



Proposed Rules – Beneficial Use Designations

Water Quality Standards Use Designations (OAC Chapter 3745-1)

What does OAC Chapter 3745-1 cover?

Ohio Administrative Code (OAC) Chapter 3745-1 contains Ohio's standards for water quality. Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. These rules contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the beneficial use designations; and procedures for applying the water quality criteria to wastewater discharges. This rulemaking involves water body beneficial use designations.

What are beneficial use designations?

A goal of the Clean Water Act is to achieve fishable and swimmable conditions in water bodies, wherever attainable. The fishable and swimmable goals equate to the warmwater habitat (WWH) and primary contact recreation (PCR) use designations in Chapter 3745-1 of the OAC. The use designations are defined in rule 3745-1-07 of the OAC and are briefly discussed below. The water quality criteria and values protective of the designated uses are found within Chapter 3745-1 of the OAC.

Beneficial use designations are the water quality goals for lakes, rivers, streams and other water bodies. Designations include such uses as aquatic life habitats (warmwater, coldwater, etc.), recreation (bathing waters, primary contact, secondary contact) and water supplies (public, agricultural, industrial).

Beneficial use designations are assigned to specific water bodies in Chapter 3745-1 of the OAC. Each of the 23 major drainage basins or watersheds in the state is assigned a rule in Chapter 3745-1. Specific water quality criteria are associated with each beneficial use and are the minimum specific target conditions to be maintained in the water bodies. Together the uses and criteria may be the basis for permit limits in wastewater discharge permits and conditions in Section 401 water quality certifications. Changes to designated uses are adopted as water quality standard rule revisions.

Which water quality standards rules are under review at this time?

The Agency is proposing amendments to beneficial use designation rules for the Ashtabula River (3745-1-14), Little Beaver Creek (3745-1-15), Southeast Ohio tributaries (3745-1-16), Little Miami River (3745-1-18) and Black River (3745-1-27) watersheds.

The following beneficial use designation rules for the Hocking River (3745-1-08), Rocky River (3745-1-20), Chagrin River (3745-1-22), Cuyahoga River (3745-1-26) and Vermilion River (3745-1-28) watersheds will be filed as no change in a separate rulemaking.

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What changes are being proposed?

State law and the federal Clean Water Act require Ohio EPA to periodically update rules to reflect the latest scientific information. The Agency has evaluated information regarding beneficial use designations for the five drainage basins listed above. Three broad types of changes are proposed:

1. Changing beneficial use designations for specific water bodies;
2. Adding water bodies that are currently undesignated to the rules; and
3. Verifying existing beneficial use designations already listed in the rules.

Changes, additions and verifications of existing beneficial use designations are based upon the findings of biological, habitat, and water quality surveys. Other available pertinent information is also consulted, including information and comments from interested persons. The paragraphs below explain the changes in more detail.

The rules also contain an antidegradation designation, state resource water (SRW), for some water bodies. That designation is being removed from those water bodies for which a more recent antidegradation classification was assigned in the Antidegradation rule (see paragraphs (A)(25) and (E)(1) of the rule 3745-1-05 of the OAC).

Aquatic Life Use Designation Changes

- One water body, Hubbard Run, is proposed to be redesignated from Warmwater Habitat (WWH) to Coldwater Habitat (CWH). The recent biological survey demonstrates that this water body currently supports aquatic organisms indicative of a CWH. Redesignation from WWH to CWH will result in more stringent water quality criteria from ammonia, cyanide, dissolved oxygen, pH, phenol, silver and temperature.
- One water body, Dodson Creek, is proposed to be redesignated from Exceptional Warmwater Habitat (EWH) to WWH. The redesignation is based upon a more extensive and accurate sampling of multiple locations along the stream and limitations in the available habitat to support EWH communities. Redesignation from EWH to WWH will result in less stringent biological criteria and less stringent chemical criteria for ammonia, dissolved oxygen, pH and temperature.
- One water body, Osburn Run, is proposed to be redesignated from Limited Warmwater Habitat (LWH) to Limited Resource Water (LRW). This stream was surveyed in part to assess the aquatic life potential because the LWH use is being phased out of Ohio's water quality standards rules. This stream was found to be severely impacted by acid mine drainage. Redesignation from LWH to LRW will result in less stringent aquatic life water quality criteria for all pollutants except pH and zinc. Water quality criteria for the protection of human health and wildlife are not affected by this designation change.

