December 12, 2013

Sent via Certified U.S. Mail, return receipt requested
E. Christopher Abruzzo, Acting Secretary
Department of Environmental Protection
Commonwealth of Pennsylvania
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Petition to redesignate the Stony Run watershed

Dear Acting Secretary Abruzzo:

On behalf of the Mountain Watershed Association, we are submitting the enclosed petition that seeks the redesignation of the Stony Run watershed from Cold Water Fishes to Exceptional Value. The Stony Run watershed is located in Springfield Township, Fayette County. The watershed is a pristine area with abundant vegetation and wildlife. The petition will ensure the necessary protection of the existing uses and quality of Stony Run. Redesignating Stony Run will also be a positive step by the Department of Environmental Protection to maintain the precious natural resources of the Commonwealth.

Please let us know if you have any questions.

Sincerely,

Emily A. Collins, Esq.
Supervising Attorney

Oday Salim, Esq.
Staff Attorney

Enclosures
Petition To Redesignate The Stony Run Watershed
Located In Springfield Township, Fayette County
From Cold Water Fishes To Exceptional Value

Submitted by the Environmental Law Clinic at the University of Pittsburgh School of Law on behalf of:
Contents

• Completed petition form (No. 0120-FM-PY0004)
• Suggested regulatory language, responsive to Section II.A. of the petition form
• Supporting material, responsive to Sections II.B. - E. of the petition form
• Biological Assessment
• Political map of Springfield Township
• Topographic map of Springfield Township
• Map of undermined areas in Springfield Township
• Letters of support
COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL QUALITY BOARD

PETITION FORM

I. PETITIONER INFORMATION

Name: Mountain Watershed Association

Mailing Address: Mountain Watershed Association

PO Box 408
Melcroft, PA 15462

Telephone Number: (724) 455-4200

Date: September 1, 2013

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 § 93.9v)
☐ 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.)

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

See attached petition.

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

To petitioner’s knowledge, no.

For section E, below, see attached petition.

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
Suggested regulatory language where request is to amend a regulation

The current regulation, 25 Pa. Code § 93.9v ("Drainage List V."), currently contains the following text relating to the designation of Stony Run:

<table>
<thead>
<tr>
<th>Stream</th>
<th>Zone</th>
<th>County</th>
<th>Water Uses Protected</th>
<th>Exceptions To Specific Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>[omitted]</td>
<td>[omitted]</td>
<td>[omitted]</td>
<td>[omitted]</td>
<td>[omitted]</td>
</tr>
<tr>
<td>5—Stony Run</td>
<td>Basin</td>
<td>Fayette</td>
<td>CWF</td>
<td>None</td>
</tr>
<tr>
<td>[omitted]</td>
<td>[omitted]</td>
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<td>[omitted]</td>
</tr>
</tbody>
</table>

After redesignation, the suggested regulatory language is as follows:

<table>
<thead>
<tr>
<th>Stream</th>
<th>Zone</th>
<th>County</th>
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</tr>
<tr>
<td>5—Stony Run</td>
<td>Basin</td>
<td>Fayette</td>
<td>EV</td>
<td>None</td>
</tr>
<tr>
<td>[omitted]</td>
<td>[omitted]</td>
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<td>[omitted]</td>
<td>[omitted]</td>
</tr>
</tbody>
</table>

The only amended language refers to the protected water use, which should be changed from CWF to EV.

Petition to redesignate the Stony Run watershed
Suggested regulatory language