

(Editor's Note: The proposal to amend §§ 93.9a and 93.9v, included in the proposed rulemaking at 27 Pa.B. 4094 has been withdrawn by the Board.)

JAMES M. SEIF,  
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5777 (November 6, 1999).)

Fiscal Note: Fiscal Note 7-324 remains valid for the final adoption of the subject regulations.

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

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania  
*Schuylkill River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Hay Creek	Basin, Source to Unnamed Tributary (UNT) 63882 at River Mile 8.1	Berks	EV	None
4—Unnamed Tributary (63882) to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 63882 to Beaver Run	Berks	CWF, MF	None
4—Beaver Run	Basin	Berks	HQ-CWF, MF	None
3—Hay Creek	Basin, Beaver Run to Birdsboro Boundary	Berks	EV	None
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None

§ 93.9t. Drainage List T.

Ohio River Basin in Pennsylvania  
*Kiskiminetos River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
6—Bens Creek	Main Stem, Confluence of South and North Forks to Mouth	Cambria	CWF	None
7—Mill Creek	Basin, Source to SR 0271 Bridge	Cambria	EV	None
7—Mill Creek	Basin, SR 0271 Bridge to Mouth	Somerset	HQ-CWF	None
5—Little Conemaugh River	Main Stem, Source to North Branch Little Conemaugh River	Cambria	CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
6—Bens Creek	Basin, Source to Unnamed Tributary (UNT) 46100 at River Mile 1.20	Cambria	EV	None
7—Unnamed Tributary (46100) to Bens Creek	Basin	Cambria	CWF	None
6—Bens Creek	Basin, UNT 46100 to UNT 46099 at River Mile 0.74	Cambria	EV	None
7—Unnamed Tributary (46099) to Bens Creek	Basin	Cambria	CWF	None
6—Bens Creek	Basin, UNT 46099 to Mouth	Cambria	CWF	None
* * * * *				
6—South Fork Little Conemaugh River	Basin, Source to Beaverdale Reservoir Dam	Cambria	EV	None
6—South Fork Little Conemaugh River	Main Stem, Beaverdale Reservoir Dam to UNT 45928	Cambria	EV	None
7—Unnamed Tributaries to South Fork Little Conemaugh River	Basins, Beaverdale Reservoir Dam to UNT 45928	Cambria	HQ-CWF	None
7—Bottle Run	Basin	Cambria	HQ-CWF	None
7—Unnamed Tributary (45928) to South Fork Little Conemaugh River	Basin	Cambria	HQ-CWF	None
6—South Fork Little Conemaugh River	Basin, UNT 45928 to SR 0869 Bridge	Cambria	HQ-CWF	None
6—South Fork Little Conemaugh River	Basin, SR 0869 Bridge to Beaverdam Run	Cambria	CWF	None
* * * * *				

[Pa.B. Doc. No. 99-2003. Filed for public inspection November 24, 1999, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD**  
**[25 PA. CODE CHS. 121 AND 129]**

**Mobile Equipment Repair and Refinishing**

The Environmental Quality Board (Board) amends § 121.1 and adds § 129.75 (relating to definitions; and mobile equipment repair and refinishing) to read as set forth in Annex A. The changes to § 121.1 add definitions of terms used in the substantive provisions of Chapter 129 (relating to standards for sources). A new § 129.75 establishes requirements to control volatile organic compound (VOC) emissions at mobile equipment repair and refinishing facilities. This notice is given under Board order at its meeting of September 21, 1999.

**A. Effective Date**

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

**B. Contact Persons**

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, 12th

Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030, or R. A. Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

**C. Statutory Authority**

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

**D. Background of the Amendments**

This final rulemaking establishes controls on the VOC emissions from mobile equipment repair and refinishing facilities. These regulations implement the recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Southwest Ozone Stakeholders recommended a point of sale regulation that would preclude the sale of noncompliant finishes. The Southeast Ozone Stakeholders recommended limiting the VOC content of automobile refinish material

**Compliance Assistance Plan**—The Department plans to educate and assist the public with understanding the newly revised requirements and how to comply with them. The *Special Protection Waters Implementation Handbook* was developed as a multipurpose document in November 1992 to provide information and guidance about the development of acceptable point and nonpoint source control measures as a general source for antidegradation implementation policies and procedures. An updated version of the *Handbook* will be prepared to reflect changes in the regulations and requirements for antidegradation waters and will be made widely available to the public, with opportunities for public input and comment.

