generally will include smaller tributaries in the protected use delineation for the larger downstream surface water. As a result of the Department’s reevaluation, the Penns Creek Basin from Penns Cave Spring to Pine Creek (with the exception of Sinking Creek) is redesignated to HQ-CWF in this final-form rulemaking. The amended portions of Penns Creek include the addition of the following UNTs to Penns Creek: UNT 18429, UNT 18423, UNT 18375, UNT 18367, and UNT 18360.

- 5. Comment:** The PFBC commented on several instances in Drainage Lists H and K where the Department did not use the full name of the stream, stating this may lead to confusion. The PFBC specifically referenced North Fork Cowanesque River, East Branch Fishing Creek and West Branch Fishing Creek, along with South Branch Towanda Creek and North Branch Wyalusing Creek in Drainage List I. (6)

**Response:** The Department agrees with the commentator and has amended this final-form rulemaking to include the full name of each stream listed in the comment. Additional zone descriptions were clarified to include the full names streams, as needed, in Drainage Lists C, L, M, N, O, P, R, S and Z in response to this comment. All changes are available for review in this final-form rulemaking.

- 6. Comment:** The PFBC commented that in Drainage List C the entry for Tributaries to the Delaware River that includes Sawkill Creek has a spelling error in the Zone. The PFBC noted that proposed rulemaking listed “Basins, Sawmill Creek to Adams Creek”, but it should read “Basins, Sawkill Creek to Adams Creek”. (6)

**Response:** The Department has corrected the spelling error for Sawkill Creek in the final-form rulemaking.

7. **Comment:** The PFBC commented that in Drainage List C the entry for Martins Creek, Basin, Waltz Creek to UNT 63237, appear to have designation declined from HQ-CWF, Migratory Fishes (MF) to Trout Stocking (TSF), MF. The PFBC noted, “Martins Creek is designated as a wild trout stream from headwaters to mouth, so at a minimum this section of Martins Creek should be CWF, MF. However, PFBC’s Section 04 with the section limits of Dam 0.6 km upstream intersection SR 1015 and Old Franklin to mouth is designated a Class A, since all sections upstream contribute to water quality for Section 04, PFBC recommends the mainstem Martins Creek (headwaters to mouth) should be protected as HQ-CWF. Also, with Section 04 being Class A, it is unclear as to why the entire Basin including tributaries is not protected as HQ-CWF, MF.” (6)

**Response:** The current designated use for the Martins Creek mainstem from the confluence of West Fork Martins Creek and East Fork Martins Creek to UNT 63237 is TSF, MF. The Department did not receive or review fisheries data and information for the section of Martins Creek from UNT 63256 to UNT 63237, which includes Waltz Creek. The HQ-CWF redesignation recommendation in this proposed rulemaking only includes the mainstem from the confluence of West Fork and East Fork to UNT 63526. Although it is outside the scope of this final-form rulemaking, the Department will evaluate the available information to determine the appropriate existing use for the Martins Creek mainstem between UNT 63256 and UNT 63237 and for consideration in a future stream redesignation rulemaking.

8. **Comment:** The PFBC commented that in Drainage List D, “The redesignation recommendations for Saucon Creek would preclude UNT 03378 located at -75.4533, 40.5302. The recommendations incorrectly name the UNT as UNT 03882. The drainage list should replace UNT 03882 with UNT 03378 to properly redesignate Saucon Creek.” (6)

**Response:** The Department reexamined the redesignation recommendations for the headwaters of Saucon Creek. During an evaluation of protected water uses, the Department will consider the representativeness and appropriate spatial extent of the available fisheries data. The Department also may consider the implementation of the protected water use and the supporting water quality criteria. Pennsylvania contains a high concentration of surface waters, and watersheds or basins often have many branching surface waters, both large and small, that may or may not always be documented or surveyed. Permitted activities to any surface water are required to be protective of all downstream protected water uses. Many of the smaller tributaries within a basin have a direct and immediate connection to larger downstream surface waters and permitted activities can be completely influenced by the downstream protected use due to a combination of proximity, flow and assimilative capacity. In these situations, the Department generally will include smaller tributaries in the protected use delineation for the larger downstream surface water. As a result of the Department’s reevaluation, in Drainage List D, the Saucon Creek basin from its source to UNT 03378 is redesignated to HQ-CWF in this final-form rulemaking. The amended portions of Saucon Creek include the addition of the following UNTs to Saucon Creek: UNT 03381, UNT 03880, and UNT 03378.

