



June 4, 2019

Submitted Via electronic mail ecomment@pa.gov

Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Comments on 2018 Draft Pennsylvania Integrated Water Quality Monitoring and Assessment Report 49 Pa. Bull. 1964 (April 20, 2019)

To whom it may concern:

Delaware Riverkeeper Network (DRN) submits these comments for your consideration:

- Delaware Riverkeeper Network welcomes the integration of interactive mapping tools with the integrated listing report to make these important Clean Water Act requirements more transparent to the public. This interactive mapping approach appears to be a way for the public to better navigate and review lists spatially as compared to past methods and these methods should be encouraged in other aspects of public comment and review by the agencies. These tools and measures can assist the public in its review and make the agency listing more easy to navigate and transparent to facilitate comment from the local watershed communities in the Commonwealth. However, there are definite needed improvements to this current interactive mapping that have been put on the record by colleagues who have navigated the new system closely for user friendly conditions and DRN would encourage review of those specific user points as the Department continues refining this online tool in the future. In our own cursory review of the online tool, DRN suggests:
 - The addition of tabular components by watershed or HUC and stream segment could help review large areas or watersheds at a glance. Designated uses of each stream and when the stream was last assessed by each parameter are some key listings that could be part of this tabular output which appears to be missing in the current format.
 - General definitions of terms, summary information for the state, and narrative on background and applicability added to the online system could assist with public understanding and input of the integrated list report.

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- It is important to ensure that Pennsylvanian's who do not have access to computers or high speed internet also have a method to review the Integrated list. There are still many people who do not have the ability to navigate these new technologies and as part of the public process those constituencies need to be able to have options that are not web-based.

Other general comments we would like the Department to consider overall with the integrated list and process include:

- Some of the tributaries in the Delaware Watershed are now listed as “impaired reassessed as attaining uses” but there appears to be no justification or rationale provided on how that determination was attained and the stream improved. By providing more information on those delistings, the Department would be more transparent and gain greater public confidence that the process of delisting was appropriate.
- In DRN's integrated use comments submitted to the Department November 26, 2013 we reiterate our concerns on **Listing Outstanding Waters as Impaired - Antidegradation** - In the Sept 3, 2013 EPA guidance, EPA explains the legal requirement for states to list outstanding waters on the impaired list if data is available that indicates these waters (in PA Exceptional Value and High Quality), have not been protected by DEP despite their outstanding designations and are in fact declining in water quality (*40 CFR 130.7(b)(3)*). It is critical for our very cleanest streams that DEP promptly list special protection streams that are degrading and prioritize cleaning up these streams to their special protection standards. See excerpt below from EPA's guidance.
- On Sept. 3, 2013 US EPA issued guidance applicable to 2014 and future 303(d) listings: <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2014-memo.cfm>. Section 3 of this new guidance is titled “*Identifying nutrient-impacted waters for the Section 303(d) list for States without numeric nutrient water quality criteria*”. In this new guidance, EPA reiterates its long-standing policy regarding the need to list waters based on conditions inconsistent with narrative WQC and on direct evidence of lack of full support of one or more designated uses. The guidance includes examples of actual state policies regarding such listings.
- There are still substantial waters listed as Category 3 waters with insufficient or no water quality data available. As indicated in EPA guidance, the DEP should welcome and readily use data from sister agencies and data of known quality from the environmental community for impairment listing purposes to ensure timely listing and clean-up of streams. Another important data source could be data from the raw water intake suppliers to assist DEP in determining drinking water health and conditions.
- The Delaware River is an important recreational river that has increasing water users in areas of Philadelphia. DRN submitted comments and data regarding main stem conditions and uses last year as part of the public input but it is not clear from these listings if those data have been considered from what we see in the mapping. The DEP must seriously consider any testimonials from waterbody users (swimmers, fisherpersons, boaters, and other recreationists) regarding the

impairment of their enjoyment of specific waters for these purposes, beginning in the 2014 cycle, as designated uses are also, according to EPA regulations, components of state WQS, just like numeric and narrative WQC.

- Delaware Riverkeeper Network is inquiring why despite many listings, in the Delaware River watershed, only the Wissahickon Creek and the Swamp Creek are prioritized for restoration.

Thank you for your time and consideration.

Sincerely,

Maya K. van Rossum

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style with a long horizontal flourish at the end.

the Delaware Riverkeeper

Delaware Riverkeeper Network