**Public Comments**—The public will have limited paper access to the Commonwealth, its political subdivisions and the private sector.

**I. Pollution Prevention**

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality. Although wastewater discharges are prohibited by the antidegradation program, nondischarge alternatives are encouraged and required, when appropriate. Nondischarge alternatives reduce impacts to the surface water and reduce the overall level of pollution to the environment by remediation of effluent through the soil. Discharges to HQ and EV waters shall evaluate alternative to stream discharge. If most-effective and environmentally sound alternative is available, the discharge shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

**J. Sunset Review**

The final form regulations will be reviewed in accordance with the schedule published by the Department to determine when the regulations effectively fulfill the goals for which they were promulgated.

**K. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 1997, the Department submitted a copy of the proposed rulemaking, published at 27 Pa.B. 1459, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of comments received on the proposed regulation, as well as supporting documentation.

During these final-form regulations, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

The final-form regulations were deemed approved by the House Environmental Resources and Energy Committee and the Senate Environmental Resources and Energy Committee on June 9, 1999. The Board met on June 17, 1999, and deemed approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

**L. Findings**

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 10) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

The regulations do not change the purpose of the proposal published at 27 Pa.B. 1459.

(4) These final-form regulations and appropriate administration and enforcement of the authorizing acts identified in Section C of this Preamble.

**M. Order**

The Board acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 93 and 95, are amended by amending §§ 93.1, 93.3, 93.4, 93.7 and 93.8 to read as set forth in Annex A, with emphasis being to the existing text of the regulations.

The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form as required by law.

(c) The Chairperson shall submit this order and Annex A to the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

The Chairperson of the Board shall carry this order and Annex A and deposit them with the Legislative Reference Bureau, as required.

(e) This order shall take effect immediately upon publication.

**JOSEPH M. SHUP**  
Chairperson

*(Editor's Notes: The proposed amendment of §§ 92.81 and 92.83, included in the proposal at 27 Pa.B. 1459 have been withdrawn by the Board. Proposed amendments regarding these sections were included in the proposal at 28 Pa.B. 4431 (August 29, 1998). The proposal to amend §§ 93.9a—93.9z, which also appeared at 27 Pa.B. 1459, has been withdrawn.*

For the text of the order of the Independent Regulatory Review Commission relating to this document see 29 Pa.B. 3492 (July 3, 1999).)

**Fiscal Note:** Fiscal Note 7-310 remains valid for the final adoption of the subject regulations.

**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**

**§ 93.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Class A wild trout water**—A surface water classified by the Fish and Boat Commission, based on species-specific biomass standards, which supports a population of naturally produced trout of sufficient size and abundance to support a long-term and rewarding sport fishery.

*Coordinated water quality protective measures—*

(i) Legally binding sound land use water quality protective measures coupled with an interest in real estate which expressly provide long-term water quality protection of a watershed corridor.

(ii) Sound land use water quality protective measures include: surface or groundwater source protection zones, enhanced stormwater management measures, wetland protection zones or other measures which provide extraordinary water quality protection. Real estate interests include:

- (A) Fee interests.
- (B) Conservation easements.
- (C) Government owned riparian parks or natural areas.
- (D) Other interests in land which enhance water quality in a watershed corridor area.

*Exceptional Value Waters—*Surface waters of high quality which satisfy § 93.4b(b) (relating to antidegradation).

*High Quality Waters—*Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying § 93.4b(a).

*Nonpoint source—*A pollution source which is not a point source discharge.

*Outstanding National, State, regional or local resource water—*A surface water for which a National or State government agency has adopted water quality protective measures in a resource management plan, or regional or local governments have adopted coordinated water quality protective measures along a watershed corridor.