9. **Comment:** The PFBC commented that in Drainage List D, “the county needs to be corrected for Saucon Creek – Basin, from the point downstream of Chestnut Hill Road Bridge to Black

River. Code currently reads ‘Lehigh’, but the downstream limit of the zone is actually in Northampton County.” (6)

**Response:** The county for Saucon Creek – Basin, from the point downstream of Chestnut Hill Road Bridge to Black River, is corrected to Northampton County in this final-form rulemaking.

- 10. Comment:** The PFBC commented that Falls Creek in Drainage List Z should be CWF, MF and is incorrectly separated out as Warm Water Fishes. The PFBC noted that Falls Creek has trout in sections 01 and 02, that it was surveyed in 2020 and that the data is in the PFBC’s internal database. The PFBC also commented that the middle section of Falls Creek goes dry/subterranean due to karst geology. (6)

**Response:** Falls Creek was not evaluated for redesignation as part of this Class A stream redesignation rulemaking. Although it is outside the scope of this final-form rulemaking, the Department will evaluate the available information to determine the appropriate existing use for Falls Creek and for consideration in a future stream redesignation rulemaking.

- 11. Comment:** The PFBC commented that there are several counties incorrect in the proposed rulemaking and provided several examples in Drainage List F, noting these are not the only errors. The PFBC stated that, “The county identified should be the county at the farthest downstream reach.” The PFBC recommended the Department review and update all counties to ensure that they are correct. The examples provided by the PFBC include the following stream segments:

- “The county for ‘Tulpehocken Creek Basin, T 560 to Owl Creek’ is wrong. It is listed as ‘Berks’ and should be ‘Lebanon’.
- The county for ‘Tulpehocken Creek Basin, Owl Creek to UNT 01950 at...’ is wrong. It is listed as ‘Lebanon-Berks’ and should be ‘Berks’. Also, the coordinates for UNT 01950 are missing a zero.
- ‘Manatawny Creek Basin, Ironstone Creek to Mouth’ lists the wrong county (Berks). It should be Montgomery.” (6)

**Response:** The Department appreciates the commentator’s review of the proposed rulemaking and the recommendations for correction. The Department reviewed the drainage lists and corrected the counties for these stream segments. Additional counties were corrected, as needed, in Drainage Lists I, K, N, O, and P in response to this comment. All changes are available for review in this final-form rulemaking.

- 12. Comment:** The PFBC “support[s] the proposed rulemaking to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of protection.” (6)

**Response:** The Department appreciates the commentator’s support for the rulemaking.

**13. Comment:** The commentator supports the Board's proposal. The commentator's organization covers an area of approximately 102 square miles in Northampton County. The commentator notes that the proposed rulemaking will update the designated use of approximately 5.34 miles of Martins Creek (located within their watershed) to HQ-CWF, and that this action is aligned with their mission to enhance the watersheds of northeast Northampton County which include Slateford Creek, Jacoby Creek, Allegheny Creek, Oughoughton Creek, Little Martins Creek, Martins Creek, Waltz Creek and Mud Run. **(3)**

**Response:** The Department appreciates the commentator's support for the rulemaking.

**14. Comment:** The commentator serves as a unified voice for the 49 local chapters representing more than 13,000 members statewide. The commentator supports the proposed rulemaking to redesignate streams to HQ, stating clean water provides for increased aquatic habitat and more productive fisheries, increasing outdoor recreation and the economic benefits to the local communities. **(4)**

**Response:** The Department appreciates the commentator's support for the rulemaking.

**15. Comment:** The commentator, a coalition of over 180 environmental, conservation, sporting and religious groups, supports the proposed rulemaking, other Department and community efforts, and science to continue to upgrade deserving streams that keep communities clean, thriving and healthy in the Commonwealth. The commentator notes that this proposed rulemaking upgrades and secures long overdue and much needed protection to streams with an existing use of HQ based upon their classifications as important Class A wild trout streams. **(5)**

**Response:** The Department appreciates the commentator's support for the rulemaking.

**16. Comment:** The commentator, on behalf of its almost 28,000 members, supports the redesignations and upgrades of the long overdue upgrades to the streams in this proposed rulemaking, which deserve HQ designation. This proposed rulemaking upgrades and will secure long overdue and much needed protection to streams with an existing use of HQ based upon their classifications as important Class A wild trout streams. **(7)**

**Response:** The Department appreciates the commentator's support for the rulemaking.