

The Effects of Special Protection Designation



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Designated Uses

- Aquatic Life Uses
- Water Supply Uses
- Recreational Uses

Aquatic Life Uses

- Warm Water Fishes (WWF)
- Trout Stocking Fishes (TSF)
- Cold Water Fishes (CWF)
- High Quality (HQ)
- Exceptional Value (EV)

**Aquatic Life Uses of Specific Streams Listed at
25 Pa. Code § 93.9 (visit www.pacode.com)**

High Quality Waters

“The water quality of HQ waters shall be maintained and protected, except . . . [SEJ].”

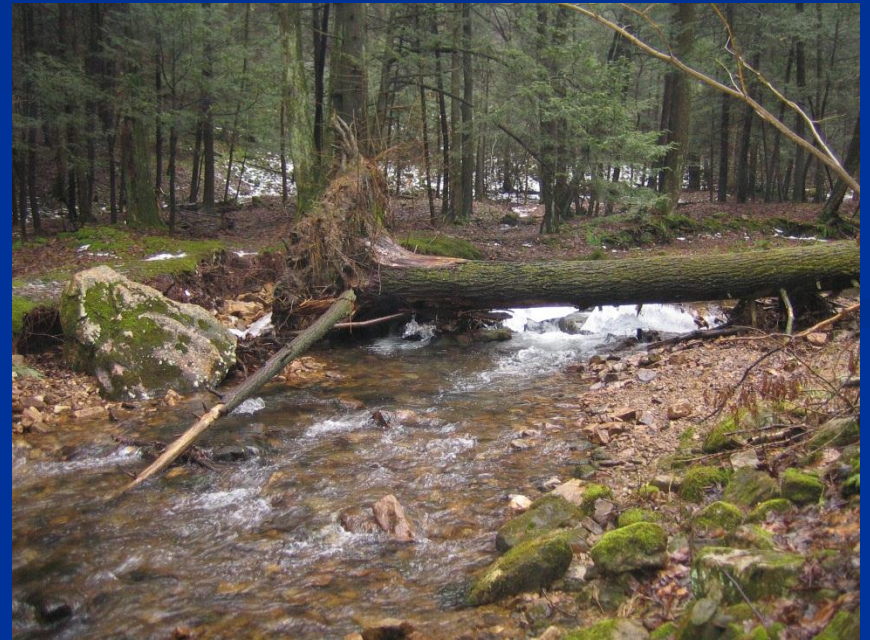
Antidegradation Regulations,
25 Pa. Code § 93.4a(c)



Exceptional Value Waters

“The water quality of EV waters shall be maintained and protected.”

Antidegradation Regulations,
25 Pa. Code § 93.4a(d)



Effects of Special Protection Designation

Two Primary Effects:

- **Antidegradation Review** for proposed new point source discharges
- **Individual permits** required instead of **general permits** for certain projects and activities

Antidegradation Review for New Discharges in HQ Waters

- Nondischarge alternatives
- ABACT
- Nondegrading discharge
- SEJ (social or economic justification)

Antidegradation Review for New Discharges in EV Waters

- Nondischarge alternatives
- ABACT
- Nondegrading discharge
- No SEJ exception

General Permits

- Available for certain categories of lower impact discharges or activities
- Easier permit application process
- Quicker permit review
- Public participation often limited

Individual Permits

- All other discharges or activities
- Issued for specific projects on specific sites
- More complicated application process
- More involved case-by-case permit review
- Permits may include special conditions
- More opportunity for public comment

Development

Existing Development

- Permits and approvals grandfathered



Development

New Development

- Stormwater and E&S Control
- Wetlands and Stream Encroachments

Stormwater and E&S Control

- E&S Plans must include **Special Protection BMPs** in HQ/EV waters
- NPDES permits must undergo **antidegradation review** in HQ/EV waters
- **General NPDES permit (PAG-2)** not available in HQ/EV waters



Photo from Lower Columbia River Field Guide to Water Quality Friendly Development

Wetlands and Stream Encroachments

- HQ status has no effect
- EV status:
 - Wetland in floodplain of EV stream=**EV wetland**
 - No permits for stream encroachments if **adverse impact on public natural resources**
 - **Individual permits** required for fords, utility line, minor and temporary road crossings