*Point source discharge—*A pollutant source regulated under the National Pollutant Discharge Elimination System (NPDES) as defined in § 92.1 (relating to definitions).

*State game propagation and protection area—*An area established by the Game Commission for the propagation and protection of game or wildlife wherein game or wildlife may not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the Game Commission.

*Surface water of exceptional ecological significance—*A surface water which is important, unique or sensitive ecologically, but whose water quality as measured by traditional parameters (for example, chemical, physical or biological) may not be particularly high, or whose character cannot be adequately described by these parameters. These waters include:

- (i) Thermal springs.
- (ii) Wetlands which are exceptional value wetlands under § 105.17(1) (relating to wetlands).

*Surface water of exceptional recreational significance—*A surface water which provides a water-based, water

quality-dependent recreational opportunity (such as fishing for species with limited distribution) because there are only a limited number of naturally occurring areas and waterbodies across the State where the activity is available or feasible.

*Water quality protective measures in a resource management plan—*Measures in a resource management plan which expressly provide extraordinary long-term water quality protection of a watershed corridor. These measures include surface or groundwater source protection zones, enhanced stormwater management measures or wetland protection zones.

*Wilderness trout stream—*A surface water designated by the Fish and Boat Commission to protect and promote native trout fisheries and maintain and enhance wilderness aesthetics and ecological requirements necessary for the natural reproduction of trout.

§ 93.3. Protected water uses.

Water uses which shall be protected, and upon which the development of water quality criteria shall be based, are set forth, accompanied by their identifying symbols, in the following Table 1.

Table 1

<i>Symbol</i>	<i>Protected Use</i>
<i>Aquatic Life</i>	
CWF	<i>Cold Water Fishes—</i> Maintenance or propagation, or both, of fish species including the family Salmonidae and additional flora and fauna which are indigenous to a cold water habitat.
WWF	<i>Warm Water Fishes—</i> Maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.
MF	<i>Migratory Fishes—</i> Passage, maintenance and propagation of anadromous and catadromous fishes and other fishes which ascend to flowing waters to complete their life cycle.
TSF	<i>Trout Stocking—</i> Maintenance of stocked trout from February 15 to July 31 and maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.
<i>Water Supply</i>	
PWS	<i>Potable Water Supply—</i> Used by the public as defined by the Federal Safe Drinking Water Act, 42 U.S.C.A. § 300F, or by other water users that require a permit from the Department under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.18), or the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641), after conventional treatment, for drinking, culinary and other domestic purposes, such as inclusion into foods, either directly or indirectly.
IWS	<i>Industrial Water Supply—</i> Use by industry or inclusion into nonfood products, processing and cooling.
LWS	<i>Livestock Water Supply—</i> Use by livestock and poultry for drinking and cleansing.
AWS	<i>Wildlife Water Supply—</i> Use for waterfowl habitat and for drinking and cleansing by wildlife.

IRS *Irrigation*—Used to supplement precipitation for growing crops.

#### Recreation

B *Boating*—Use of the water for power boating, sail boating, canoeing and rowing for recreational purposes when surface water flow or impoundment conditions allow.

F *Fishing*—Use of the water for the legal taking of fish.

WC *Water Contact Sports*—Use of the water for swimming and related activities.

E *Esthetics*—Use of the water as an esthetic setting to recreational pursuits.

#### Special Protection

HQ *High Quality Waters*

EV *Exceptional Value Waters*

#### Other

N *Navigation*—Use of the water for the commercial transfer and transport of persons, animals and goods.

#### § 93.4. Statewide water uses.

(a) *Statewide water uses.* The uses set forth in Table 2 were considered in determining the water quality criteria applicable to the particular waters listed in § 93.9 (relating to designated water uses and water quality criteria) except where otherwise indicated in § 93.9.

