August 11, 2020

Secretary Patrick McDonnell
Department of Environmental Protection
Policy Office, Rachel Carson State Office Building
P.O. Box 2063, Harrisburg, PA 17105-2063
Submitted online at: ecomment@pa.gov and regcomments@pa.gov

RE: 2020 DEP Draft Integrated Report Comments

Dear Secretary McDonnell:

Delaware Riverkeeper Network (DRN) is writing to provide additional comments regarding the DEP draft integrated report for 2020. We regret that the 45-day comment period (June 27, 2020 to August 11, 2020) was not extended per DRN's July 21 letter request submitted on the record so that we would have more time to deep dive into the DEP integrated report and online modules. We understand that other allies including Pennfuture, River Network, Sierra Club, and Youghiogheny Riverkeeper also joined in requesting more time (August 4 letter and August 11th letter) but those requests from the watershed community were not granted. At this time DRN reiterates that an extension would still be desirable to the watershed community as well as public hearings that are virtual and or in person at the appropriate time. We would also urge that for future triennial reviews DEP provide a 90 day public review process from the start to allow adequate time for public input into this important Clean Water Act requirement that includes an extensive amount of information.

Established in 1988 upon the appointment of the Delaware Riverkeeper, the Delaware Riverkeeper Network (DRN) is a nonprofit 501(c)(3) membership organization. DRN's professional staff and volunteers work throughout the entire Delaware River Watershed. We also work throughout the four states that comprise the Watershed -- including Pennsylvania, New Jersey, Delaware and New York -- and at the federal level on the issues, actions, regulations, legislation, policies, programs and decisions that impact the health of our Delaware River Watershed waterways and our ability to protect and restore them for the benefit of all. Thank you for your time in considering these additional comments for the 2020 triennial review and the next triennial review as well as our past 2017 and 2018 comments in order to establish and work towards the goals of the Clean Water Act to adequately protect waterbodies in the Commonwealth.

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Online tools and interactive mapping

As indicated in our July 2020 comments, Delaware Riverkeeper Network (DRN) appreciates the time and attention the Dept. of Environmental Protection (DEP) has put into the development of the online interactive mapping, downloadable excel files, tabular raw data, and summary statistics now available as part of the public review for the 2020 draft integrated report.

These online tools are a benefit to this important water quality standards process as part of the draft 2020 Integrated Water Quality Monitoring and Assessment Report. The Integrated Report includes both a narrative description of the status of the Commonwealth's water quality and the Commonwealth's water quality management programs (formerly the Federal Clean Water Act section 305(b) Report) and waterbody-specific lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act (33 U.S.C.A. § 1313(d)). In addition to comments of a general nature on the Integrated Report, the DEP is seeking comment on the waters listed as high priorities for TMDL development and the waters selected to be restored through alternatives to TMDLs (Category 5alt). Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 (relating to water quality planning and management) require states to identify waters which do not meet applicable water quality standards, even after the appropriate pollution control technology has been applied to point sources and required best management practices are in place for nonpoint sources. The Integrated Report establishes five categories for listing waterbodies. Waterbodies that do not meet water quality standards and that require a Total Maximum Daily Load (TMDL) are placed on Category 5 of the Integrated Report waterbody list.

The two tutorials DRN reviewed in July that are part of the mapping are helpful for people to become acclimated with this online portal and interactive mapping tools that has been developed by DEP.

The online search tools in some of the interactive maps sections do not allow a user to search by waterbody in some cases. Adding that information for the search tool would be helpful. We would also add that providing additional details in the pop up map windows would also be helpful to the user to provide more at your fingertip accessibility to information while using that map tool – things that could be incorporated in the map pop ups could be designated use, impairments, HUC code, and links to TMDL reports if appropriate.

Ensuring all streams are assessed and working with sister agencies to expedite upgrades

Increased data solicitation and outreach to watershed groups throughout the process could garner more public input and important data to help fill data gaps. DRN would like to suggest that DEP reach out directly to initiatives like the DRWI (Delaware River Watershed Initiative) in the Delaware River Basin to ensure that existing water quality data is made available for the triennial review process, especially for streams that have not yet been assessed or that are impaired and require clean up. We note that the summary statistics show that though 99% of streams have been assessed for at least one use, only 2% of streams have been reassessed. We note and understand DEP is sorely underfunded but all the more reason to ensure these other data sources are being considered and incorporated so assessments occur on a more regular and timely basis. Much of the DRWI data collection is collected by entities like the Academy of Natural Sciences and the Stroud Water Research Center operating under standard and strict Quality Assurance and Quality Control plans. This data could help fill gaps and provide more timely details so streams can be assessed regularly, cleaned up if they are impaired

or provided stronger HQ and EV protection if they are clean. At the same time, watershed groups are also collecting important community collected data that could be considered by the DEP during this assessment process.