Recreational Use Designation Changes

Most water bodies in the state are designated Primary Contact Recreation (PCR), defined as suitable for full-body contact recreation. Some water bodies are designated Secondary Contact Recreation (SCR), defined as suitable for partial body contact. The determination of whether a water body should be designated PCR or SCR is based on a suite of factors including: size of the water body, accessibility, water body location, potential use by children, safety considerations, existing water quality, potential water quality, presence of recreational facilities, and physical characteristics of the water body. A water body that is not large enough to support full body contact by an adult

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may still warrant a PCR use if, for example, it flows through an urbanized area or is adjacent to a residential area where children are likely to use it for recreation. Water bodies determined not to have the potential for PCR are designated SCR.

The only numeric water quality criteria applicable to the recreational use designations are for *E. coli* bacteria. These bacteria, while not harmful themselves, are indicators of possible sewage contamination and the possible presence of harmful bacteria and viruses (most commonly those bacteria and viruses that cause earaches and intestinal illness). The water quality criteria for SCR are less stringent than for PCR because there is less chance that someone will be exposed to the water and potentially harmful bacteria in that water.

As part of the 5-year basin biological survey cycle, Ohio EPA field staff occasionally sample streams that are in fact too small and too isolated to support the PCR use. In these cases, a recommendation is made to redesignate the water body SCR to reflect the recreational potential based upon field observations and data gathered during the stream survey.

In other cases, water bodies never specifically assigned any recreational uses within the water quality standards rules are assigned recreational uses based upon field observations of the water body and consideration of the factors mentioned above.

In this rulemaking, no water bodies are designated SCR. Three water bodies currently designated SCR are redesignated PCR.

Designations Specifically Assigned for the First Time

Only about one-third of surface water bodies in the state are listed in the water quality standards rules. Those water bodies that are not listed are generally small, unnamed tributaries. As these unlisted water bodies are surveyed and appropriate use designations are determined, they are added to the rules.

With the exception of the biological criteria, the water quality criteria applicable to water bodies that are not specifically listed in the rules are the same as those criteria associated with the WWH use designation.

Thirty-one currently undesignated water bodies are proposed to be designated WWH and three currently undesignated water bodies are proposed to be designated CWH. The specific designation of these water bodies will result in use-specific chemical criteria and, for water bodies designated WWH, application of biological criteria.

One currently undesignated water body is proposed for a MWH use designation. The unnamed tributary at Kyger Creek RM 8.44 has impacts related to mining, such as extensive embeddedness of the substrate and acid mine drainage. The designation of MWH will result in less stringent biological criteria and less stringent chemical criteria for ammonia and dissolved oxygen.

The thirty-five water bodies proposed to be designated an aquatic life use for the first time are also proposed to be designated PCR. The water quality criteria applicable to water bodies that are not specifically listed in rules are the same as those criteria associated with the PCR use designation.

The Agricultural Water Supply (AWS) and Industrial Water Supply (IWS) use designations are proposed for the thirty-five water bodies proposed to be designated an aquatic life use for the first time.

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The AWS use designation is for the protection against adverse effects resulting from use of surface water to irrigate crops or to water livestock. There are AWS water quality criteria for fourteen chemicals, mostly heavy metals. The designation of water bodies as AWS will result in the application of those water quality criteria.

The IWS use designation is for the protection against adverse effects of the water on industrial processes. There are no specific IWS water quality criteria. Therefore, the designation of water bodies as IWS will not result in any changes to applicable water quality criteria.

