



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

MEMO

TO Agriculture Advisory Board

FROM Lee McDonnell *LAM*
Director
Bureau of Clean Water

THROUGH Thomas Juengst *TJ*
Conservation Program Specialist
Division of Planning and Conservatoin

DATE February 5, 2016

RE Sobers Run, et al., Stream Redesignation Package; Proposed
Rulemaking (25 Pa. Code; Chapter 93 Water Quality Standards;
Sections 93.9c, 93.9f, and 93.9i)

MESSAGE:

The Department of Environmental Protection (DEP) considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality, and permitted activities shall ensure the protection of designated and existing uses. The purpose of this rulemaking is to update the designated uses so that the surface waters of the commonwealth are afforded the appropriate level of protection.

The streams in this proposed rulemaking that are candidates for redesignation were all evaluated in response to petitions that were submitted to DEP. DEP staff evaluated the physical, chemical, and biological characteristics and other information on these waterbodies to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, DEP considers the criteria in § 93.4b (relating to qualifying as HQ or EV Waters). Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations for the Environmental Quality Board's (EQB) consideration. The proposed regulations include DEP's recommendations for Exceptional Value stream redesignations in the Delaware and Susquehanna River basins. DEP's recommendations are described in the Summary Table below and are also set forth in Annex A of the proposed rulemaking.

**Summary Table: Proposed Rulemaking
Sobers Run et al., Stream Redesignation Rulemaking Package**

Stream Name	County	Zone Description [†]	List	Current DU*	Requested DU*	Recommended DU*
Swiftwater Creek	Monroe	Basin, Source to but not including UNT 04960	C	HQ-CWF, MF	EV (<i>Petition requested basin upstream of SR 611.</i>)	EV, MF
Sobers Run	Northampton	Basin	C	HQ-CWF, MF	EV	EV, MF
Mill Creek	Berks	Basin, excluding UNT at 40°14'33.8"N; 75°43'49.6"W	F	WWF, MF	EV (<i>Petition requested entire Mill Creek basin.</i>)	EV, MF
Silver Creek	Susquehanna	Basin, Source to Laurel Lake Creek	I	CWF, MF	EV (<i>Petition excluded Laurel Lake Creek basin, except McCormick Run basin.</i>)	EV, MF
McCormick Run	Susquehanna	Basin	I	CWF, MF		EV, MF
Silver Creek	Susquehanna	Basin, From Laurel Lake Creek to Mouth	I	CWF, MF		EV, MF

Proposed Stream Name Corrections that Do Not Affect the Current Designated Use			
Stream	County	List	Proposed Correction
Saw Kill Creek	Pike	C	Sawkill Creek
Raymond Kill	Pike	C	Raymondskill Creek

*WWF = warm water fishes

*CWF = cold water fishes

*TSF = trout stocking

[†]UNT = unnamed tributary

*HQ = high quality

*EV = exceptional value

*MF = migratory fishes

[†]RMI = river mile index

DEP noted some discrepancy associated with stream names. DEP is recommending corrections to some stream names as they appear in §93.9c. The United States Geologic Survey maintains the National Hydrography Dataset (NHD) Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline.

DEP is not aware of any potential controversy associated with this Sobers Run, et al., Stream Redesignations Proposed Rulemaking.

DEP provided public notice of this redesignation evaluation and requested technical data from the general public through publication in the Pennsylvania Bulletin. Similar notice was also made available on DEP's website. In addition, potentially affected municipalities were notified by letter of the stream evaluation and asked to provide any readily available data. The affected municipalities and petitioners were later notified of the availability of a draft evaluation report for their review and comment. All data and comments received in response to these notifications were considered in the determination of DEP's recommendations.

We are recommending that the EQB approve this regulation for proposed rulemaking and publication in the Pennsylvania Bulletin with provision for a 45-day public comment period.

Attachments

