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5 June 2014

Molly Pulket

Division of Water Quality Standards

Bureau of Point and Non-Point Source Management

Pennsylvania Department of Environmental Protection

P.O. Box 8774

Harrisburg, Pennsylvania 17105-8774

[RA-WQAssessments@pa.gov](mailto:RA-WQAssessments@pa.gov)

In re: **2014 Draft Integrated Water Quality Assessment and Monitoring Report, Clean Water Act Section 305(b) Report and Section 303(d) List.**

Dear Ms. Pulket:

This letter was prepared on behalf of the Beaver Valley Conservancy, a non-profit, grassroots organization concerned with environmental protection in the southwestern section of Concord Township, Delaware County, Pennsylvania. More than 300 acres in Beaver Valley have been protected from development during the past century by the Woodlawn Trust, which now is offering these lands for major commercial and residential development. Several of the streams in Beaver Valley cross back and forth along the border between the Commonwealth's Delaware County and New Castle County in the State of Delaware.

It is the hope of the Beaver Valley Conservancy that the Department will undertake further analyses in conjunction with its 2014 Integrated Report and on behalf of the Environmental Quality Board to confirm the current conditions in and regulatory status of several streams in Beaver Valley. Certain apparent inaccuracies in the 2014 draft report need attention. This letter transmits current information that may be of assistance to the Department in this process.

Determinations will have to be made in the near future regarding the attained uses of certain headwater streams in Beaver Valley, where discharge permits are expected to be sought for proposed development, so that permit decisions can be made timely based on accurate information. Particular attention should be given to temperature effects from the numerous stormwater detention basins proposed to receive runoff from new impervious surfaces, given the presence of reproducing trout populations.

The streams of concern to the Conservancy are located in the Beaver Creek (Beaver Run) drainage, a part of the Brandywine-Christina basin of the Delaware River watershed, Hydrologic Unit Code 02040205. Some, but not all, of the permanent streams in Beaver Valley are shown on the National Hydrography Dataset reproduced on the Department's online eMapPA geographical information system database. All of the onsite and nearby streams in Beaver Valley are currently designated by the Department for Warm Water Fishery use (25 Pa. Code Chapter 93), but some maintain naturally reproducing trout populations.

We find specific listing of several Beaver Valley streams in the 2014 draft report. Some of the Department's listings appear to conflict with comparable listings for the same streams by its counterpart agency, the Delaware Department of Natural Resources and Environmental Control. These conflicts should be resolved by your agencies as appropriate, based on accurate, current information. Appendix G of the 2014 draft report lists corrections made regarding several streams that enter the Commonwealth from New York State and previously were listed incorrectly in Pennsylvania Section 303(d) reports. Comparable corrections also may be in order for Delaware border streams in southwestern Delaware County. Clean Water Act Section 303 (d) lists should be consistent across State boundaries.

We have examined the 3,895 pages of online tables that accompany the text of the 2014 draft report. None of the streams of concern to the Conservancy has been listed as **Category 1** (all designated uses attained, 8-page list) in the draft 2014 report, as **Category 3** (data for determinations lacking, 1 page list), or as **Category 5** (impaired for one or more designated uses, 785-page list). Other 2014 listings, however, record past and continuing degradation of streams in Beaver Valley. It is the hope of the Conservancy that the Department will exercise its technical and regulatory resources to prevent further degradation of Beaver Valley streams and to encourage their restoration in accordance with federal law, Pennsylvania law, and the Pennsylvania Constitution.

Beaver Creek (2 segment listings totaling 10.9 miles) and several of its unnamed tributaries (23 segment listings totaling 22.6 miles) appear on the 2014 **Category 2** list (2,423 pages). That list consists of waterbodies where some but not all designated uses currently are being met.

Beaver Creek (1 segment listing, 1.54 miles) and two tributary segments (total 1.9 miles) also are listed as currently having aquatic life impacts from urban runoff and storm sewers and associated siltation, according to the 2014 **Category 4a** list (460 pages). These streams were assigned Total Maximum Daily Limits (TMDLs) for discharges in 2003. None of these TMDL streams is expected to meet its designated uses within 3 years, and so none is listed in 2014 **Category 4b** (3 pages).

According to the 2014 **Category 4c** list (215 pages), Beaver Creek (2 segment listings totaling 2.62 miles) and unnamed tributaries (6 segment listings totaling 5.82 miles) have been determined not to require a TMDL to address the water/flow variability and other habitat alterations impacting aquatic life as a result of urban runoff, storm sewers, and habitat modification. These listings may need to be revised, given additional information on stream macroinvertebrates and the impending development with increased discharges of urban stormwater runoff now being proposed in Beaver Valley.

The Beaver Valley Conservancy during 2013 commissioned field investigations using the Department's adopted 2009 Index of Biological Integrity protocol for stream assessments to ascertain current conditions in Beaver Valley stream segments directly at risk from proposed development (copy attached). Those

investigations identified certain streams that appear to qualify as having High Quality or Exceptional Value attained uses that will require Special Protection during permit reviews by the Department. Some of these streams support reproducing trout, and trout are stocked in some of them by the State of Delaware. The attached report addresses inconsistent designations across the state line.

The Department's findings on attained uses in Beaver Valley streams would be of great value to Concord Township as it considers the requested major rezoning of lands kept for many years in conservation uses in order to accommodate proposed development while discharging its Constitutional obligations to protect the environment of Pennsylvania. The information also will be useful to developers as they finalize their plans for new commercial and dense residential construction. Most of the land proposed for development is part of the Beaver Valley Woods identified by the Western Pennsylvania Conservancy on behalf of Delaware County as a Natural Heritage Inventory site having core interior forest habitat of high significance and a posted wildlife refuge. The site's developers have not yet resolved with the Department of Conservation and Natural Resources any of the potential conflicts with records of numerous onsite species deemed Threatened or Endangered, as indicated by records in the Pennsylvania Natural Heritage Inventory database.

As the draft 2014 report recognizes, widespread development in recent decades has led to impairment in many streams throughout the Brandywine Creek watershed. The Department needs to exercise particular vigilance here to prevent further degradation and encourage restoration of the streams of Beaver Valley.

Finally, it will be helpful for the Department to make its WAVE index available to the public to locate information in the 2014 integrated report tables. At present the web page says this index is available only for use by Department personnel.

Kindly keep us informed of progress toward completing attained use determinations for the streams now at risk from proposed development in Beaver Valley.

Yours truly,

A handwritten signature in black ink, appearing to read "James A. Schmid". The signature is written in a cursive, flowing style.

James A. Schmid, Ph. D.  
President

Enclosure (2013 report)

cc: Beaver Valley Conservancy