We urge the DEP to consider working with sister agencies like DCNR to designate all waterbodies within those lands as special protection watersheds (Exceptional Value). We believe that broader review and bundle upgrades would increase protections and be more in keeping with Pennsylvania's Environmental Rights Amendment.

We urge that DEP work to eliminate the backlog of stream designations for those waters that have been determined to be Class A waters by the PA Fish and Boat Commission (FBC) which we believe should provide automatic HQ status designation as set out in Chapter 93. That sister agency data should simply trigger automatic upgrades to HQ when these sister agencies or their partners of universities and watershed groups determine Class A biomass and not be held up for another DEP review that leaves these streams languishing without required protections being realized. FBC and many TU chapters have expressed similar concerns about this process.

Along those same lines, DRN suggests the DEP to begin listing wetlands in naturally reproducing wild trout waters designated by the FBC as EV wetlands to ensure applicants are aware of those exceptional water resources. Large linear projects like gas pipelines expanding throughout the state, have often mis-identified, entirely missed, or mis-characterized these important wetlands that deserve the strongest protections. Having EV wetlands and all wetlands clearly mapped and provided in table format would ensure they do not get overlooked during permitting processes.

In general, better coordination between DEP's various permitting arms, like Mining offices and the WQ standards division could also help and ensure protections.

Updates of Changes

The 2018 and 2020 change table and summary statistics are helpful. However, DEP may have claimed some stream segments were improved since the previous assessment report two years ago when in fact they were never impaired in the first place.

Atlas Mapping Section

The atlas of surface waters in Pennsylvania provides helpful summary statistics. For example, there are 1,999,029 acres of freshwater wetlands and 56 acres of tidal wetlands in the state. These tidal wetlands, due to their rareness and sensitivity, DRN believes should be considered for special protections – like that of EV wetlands that are located along naturally producing trout streams - due to their unique attributes and limited extent in the state.

The atlas mapping does allow a pin point search for streams but the zoom feature seems somewhat clunky. When zooming into a waterbody for example, Bushkill Creek, there is no additional info provided in the pop up map features. Things like county, townships, HUC, land use and watershed size, impairments if any, designated use would be helpful and add to the data information at a glance as the user reviews that specific stream. When one clicks on a section of a stream, there appears to be a standard segment highlighted but there does not appear to be any other information provided in the

pop up menu. It is unclear what those segments that are highlighted represent. Perhaps these are in other mapping sections of the report. Along those same lines if for example Bushkill Creek is selected or in the Zoom, it would be helpful for ease of viewing if the stream selected had a different color than surrounding watersheds. They all appear to be the same blue color.

DRN did not have time to test the print out mapping function for this tool but it seems like that could be helpful for watershed groups to easily add a title to a map and print out a map or stream of interest or save the map as a pdf in both landscape or portrait mode. When viewing these maps it would also be very helpful to have a layer of point source discharges, mines, quarries, etc. to be able to see those pin points when examining the watershed maps. Perhaps these features are in another section of the interactive tools and maps – they would be helpful layers and data to add for the next round if possible.

The PA lakes, bays and wetlands maps look useful and in the freshwater wetland polygons the pop up information includes type of wetlands and acreage which is helpful. It is not clear if EV wetlands or non EV wetlands classifications are provided for this wetland mapping tool in the pop ups. It appears this is USFWS data. Adding the PA classification would be a helpful and important addition for the next round to ensure EV wetlands are adequately mapped. DRN believes expert reports submitted by Schmid and Company about these map tools and comments provided by DRN and CAC as part of the Chapter 105 stakeholder process could be helpful to provide more feedback. At this time are time was limited to give it thorough review.

Protected Uses and Categories – The Stream 2018 to 2020 Changes Table
The tables and category tables are helpful.