TABLE 2

Symbol	Use
	<b>Aquatic Life</b>
WWF	Warm Water Fishes
	<b>Water Supply</b>
PWS	Potable Water Supply
IWS	Industrial Water Supply
LWS	Livestock Water Supply
AWS	Wildlife Water Supply
IRS	Irrigation
	<b>Recreation</b>
B	Boating
F	Fishing
WC	Water Contact Sports
E	Esthetics

(b) *Less restrictive uses.* Less restrictive uses than those currently designated for particular water listed in § 93.9 may be adopted when it is demonstrated that the designated use is more restrictive than the existing use and one or more of the following conditions exist:

(1) The designated use is not attainable because of natural background conditions.

(2) The designated use is not attainable because of irretrievable man-induced conditions.

(3) Application of effluent limitations for existing sources more stringent than those required under section 301 of the Water Pollution Control Act (33 U.S.C.A. § 1311), to attain the designated use, would result in substantial and widespread adverse economic and social impact.

(c) *Redesignation of water.* Waters considered for redesignation may not be redesignated to less restrictive uses than the existing uses.

#### ANTIDegradation REQUIREMENTS

##### § 93.4a. Antidegradation.

(a) *Scope.* This section applies to surface waters of this Commonwealth.

(b) *Existing use protection for surface waters.* Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(c) *Protection for High Quality Waters*—The water quality of High Quality Waters shall be maintained and protected, except as provided in § 93.4c(b)(1)(iii) (relating to implementation of antidegradation requirements).

(d) *Protection for Exceptional Value Waters*—The water quality of Exceptional Value Waters shall be maintained and protected.

##### § 93.4b. Qualifying as High Quality or Exceptional Value Waters.

(a) *Qualifying as a High Quality Water.* A surface water that meets one or more of the following conditions is a High Quality Water.

###### (1) Chemistry.

(i) The water has long-term water quality, based on at least 1 year of data which exceeds levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the water by being better than the water quality criteria in § 93.7, Table 3 (relating to specific water quality criteria) or otherwise authorized by § 93.8a(b) (relating to toxic substances), at least 99% of the time for the following parameters:

dissolved oxygen	aluminum
iron	dissolved nickel
dissolved copper	dissolved cadmium
temperature	pH
dissolved arsenic	ammonia nitrogen
dissolved lead	dissolved zinc

(ii) The Department may consider additional chemical and toxicity information, which characterizes or indicates the quality of a water, in making its determination.

###### (2) Biology. One or more of the following shall exist:

###### (i) Biological assessment qualifier.

(A) The surface water supports a high quality aquatic community based upon information gathered using peer-reviewed biological assessment procedures that consider physical habitat, benthic macroinvertebrates or fishes based on *Rapid Bioassessment Protocols for Use in Streams and Rivers: Benthic Macroinvertebrates and Fish*, Plafkin, et al., (EPA/444/4-89-001), as updated and amended. The surface water is compared to a reference stream or watershed, and an integrated benthic macroinvertebrate score of at least 83% shall be attained by the referenced stream or watershed.

(B) The surface water supports a high quality aquatic community based upon information gathered using other widely accepted and published peer-reviewed biological assessment procedures that the Department may approve to determine the condition of the aquatic community of a surface water.

(C) The Department may consider additional biological information which characterizes or indicates the quality of a water in making its determination.

(ii) *Class A wild trout stream qualifier.* The surface water has been designated a Class A wild trout stream by the Fish and Boat Commission following public notice and comment.

(b) *Qualifying as an Exceptional Value Water.* A surface water that meets one or more of the following conditions is an Exceptional Value Water:

(1) The water meets the requirements of subsection (a) and one or more of the following:

(i) The water is located in a National wildlife refuge or a State game propagation and protection area.

(ii) The water is located in a designated State park natural area or State forest natural area, National natural landmark, Federal or State wild river, Federal wilderness area or National recreational area.

(iii) The water is an outstanding National, State, regional or local resource water.

(iv) The water is a surface water of exceptional recreational significance.

(v) The water achieves a score of at least 92% (or its equivalent) using the methods and procedures described in subsection (a)(2)(i)(A) or (B).

(vi) The water is designated as a "wilderness trout stream" by the Fish and Boat Commission following public notice and comment.

(2) The water is a surface water of exceptional ecological significance.