Sewage

Existing Sewage Facilities

- Permits and approvals grandfathered



Sewage

New or Expanding Facilities

- NPDES permits must undergo **antidegradation review** in HQ/EV waters
- **Act 537 Planning:** always required for new development using on lot in HQ/EV waters
- **Individual permits** required for **Small Flow Treatment Systems** in HQ/EV waters
- **On lot systems:** no effect



Agriculture

- **Plowing and tilling**
 - no effect
- **Use of pesticides and herbicides**
 - no effect
- **Winter application of manure**
 - 100 foot set back from certain EV wetlands



Agriculture

■ Small Farms

- no effect (except EV wetland setback for winter application of manure)

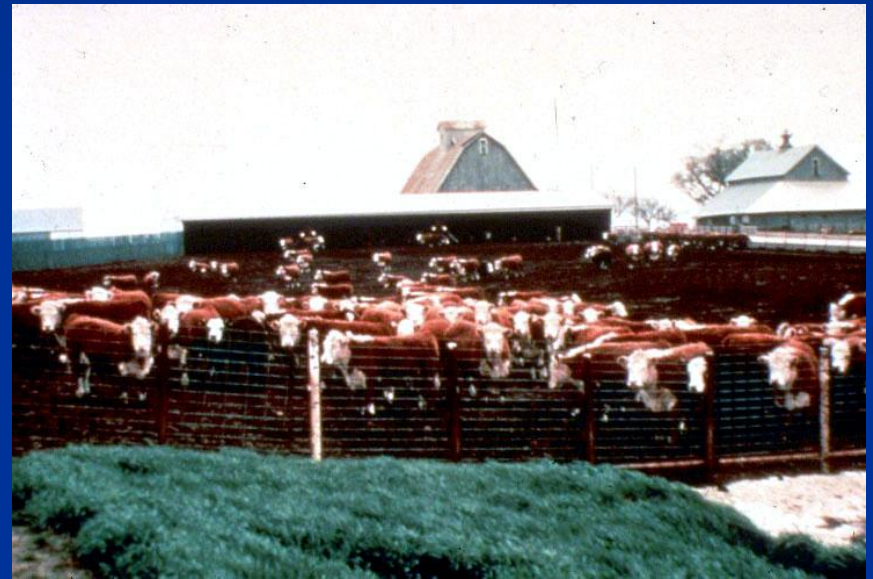
■ Existing CAOs and CAFOs

- 4-year phase in for Phosphorus in NMPs not available in HQ/EV waters



Agriculture

- **New or expanding COAs or CAFOs**
 - Manure storage facilities 1-2.5 million gallons require WQM Permit in HQ/EV waters
 - 100 foot setback for manure storage facilities from certain EV wetlands
 - Individual CAFO NPDES permit required



Road Building and Maintenance

- Building new roads, bridges and stream crossings
 - Stormwater and E&S Control requirements same as for new development
 - Wetlands and stream encroachment requirements same as for new development



Road Building and Maintenance

■ Road maintenance

- Special Protection BMPs for E&S required in HQ/EV waters
- E&S Plan always required where potential for discharge to HQ/EV waters exists

■ Winter maintenance

- No effect

■ Bridge and culvert repair/replacement

- No effect



Other Activities

- Logging
- Dams
- Docks and Boat Ramps
- Mining
- Waste Management Facilities
- Stream Restoration Projects



Direct Benefits of HQ/EV Status

- Higher priority for **sewage treatment funding** in HQ/EV waters
- Higher priority for **dirt and gravel road maintenance funding** in HQ/EV waters
- Siting of **low level radioactive and hazardous waste disposal facilities** barred in EV waters

Some Concluding Thoughts

- HQ/EV does not stop development
- Permit process more stringent for new point source discharges, EV wetlands
- Individual permits required for point source discharges, CAFOs and certain encroachments
- Minimal impact on farming (most impact on new or expanding CAFOs)
- Minimal impact on road maintenance, logging



For copies of
**The Effects of Special Protection
Designation: A Guide for Communities**
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