State Resource Waters

The State Resource Water (SRW) designation for three water bodies is proposed for removal. Ohio EPA is in the process of re-assigning water bodies currently listed as SRW in the use designation rules (rules OAC 3745-1-08 to 32) to a new Antidegradation tier under Ohio's Antidegradation rule (OAC 3745-1-05). Ohio EPA has recently completed biological and habitat surveys of these three water bodies. The resulting data, along with any historic data available, demonstrate that these three water bodies have attributes consistent with the general high quality water (GHQW) Antidegradation category. The current SRW designation, therefore, no longer has any significance for these water bodies. Consistent with paragraph (A)(25) of rule 3745-1-05, the SRW designation for the water body segments are proposed for removal. The specific water bodies are listed in Table 2 at the end of this fact sheet.

Verification of Existing Use Designations

As part of the stream survey process, the use designations identified in the water quality standards rules for many water bodies are verified to be correct. In this rulemaking, verifications of existing designated uses (typically WWH, AWS, IWS and PCR uses) are proposed for twenty-eight water bodies. For these water bodies, the symbols identifying the use designations in the water quality standards rules will change from asterisks to plus signs to indicate that they are based on the results of stream surveys.

A list of stream designations proposed for verification is in Table 3 at the end of this fact sheet. Verifying stream designations does not result in any changes to applicable water quality criteria.

Where does the new information come from?

The new information supporting the proposed changes comes from water body surveys. Ohio EPA has an ongoing 5-year basin monitoring schedule that rotates monitoring efforts across the state. The monitoring program consists of surveying the chemical, physical and biological characteristics of selected water bodies throughout the state each year, following the 5-year basin cycle. The purposes of these surveys include determining the present health and uses of the water bodies and predicting the potential health and uses of the water bodies if additional pollution controls were imposed. These proposed rule revisions, incorporating the results of a water body surveys conducted in the past several years, reflect the Agency's responsibility to assign beneficial water uses.

Although the Agency has used the water body survey approach to determine applicable use designations for over 25 years, many water bodies have still not been surveyed.

In the 1978 water quality standards rules, only a small number of water bodies were listed with their use designations, determined from information available at the time. All other surface water bodies were assigned the WWH and PCR use designations by default (consistent with baseline goals of the Clean Water Act).

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The 1985 water quality standards rules listed all water bodies identified in the Ohio Department of Natural Resources Gazetteer of Ohio Streams and clearly identified their assigned use designations. For most water bodies, the WWH and PCR default use designations were carried over. The 1985 water quality standards rules and subsequent rulemakings included use designations resulting from water body surveys.

Since 1985, the water quality standards rules have distinguished between use designations carried over from the 1978 water quality standards (indicated by asterisks) and those based on the results of water body surveys (indicated by plus signs).

For information on the current conditions of Ohio water bodies and trends in water quality, see the Ohio EPA Integrated Water Quality Monitoring and Assessment Report. It is available on the web at <http://epa.ohio.gov/dsw/tmdl/OhioIntegratedReport.aspx>.

How many water bodies are involved with these rule changes?

Results of water body surveys, conducted in past years, indicate that changes in the beneficial use designations are needed for 44 water bodies (45 water body segments) in five drainage basins. Verifications of existing uses are included for 28 water bodies in 4 drainage basins.

Table 1 lists the rules and identifies the types of proposed changes. Specific use designation changes for each water body proposed for revisions are listed in Table 2 at the end of this fact sheet.

Are there changes from the March 2015 draft rule revisions?

There are no proposed changes from the draft rules made available for interested party review in March 2015.

How will the changes affect controls placed on water pollution?

Overall, there should be no impact as a result of the water body use designation changes, verifications and additions on water pollution controls based upon review of existing dischargers to these stream segments.

Some changes will bring about more stringent controls, other changes may allow less stringent controls. The assigned use designation governs the levels of chemical water quality criteria that apply to protect the use designation. The coldwater and exceptional warmwater habitat uses bring about stricter chemical criteria, as does the replacement of a limited warmwater habitat or limited resource water use with a warmwater habitat use. In these cases where higher use designations result in the application of more stringent chemical criteria, lower effluent limits for wastewater dischargers may be required.

When a water body's use designation becomes less stringent, existing dischargers must continue the same treatment as before. However, if an existing facility wants to expand its operation or a new facility wants to discharge, less stringent pollution controls may be needed to meet the water quality standards for the less stringent use designations.