The Stream 2018 to 2020 Changes Table is helpful to highlight changes for the user but it is not clear what some of the classifications mean. For example, the table notes many streams for aquatic life as "Attained reassessed as attaining" and then another newer date of assessment (2019 reassessment date for example) that states its attaining. Does that mean it's always been attaining but was re-evaluated? It's not clear what the change is? Is DEP trying to reflect these as new attainments if they were attaining a use all along?

It is good to see many streams in this table assessed for Recreational use. However, there would appear to still be streams and sections of the main stem Delaware River and the Schuylkill River where recreation clearly occurs, but this use has not yet been assessed (see additional comments by River Network and Pennfuture and the Recreational use petition for the main stem Delaware River submitted to the Delaware River Basin Commission by DRN and others available at the DRBC or DRN website. We also reflected these concerns in DRN's prior triennial review comments in 2017 and 2018 comments.

Impairment break downs
On the tables, there is limited information available on the type of impairments and in some instances there may be more detailed information that the DEP could provide. For example, if a stream is impaired for acid mine drainage there may be more metals data available to provide the parameters not in compliance. Nutrients is another example where more detailed information could be provided

if available. DRN would also point out as indicated in our past comments, there are many water quality parameters that have still not received numeric standards which would be helpful in determining water quality. For example, there is still no aquatic life use standard set for nitrogen.

At the same time if an impairment is tied to an industrial point source discharge and that discharger is known – listing that specific discharger and NPDES permit number in the tables and on the interactive maps would be very helpful to watershed groups.

Stream Status by Major Drainage Basin Table

HUC8 Code	Major Basin Name	Assessment Determination	Aquatic Life (miles)	Fish Consumption (miles)	Potable Water	Recreation (not listed here but in the excel)
2040101	Upper Delaware	Impaired	0	3	0	
2040101	Upper Delaware	Attaining	562	0	1	
2040103	Lackawaxen	Impaired	5	0	0	
2040103	Lackawaxen	Attaining	1068	177	25	
2040104	Middle Delaware	Impaired	19	356	0	
2040104	Middle Delaware	Attaining	1104	225	64	
2040105	Middle Delaware-Musconetcong	Impaired	227	85	0	
2040105	Middle Delaware-Musconetcong	Attaining	515	80	18	
2040106	Lehigh	Impaired	259	20	0	
2040106	Lehigh	Attaining	1760	78	69	
2040201	Crosswicks-Neshaminy	Impaired	288	95	0	

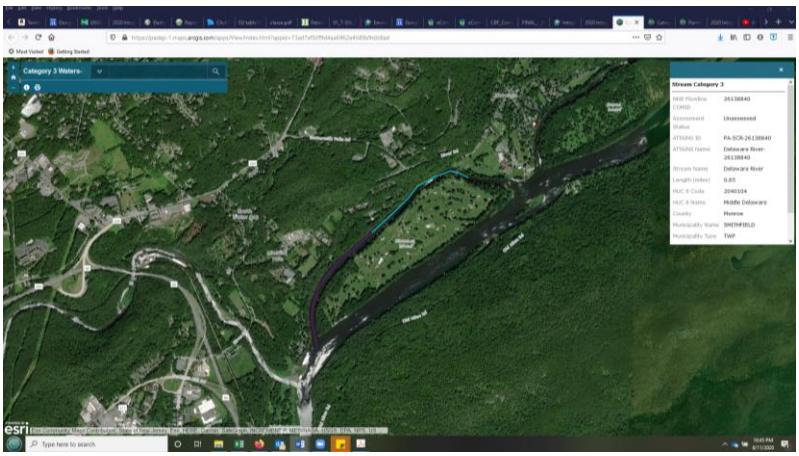
As indicated prior, the Schuylkill River does not appear to be included in this break out for major drainage areas. DRN did not have time to dig deep into the Schuylkill listings but other allies including Pennfuture and River Network spoke to some of these points for the Schuylkill that we support in way of ensuring recreational use is protected.

Schuylkill	Impaired	1125	203	3	911
Schuylkill	Attaining	1734	843	169	726

Category 3 Waters – (waters for which there are insufficient or no data to determine if any uses are met)

UNT to Brodhead Creek (26158686) (Pocono and Stroud townships) – the Brodhead Creek WA and Monroe Co Conservation District have been conducting many stream assessments and water monitoring projects in this watershed over the years some of which are part of the Upper Delaware upgrade petition submitted to the DEP in 2011. DRN did not have time to inquire but we note that there may very well be good data for the DEP to consider for these reaches. We also note that the reaches appear to be heavily forested and perhaps flowing thru a forested wetland or depression based on the aerial view.