**§ 93.4c. Implementation of antidegradation requirements.**

(a) *Existing use protection.*

(1) *Procedures.*

(i) Existing use protection shall be provided when the Department's evaluation of information (including data gathered at the Department's own initiative, data contained in a petition to change a designated use submitted to the EQB under § 93.4d(a), or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use.

(ii) The Department will inform persons who apply for a Department permit or approval which could impact a surface water, during the permit or approval application or review process, of the results of the evaluation of information undertaken under subparagraph (i).

(iii) Interested persons may provide the Department with additional information during the permit or approval application or review process regarding existing use protection for the surface water.

(iv) The Department will make a final determination of existing use protection for the surface water as part of the final permit or approval action.

(2) *Endangered or threatened species.* If the Department has confirmed the presence, critical habitat, or critical dependence of endangered or threatened Federal or Pennsylvania species in or on a surface water, the Department will ensure protection of the species and critical habitat.

(b) *Protection of High Quality and Exceptional Value Waters.*

(1) *Point source discharges.* The following applies to point source discharges to High Quality or Exceptional Value Waters.

(i) *Nondischarge alternatives/use of best technologies.*

(A) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters shall evaluate nondischarge alternatives to the proposed discharge and 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, a new, additional or increased discharge shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

(B) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters, who has demonstrated that no environmentally sound and cost-effective nondischarge alternative exists under clause (A), shall demonstrate that the discharge will maintain and protect the existing quality of receiving surface waters, except as provided in subparagraph (iii).

(ii) *Public participation requirements for discharges to High Quality or Exceptional Value Waters.* The following requirements apply to discharges to High Quality or Exceptional Value Waters, as applicable:

(A) The Department will hold a public hearing on a proposed new, additional or increased discharge to Exceptional Value Waters when requested by an interested person on or before the termination of the public comment period on the discharge.

(B) For new or increased point source discharges, in addition to the public participation requirements in §§ 92.61, 92.63 and 92.65 (relating to public notice of permit application and public hearing; public access to information; and notice to other government agencies), the applicant shall identify the antidegradation classification of the receiving water in the notice of complete application in § 92.61(a).

(iii) *Social or economic justification (SEJ) in High Quality Waters.* The Department may allow a reduction of water quality in a High Quality Water if it finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. A reduction in water quality will not be allowed under this subparagraph unless the discharger demonstrates that the High Quality Water will support applicable existing and designated water uses (other than the high quality and exceptional value uses) in § 93.3, Table 1 (relating to protected water uses).

(2) *Nonpoint source control.* The Department will assure that cost-effective and reasonable best management practices for nonpoint source control are achieved.

(c) *Special provisions for sewage facilities in High Quality or Exceptional Value Waters.*

(1) *SEJ approval in sewage facilities planning and approval in High Quality Waters.* A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Dis-

charge Elimination System (NPDES) permit review stage under Chapter 92 (relating to National Pollutant Discharge Elimination System), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

(2) SEJ for sewage facilities in High Quality Waters correcting existing public health or pollution hazards. A sewage facility, for which no environmentally sound and cost-effective nondischarge alternative is available under subsection (b)(1)(i)(A), proposed to discharge into High Quality Waters, which is designed for the purpose of correcting existing public health or pollution hazards documented by the Department, and approved as part of an official plan or official plan revision under § 71.32 (relating to Department responsibility to review and act upon official plans), satisfies the SEJ requirements in subsection (b)(1)(iii).

(3) Public participation requirements for official sewage facilities plans or revisions to official plans in High Quality or Exceptional Value Waters. A proponent of a sewage facility in High Quality or Exceptional Value Waters seeking approval of an official plan or revision shall comply with the public participation requirements in § 71.53(d)(6) (relating to municipal administration of new land development planning requirements for revisions).

§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use.

(a) Public notice of receipt of evaluation, or assessment of waters, for High Quality or Exceptional Value Waters redesignation. The Department will publish in the Pennsylvania Bulletin and in a local newspaper of general circulation notice of receipt of a complete evaluation which has been accepted by the EQB recommending a High Quality or Exceptional Value Waters redesignation, or notice of the Department's intent to assess surface waters for potential redesignation as High Quality or Exceptional Value Waters. The assessments may be undertaken in response to a petition or on the Department's own initiative. The notice will request submission of information concerning the water quality of the waters subject to the evaluation, or to be assessed, for use by the Department to supplement any studies which have been performed. The Department will send a copy of the notice to all municipalities containing waters subject to the evaluation or assessment.