Detailed information regarding the differences between chemical criteria that apply to various use designations can be viewed in Ohio's water quality standards, available on the at www.epa.ohio.gov/dsw/rules/3745_1.aspx as well

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as on tables summarizing aquatic life and human health criteria, available on the web at www.epa.ohio.gov/dsw/wqs/criteria.aspx.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, and National Pollutant Discharge Elimination System [NPDES] permit holders, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions and additions. General comments and specific factual information are welcome. Data on resident fish and macroinvertebrate communities and the physical habitat conditions of the water body are most pertinent to assignment of the proper aquatic life use designation. Data collection must be consistent with acceptable quality assurance protocols to be considered valid.

How are the amendments formatted in the proposed rules?

Text that is considered for deletion is identified in strikeout font; new text is underlined.

What is the rulemaking schedule?

A public hearing on the proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the Ohio EPA Conference Center, Room B, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on July 1, 2015. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rules. Final rules could be adopted in mid-2015.

How can I comment on the proposed rules?

Please submit your comments in one of the following ways:

- By email: dsw_rulecomments@epa.ohio.gov
- By fax: (614) 644-2745
- By postal mail:

Rule Coordinator

Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the proposed rules must be received no later than 5:00 p.m. on July 1, 2015.

How can I get more information?

Copies of this fact sheet and proposed rules are on the Division of Surface Water website at www.epa.ohio.gov/dsw/dswrules.aspx. For additional background information on water quality standards and beneficial uses, please visit the Water Quality Standards Program web page at:

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www.epa.ohio.gov/dsw/wqs/index.aspx. The existing rules in OAC Chapter 3745-1 are available at:
www.epa.ohio.gov/dsw/rules/3745_1.aspx. The biological and water quality studies upon which the rule revisions are based are available at: www.epa.ohio.gov/dsw/document_index/psdindx.aspx.

For more information about these proposed rules, please contact:

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Table 1. Reasons for Rule Revisions

Rule # / Drainage Basin	Use Designation Changes	Use Designation Verifications	Number of Water Bodies with Use Designations Being Changed / Verified
3745-1-14 Ashtabula River Basin	X	X	7 / 3
3745-1-15 Little Beaver Creek Basin	X		3
3745-1-16 Southeast Ohio Tributaries Basin	X	X	7 / 20
3745-1-18 Little Miami River Basin	X	X	13 / 3
3745-1-27 Black River Basin	X	X	15 / 2

Table 2. Summary of Proposed Use Designation Revisions

Pg #*	Water Body Segment	Existing Designated Uses**	Proposed Changes
Ashtabula River Drainage Basin, OAC 3745-1-14 (2011 survey)			
2	Hubbard Run	WWH, AWS, IWS, PCR	Designate CWH in lieu of WWH
2	Unnamed tributary at Hubbard Run RM 0.20	None	Designate CWH, AWS, IWS, PCR
2	Unnamed tributary at Ashtabula River RM 16.98	None	Designate WWH, AWS, IWS, PCR
3	Unnamed tributary at West Branch RM 3.50	None	Designate WWH, AWS, IWS, PCR
3	East Branch of East Branch Ashtabula River	None	Designate WWH, AWS, IWS, PCR
3	Unnamed tributary at East Branch RM 1.35	None	Designate WWH, AWS, IWS, PCR
3	Unnamed tributary at RM 0.80 to the unnamed tributary of East Branch at RM 1.35	None	Designate WWH, AWS, IWS, PCR
Little Beaver Creek Drainage Basin, OAC 3745-1-15			
2	Island Run	WWH, AWS, IWS, PCR	Remove – stream is in Pennsylvania