DRN is noting that this stretch below of the Middle Delaware River that flows thru Smithfield Township is unassessed. A golf course appears to be present in this section. This is also part of the main stem Delaware River which has Special Protection Waters status by the DRBC and that stretch of the River also likely has DRBC data available to determine status.



In general for the mapping, it is a bit cumbersome to not have the various categories of streams all available on one map with various color codes. We understand the reasoning in breaking them out into the Categories 1 to 5alt for that purpose but perhaps in next versions providing an overall compiled universal map would be helpful for the user to see the entire watershed broken out by uses or various impairments if there are impairments. Along those same lines since each use is separated, this makes it hard for analysis or easily understanding the big picture for all uses which are required for most streams under Chapter 93. For example, part of a stream reach might be assessed for potable water supply but it is not clear if that stream reach is also attaining aquatic life or fish consumption uses.

In general, DRN did not have the time to check all reaches where we believe higher designations are warranted and uses are attained but we share here where we believe there is data to show that stream upgrades are warranted for higher uses: Bear Creek above FE Walter Dam, Angelica Creek (Berks Co.), Northkill Creek (Berks Co.), and as petitioned all tributaries feeding into the Upper Delaware River Special Protection Waters generally to the Water Gap as outlined in our 2011 regional stream upgrade petition. And as expressed above, Fish and Boat Commission Class A waters should also be immediately reflected as High Quality.

DRN does appreciate the general overview tables provided that show total stream miles and total tallies for fish consumption in the General Overview section. DEP notes that 1,700 stream miles were reassessed for 2020 for any use while only 413 stream miles were assessed for aquatic life use. DRN continues to encourage DEP to utilize the macroinvertebrate data collected by sister agencies and other allies to help in these aquatic life use assessments to ensure streams have the highest protection warranted. 1,287 stream miles were reassessed for 2020 for Recreational use – again that is an impressive number but we are missing important areas in the Delaware watershed as expressed above that are used for Recreation.

For nomenclature changes for causes it is interesting that the new pollution cause names are not including Dissolved oxygen listed specifically. The older cause names when DO is included seems more helpful. In general as expressed earlier, more detail on the impairments is appreciated if available.

For nomenclature changes based on sources – urban runoff/storm sewers is more helpful than hydromodification.

The stream status by county table is useful. Thank you for providing that break out.

The trend data analysis under the Measuring progress section appears very helpful but DRN did not have time to review this section in depth. It would appear though that trend data for the Delaware River is sorely lacking in the Esri mapping while the Chesapeake has much better coverage. DRN would suggest that DEP utilize sister agency data like the DRBC and the DRWI network datasets to make this data section for the Delaware River more robust.

Prior DRN Integrated Report Comments That Do Not Appear to be Addressed in this Triennial Review (Feb 16, 2018 DRN comment and public testimony provided on Jan 30, 2018 Delaware River additional hearing)

In brief, Delaware Riverkeeper Network has provided multiple comments over multiple years requesting: increased DO standards and fish propagation for the main stem Delaware River estuary (see DRBC petition); stronger numeric nutrient standards both for nitrogen and phosphorus to protect aquatic life, consideration of private conservation easements as a qualifier for EV designation, the establishment of chloride standards. None of these changes appear to have been accepted for this triennial review so we continue to reiterate these points that are laid out in past comments.

DRN also reiterates though it is not clear from the report – that DEP cannot remove water contact/swimming from the Del River from RM 108.4 to 81.8. In this stretch we have documented swimming therefore it is an existing use and must be protected (see petition submitted to DRBC). DEP can also not continue to rely on DRBC if that sister agency is not actively going to pursue the petitioner's request especially in light of the evidence presented to the agencies in that petition.

DRN also reiterates past comments about stream downgrades not being acceptable without a thorough UAA (use attainability analysis) and we would ask that DEP certainly prioritize stream upgrades versus removing uses that likely can be attained in the future if not currently. These streams that are not attaining should not have their uses removed but be listed as impaired to ensure these uses are protected. We noted in 2018 comments that Goose Creek and a tributary (00322) of Beaver Creek which flows into the East Branch Brandywine River were noted for downgrades and should not be so we reiterate that point here as we did not have time to check the uses in this round of the report.

Thank you again for your continued efforts and work and consideration of our comments and another extension request.

Sincerely,

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