(b) Combined public meeting and fact-finding hearing. As part of its review of an evaluation or performance of an assessment, the Department may hold a combined public meeting and fact finding hearing to discuss the evaluation or assessment, including the methodology for the evaluation or assessment, and may solicit information, including technical data, to be considered in the Department's evaluation or assessment.

(c) Submission to EQB to alter designated use. Upon the completion of its assessment or review of a complete evaluation, and the satisfaction of the other applicable requirements of this section, the Department will submit the results of its assessment or review to the EQB for proposed rulemaking following review and comment by the petitioner, if applicable, in accordance with Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

§ 93.7. Specific water quality criteria.

\* \* \* \* \*

(e) Table 5 contains groups of specific water quality criteria based upon water uses to be protected. When the symbols listed in Table 5 appear in the Water Uses Protected column in §§ 93.9a—93.9z, they have the meaning listed in the Table 5. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words "Add" or "Delete" followed by the appropriate symbols described elsewhere in this chapter.

TABLE 5

Symbol	Water Uses Included	Specific Criteria
WWF	Statewide list	Statewide list plus DO <sub>2</sub> and Temp <sub>2</sub>
CWF	Statewide list plus Cold Water Fish	Statewide list plus DO <sub>1</sub> and Temp <sub>1</sub>
TSF	Statewide list plus Trout Stocking	Statewide list plus DO <sub>3</sub> and Temp <sub>3</sub>

\* \* \* \* \*

~~CHAPTER 95. WASTEWATER TREATMENT REQUIREMENTS~~

~~§ 95.1. General requirements.~~

~~Specific treatment requirements and effluent limitations for each waste discharge shall be established based on the more stringent of antidegradation requirements under §§ 93.4a—93.4d (relating to antidegradation requirements), the water quality criteria specified in Chapter 93 (relating to water quality standards), the applicable treatment requirements and effluent limitations to which a discharge is subject under section 101 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1251) or the treatment requirements and effluent limitations of this title provided that specific treatment requirements and effluent limitations for waste discharges from overflows as defined in § 94.1 (relating to definitions) shall be established based on applicable treatment requirements and effluent limitations to which the discharge is subject under 33 U.S.C.A. §§ 1251—1387).~~

~~Pa. B. Doc. No. 99-1123. Filed for public inspection July 16, 1999, 9:00 a.m.]~~

~~Title 58—RECREATION~~

~~GAME COMMISSION~~

~~[58 PA. CODE CH. 135]~~

~~Use of ATVs on State Game Lands~~

~~To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 8, 1999, meeting, adopted the following changes:~~

~~Amend Chapter 135, Subchapter C (relating to State game lands) by adding eight new sections to allow the use of all-terrain vehicles (ATVs) on designated State game land roads for persons who hold a valid disabled person permit to hunt from a vehicle.~~

~~These regulations are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).~~

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

(Correction)

### Antidegradation

An error occurred in the document adopting § 93.4c(1) which appeared at 29 Pa.B. 3730, 3733 (July 17, 1999). The language "SEJ" (social or economic justification) was inadvertently omitted from the first sentence. The correct version of § 93.4c(1) appears in Annex A, with ellipses referring to the existing text of the section.

#### 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

#### § 93.4c. Implementation of antidegradation requirements.

(c) *Special provisions for sewage facilities in High Quality or Exceptional Value Waters.*

(1) *SEJ approval in sewage facilities planning and approval in High Quality Waters.* A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include an SEJ impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Discharge Elimination System (NPDES) permit review stage under Chapter 92 (relating to National Pollutant Discharge Elimination System), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

\* \* \* \* \*

[Pa.B. Doc. No. 99-1123. Filed for public inspection July 16, 1999, 9:00 a.m.]