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Pg #*	Water Body Segment	Existing Designated Uses**	Proposed Changes
2	Honey Creek	None (previously listed)	Designate WWH, AWS, IWS, PCR (*)
3	Harman Run	None (previously listed)	Designate WWH, AWS, IWS, PCR (*)
Southeast Ohio River Tributaries Drainage Basin, OAC 3745-1-16 (2008 survey)			
17	Unnamed tributary at Kyger Creek RM 8.44	None	Designate MWH-MA, AWS, IWS, PCR
Southeast Ohio River Tributaries Drainage Basin, OAC 3745-1-16 (2010 survey)			
5	Ellisonville Creek	None	Designate WWH, AWS, IWS, PCR
5	Kimble Creek	None	Designate WWH, AWS, IWS, PCR
5	Sawmill Run	None	Designate WWH, AWS, IWS, PCR
5	Chandlers Run	None	Designate WWH, AWS, IWS, PCR
6	Osburn Run	LWH, AWS, IWS, PCR	Designate LRW-AMD in lieu of LWH
6	Little Storms Creek (upper trib at RM 9.23)	None	Designate WWH, AWS, IWS, PCR
East Fork Little Miami River Drainage Basin, OAC 3745-1-18 (2012 survey)			
2	Unnamed tributary at East Fork RM 2.40	None	Designate WWH, AWS, IWS, PCR
3	Unnamed tributary at Stonelick Creek RM 10.61	None	Designate WWH, AWS, IWS, PCR
3	Unnamed tributary at Backbone Creek RM 1.36	None	Designate WWH, AWS, IWS, PCR
4	Unnamed tributary at Cloverlick Creek RM 7.48	None	Designate WWH, AWS, IWS, PCR
5	Dodson Creek	EWB, AWS, IWS, PCR	Designate WWH in lieu of EWB
6	Unnamed tributary at Dodson Creek RM 4.52	None	Designate WWH, AWS, IWS, PCR
6	Unnamed tributary at South Fork Dodson Creek RM 0.37	None	Designate WWH, AWS, IWS, PCR
6	Unnamed tributary at East Fork RM 78.45	None	Designate WWH, AWS, IWS, PCR
Little Miami River Drainage Basin, OAC 3745-1-18 (2011 survey)			
9	Unnamed tributary at Anderson Fork RM 9.26	None	Designate WWH, AWS, IWS, PCR
10	Glady Run – headwaters to Hedges Road (RM 4.0)	WWH, AWS, IWS, SCR	Designate PCR in lieu of SCR
11	Unnamed tributary at North Fork RM 5.60	None	Designate WWH, AWS, IWS, PCR
11	Unnamed tributary at Little Miami River RM 96.26	None	Designate WWH, AWS, IWS, PCR
11	Gilroy Ditch	WWH, AWS, IWS, SCR	Designate PCR in lieu of SCR
Black River Drainage Basin, OAC 3745-1-27 (2012 survey)			
2	Ridgeway ditch (Black River RM 10.18)	None	Designate WWH, AWS, IWS, PCR

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Pg #*	Water Body Segment	Existing Designated Uses**	Proposed Changes
2	Alexander ditch aka Brentwood tributary (East Branch Black River RM 5.89)	None	Designate WWH, AWS, IWS, PCR
2	Unnamed tributary at East Branch Black River RM 22.65	None	Designate WWH, AWS, IWS, PCR
2	Crow Creek	WWH, AWS, IWS, SCR	Designate PCR in lieu of SCR
2	Center Creek (East Branch Black River RM 28.65)	None	Designate WWH, AWS, IWS, PCR
2	Unnamed tributary at East Branch Black River RM 39.06	None	Designate CWH, AWS, IWS, PCR
2	Unnamed tributary at East Branch Black River RM 41.41	None	Designate CWH, AWS, IWS, PCR
3	West Branch Black River – Parsons Road (RM 7.85) to U.S. Route 20 (RM 14.39)	SRW, WWH, AWS, IWS, PCR	Remove SRW; replace with GHQW
3	West Branch Black River – at RM 14.42	SRW, WWH, AWS, IWS, PCR, PWS	Remove SRW, replace with GHQW
3	Kelner Ditch (West Branch Black River at RM 8.61)	None	Designate WWH, AWS, IWS, PCR
3	Wellington Creek – Findley State Forest boundaries (RM 14-.69 – 16.60)	SRW, WWH, AWS, IWS, PCR	Remove SRW; replace with GHQW
3	Unnamed tributary at Charlemont Creek RM 0.51	None	Designate WWH, AWS, IWS, PCR
3	Powdermaker Ditch	None	Designate WWH, AWS, IWS, PCR
4	Heider Ditch	None	Designate WWH, AWS, IWS, PCR
4	Gable Ditch	None	Designate WWH, AWS, IWS, PCR

* Indicates approximate page number that the water body would appear on within the amended rule.

