

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL QUALITY BOARD

PETITION FORM

I. PETITIONER INFORMATION

Name: Beaver Valley Conservancy and Christopher Donnelly

Mailing Address: 138 Beaver Valley Road 5 Ruby Road
Chadds Ford PA 19317 Chadds Ford PA 19317

Telephone Number: 215-988-1146 610-952-7257

Date: 13 June 2014

II. PETITION INFORMATION

A. The petitioner requests the Environmental Quality Board to (check one of the following):

- Adopt a regulation
- Amend a regulation (Citation 25 Pa. Code 93.9g)
- Repeal a regulation (Citation _____)

Please attach suggested regulatory language if request is to adopt or amend a regulation.

B. Why is the petitioner requesting this action from the Board? (Describe problems encountered under current regulations and the changes being recommended to address the problems. State factual and legal contentions and include supporting documentation that establishes a clear justification for the requested action.)

This petition requests the reexamination of certain streams including Beaver Creek and unnamed tributaries in
Concord and Chadds Ford Townships, Delaware County. All of the subject streams currently have the
designated use classification of WWF, MF. EQB is requested to amend its Chapter 93 Drainage List G of
designated uses as appropriate to reflect the actual attained uses of the subject streams.

Certain of these streams appear to warrant a higher designated use and Special Protection in accordance with 25
Pa. Code 93.4a. Existing 2013 data on macroinvertebrates using the PADEP 2009 IBI protocol
for stream assessment are attached herewith along with detailed information on the location and nature of the
affected watersheds.

The current PADEP classification of the subject streams in its draft 2014 Integrated Stream Assessment and
Monitoring Report for Clean Water Act Section 305(d) and 303(b) conflicts with the submitted information and
with information presented by the State of Delaware for those sections of these streams that cross the state line.
A copy of that information also is attached.

C. Describe the types of persons, businesses and organizations likely to be impacted by this proposal.

Residents of Concord Township will gain proper stream classification of outstanding water resources and increased chance of protection of these resources. Concord Township officials will gain justification for additional scrutiny of proposed development that otherwise may degrade these streams, just as so many have been degraded during the past half century in nearby watersheds of the Brandywine Creek. Developers will be alerted to the quality of water resources that needs to be maintained.

D. Does the action requested in the petition concern a matter currently in litigation? If yes, please explain.

No.

The data requested in Section E below are included in the attached report to the extent that they are available.

Detailed maps and sampling data are included, along with a list of municipalities and officials.

E. For stream redesignation petitions, the following information must be included for the petition to be considered complete. Attach supporting material as necessary.

1. A clear delineation of the watershed or stream segment to be redesignated, both in narrative form and on a map.
2. The current designated use(s) of the watershed or segment.
3. The requested designated use(s) of the watershed or segment.
4. Available technical data on instream conditions for the following: water chemistry, the aquatic community (benthic macroinvertebrates and/or fishes), or instream habitat. If such data are not included, provide a description of the data sources investigated.
5. A description of existing and proposed point and nonpoint source discharges and their impact on water quality and/or the aquatic community. The names, locations, and permit numbers of point source discharges and a description of the types and locations of nonpoint source discharges should be listed.
6. Information regarding any of the qualifiers for designation as high quality waters (HQ) or exceptional value waters (EV) in §93.4b (relating to qualifying as High Quality or Exceptional Value waters) used as a basis for the requested designation.
7. A general description of land use and development patterns in the watershed. Examples include the amount or percentage of public lands (including ownership) and the amount or percentage of various land use types (such as residential, commercial, industrial, agricultural and the like).
8. The names of all municipalities through which the watershed or segment flows, including an official contact name and address.
9. Locational information relevant to items 4-8 (except for contact names and addresses) displayed on a map or maps, if possible.

**All petitions should be submitted to the
Secretary of the Department of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063**