

- F *Fishing*—Use of the water for the legal taking of fish. For recreation or consumption.
- 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.

Authority

The provisions of this § 93.3 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 93.3 amended February 15, 1985, effective February 16, 1985, 15 Pa.B. 544; amended July 16, 1999, effective July 17, 1999, 29 Pa.B. 3720; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; amended May 15, 2009, effective May 16, 2009, 39 Pa.B. 2523. Immediately preceding text appears at serial pages (309705) to (309706) and (272017).

Cross References

This section cited in 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements); 25 Pa. Code § 93.5 (relating to application of water quality criteria to discharge of pollutants); 25 Pa. Code § 245.1 (relating to definitions); and 25 Pa. Code § 287.1 (relating to definitions).

§ 93.4. Statewide water uses.

(a) *Statewide water uses.* Except when otherwise specified in law or regulation, the uses set forth in Table 2 apply to all surface waters. These uses shall be protected in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

TABLE 2

Symbol	Use
	Aquatic Life
WWF	Warm Water Fishes

Water Supply

PWS	Potable Water Supply
IWS	Industrial Water Supply
LWS	Livestock Water Supply
AWS	Wildlife Water Supply
IRS	Irrigation

Recreation

B	Boating
F	Fishing
WC	Water Contact Sports
E	Esthetics

(b) *Less restrictive uses.* Less restrictive uses than those currently designated for particular waters listed in §§ 93.9a—93.9z may be adopted when it is demonstrated that the designated use is more restrictive than the existing use, the use cannot be attained by implementing effluent limits required under sections 301(b) and 306 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311(b) and 1316) or implementing cost-effective and reasonable BMPs for nonpoint source control, and one or more of the following conditions exist:

(1) Naturally occurring pollutant concentrations (natural quality) prevent the attainment of the use.

(2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met.

(3) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place.

(4) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate the modification in a way that would result in the attainment of the use.

(5) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life uses.

(6) Controls more stringent than those required by sections 301(b) and 306 of the Federal Clean Water Act would result in substantial and widespread economic and social impact.

Parameter	Symbol	Criteria	Critical Use*
Temperature		Maximum temperatures in the receiving water body resulting from heated waste sources regulated under Chapters 92, 96 and other sources where temperature limits are necessary to protect designated and existing uses. Additionally, these wastes may not result in a change by more than 2°F during a 1-hour period.	See the following table.

SYMBOL: CRITICAL USE: PERIOD	TEMP ₁ CWF	TEMP ₂ WWF TEMPERATURE °F	TEMP ₃ TSF
January 1-31	38	40	40
February 1-29	38	40	40
March 1-31	42	46	46
April 1-15	48	52	52
April 16-30	52	58	58
May 1-15	54	64	64
May 16-31	58	72	68
June 1-15	60	80	70
June 16-30	64	84	72
July 1-31	66	87	74
August 1-15	66	87	80
August 16-30	66	87	87
September 1-15	64	84	84
September 16-30	60	78	78
October 1-15	54	72	72
October 16-31	50	66	66
November 1-15	46	58	58
November 16-30	42	50	50
December 1-31	40	42	42

Parameter	Symbol	Criteria	Critical Use*
Total Dissolved Solids	TDS	500 mg/l as a monthly average value; maximum 750 mg/l.	PWS
Total Residual Chlorine	TRC	Four-day average 0.011 mg/l; 1-hour average 0.019 mg/l.	CWF, WWF, TSF, MF

* Critical Use: The designated or existing use the criteria are designed to protect. More stringent site-specific criteria may be developed to protect other more sensitive, intervening uses.

(b) Table 4 contains specific water quality criteria that apply to the water uses to be protected. When the symbols listed in Table 4 appear in the Water Uses Protected column in §§ 93.9a—93.9z, they have the meaning listed in the second column of Table 4. Exceptions to these standardized groupings will be indi-

cated 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 4

<i>Symbol</i>	<i>Water Uses Protected</i>	<i>Specific Criteria</i>
WWF	Statewide list	DO ₂ and Temp ₂
CWF	Statewide list plus Cold Water Fish	DO ₁ and Temp ₁
TSF	Statewide list plus Trout Stocking	DO ₃ and Temp ₃
HQ-WWF	Statewide list plus High Quality Waters	DO ₁ and Temp ₂
HQ-CWF	Statewide list plus High Quality Waters and Cold Water Fish	DO ₄ and Temp ₁
HQ-TSF	Statewide list plus High Quality Waters and Trout Stocking	DO ₁ and Temp ₃
EV	Statewide list plus Exceptional Value Waters	Existing quality

(c) The list of specific water quality criteria does not include all possible substances that could cause pollution. For substances not listed, the general criterion that these substances may not be inimical or injurious to the existing or designated water uses applies. The Department will develop a criterion for any substance not listed in Table 3 that is determined to be inimical or injurious to existing or designated water uses using the best available scientific information, as determined by the Department.

(d) If the Department determines that natural quality of a surface water segment is of lower quality than the applicable aquatic life criteria in Table 3 or 5, the natural quality shall constitute the aquatic life criteria for that segment. All draft natural quality determinations will be published in the *Pennsylvania Bulletin* and be subject to a minimum 30-day comment period. The Department will maintain a publicly available list of surface waters and parameters where this subsection applies, and will, from time to time, submit appropriate amendments to §§ 93.9a—93.9z.

Authority

The provisions of this § 93.7 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 93.7 amended through March 8, 1985, effective February 16, 1985, 15 Pa.B. 907; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 968; amended February 11, 1994, effective February 12, 1994, 24 Pa.B. 832; amended April 3, 1998, effective November 4, 1995, 28 Pa.B. 1633; amended July 16, 1999, effective July 17, 1999, 29 Pa.B. 3720; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; amended February 11, 2005, effective February 12, 2005, 35 Pa.B. 1197; amended January 5, 2007, effective January 6, 2007, 37 Pa.B. 11; amended May 15, 2009, effective May 16, 2009, 39 Pa.B. 2523. Immediately preceding text appears at serial pages (336598) and (324879) to (324882) and (309713).