**As currently indicated in OAC 3745-1-08 through OAC 3745-1-32.

Table 3. Summary of Existing Use Designations Proposed for Verification

Pg #*	Water Body Segment	Existing Designations Proposed for Verification**
Ashtabula River Drainage Basin, OAC 3745-1-14 (2011 survey)		
2	Strong Brook	IWS, PCR
2	Hubbard Run	AWS, IWS, PCR
2	Ashtabula Creek	WWH, AWS, IWS, PCR

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Pg #*	Water Body Segment	Existing Designations Proposed for Verification**
Southeast Ohio River Tributaries Drainage Basin, OAC 3745-1-16 (2010 survey)		
2	Munn Run	AWS, IWS, PCR
2	Dry Run	AWS, IWS, PCR
2	Frederick Creek	AWS, IWS, PCR
2	Long Run	AWS, IWS, PCR
3	Holland Fork	AWS, IWS, PCR
3	Bucklick Creek	AWS, IWS, PCR
4	Sugarcamp Creek	AWS, IWS, PCR
4	Lick Run	WWH, AWS, IWS, PCR
4	Little Pine Creek	WWH, AWS, IWS, PCR
5	Hales Creek	WWH, AWS, IWS, PCR
5	Brushy Fork	WWH, AWS, IWS, PCR
5	Olive Creek	WWH, AWS, IWS, PCR
5	Negro Creek	WWH, AWS, IWS, PCR
5	Painter Creek	WWH, AWS, IWS, PCR
5	Patton Run	WWH, AWS, IWS, PCR
6	Ginat Run (Ginat Creek)	WWH, AWS, IWS, PCR
6	Osburn Run	AWS, IWS, PCR
6	Little Storms Creek (lower trib at RM 1.8)	AWS, IWS, PCR
6	Little Ice Creek	AWS, IWS, PCR
7	Saliday Creek	WWH, AWS, IWS, PCR
16	Little Campaign Creek	WWH, AWS, IWS, PCR
Southeast Ohio River Tributaries Drainage Basin, OAC 3745-1-16 (2008 survey)		
17	Bell Lick Run	AWS, IWS, PCR
Little Miami River Drainage Basin, OAC 3745-1-18 (2011 survey)		
9	Turkey Run	WWH, AWS, IWS, PCR
9	Grog Run	WWH, AWS, IWS, PCR
9	Grassy Run	WWH, AWS, IWS, PCR
Black River Drainage Basin, OAC 3745-1-27 (2012 survey)		
3	West Branch – headwaters to Parsons Road (RM 14.39)	WWH, AWS, IWS, PCR
3	Elk Creek	WWH, AWS, IWS, PCR

* Indicates approximate page number that the water body would appear on within the amended rule.

**As currently indicated in OAC 3745-1-08 through OAC 3745-1-32.

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Index of Acronyms Used

RM = River Mile. The river mile is a point location describing the lineal distance from the downstream terminus (i.e., mouth) and moving in an upstream direction.

The following acronyms for designated uses are used in this table. Designated uses are defined in OAC 3745-1-07.

AWS = Agricultural Water Supply

CWH = Coldwater Habitat

EWH = Exceptional Warmwater Habitat

GHWQ = General High Quality Water

IWS = Industrial Water Supply

LRW-AMD = Limited Resource Water – Acid Mine Drainage

LWH = Limited Warmwater Habitat

MWH-MA = Modified Warmwater Habitat – Mine Affected

PCR = Primary Contact Recreation

PWS = Public Water Supply

SCR = Secondary Contact Recreation

SRW = State Resource Water

WWH = Warmwater Habitat