



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

Proposed Rulemaking - Dunbar Creek et al. Stream Redesignations (25 Pa. Code Chapter 93)

Environmental Quality Board Meeting

April 20, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

Dunbar et al. Evaluations

Stream	County	Reason for Evaluation
Bear Run	Indiana	Petition
Cranberry Creek	Monroe	Petition
Dunbar Creek	Fayette	Request
Two Lick Creek	Indiana	Petition
Clyde Run	Elk	Routine stream monitoring
UNT 28168 to Oley Creek	Luzerne	Correction of an error in Chapter 93
UNT 08187 to S. Branch Codorus Creek	York	Routine stream monitoring

Stream Evaluation Criteria and Qualifiers

The stream redesignations in this proposed rulemaking rely on the following special protection qualifiers and other evaluation criteria:

25 Pa. Code § 93.4b. Qualifying as High Quality (HQ) or Exceptional Value (EV) Waters

- Biological assessment qualifier (HQ - (a)(2)(i)(A))
- Class A wild trout stream qualifier (HQ - (a)(2)(ii))
- Outstanding National, State, regional or local resource water (EV – (b)(1)(iii))
- Biological assessment qualifier (EV – (b)(1)(v))
- Exceptional ecological significance (EV – (b)(2))

25 Pa. Code § 93.3 (relating to protected water uses)

25 Pa. Code § 93.4(b) (relating to less restrictive uses)

Regulation Summary

Stream Name	County	Zone Description	List	Designated Use		
				Current	Requested	Recommended
Cranberry Creek	Monroe	Basin, From and including UNT 04948 to Mouth	C	HQ-CWF, MF	EV (Petition requested entire Cranberry Creek basin.)	EV, MF
UNT 28168 to Oley Creek	Luzerne	Basin	K	HQ-CWF, MF		CWF, MF
Bear Run	Indiana	Portions of Bear and Brooks Run	L	CWF, MF	HQ or EV (Petition requested entire Bear Run basin.)	EV and HQ-CWF (See map)
UNT 08187 to South Branch Codorus Creek	York	Basin	O	WWF, MF	CWF	EV, MF
Clyde Run	Elk	Basin	R	CWF, MF		EV
Two Lick Creek	Indiana	Main Stem, Two Lick Reservoir tailrace to Yellow Creek	T	TSF	HQ-CWF (Petition requested Two Lick Creek, Two Lick Reservoir tailrace to Yellow Creek.)	CWF
Dunbar Creek	Fayette	Portions of Dunbar and Glade Run	V	HQ-CWF	EV (PFBC requested the Dunbar Creek basin, from source to Gist Run.)	EV

WWF – Warm Water Fishes
 HQ – High Quality

TSF – Trout Stocking
 EV – Exceptional Value

CWF – Cold Water Fishes
 MF – Migratory Fishes



Cranberry Creek

Mountainhome

Cranberry Creek Proposed Designated Use

Monroe County

UNT 04948

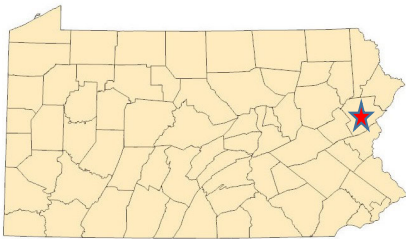
Paradise Valley

Cranberry Creek

Parkside

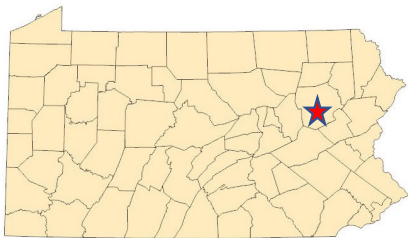
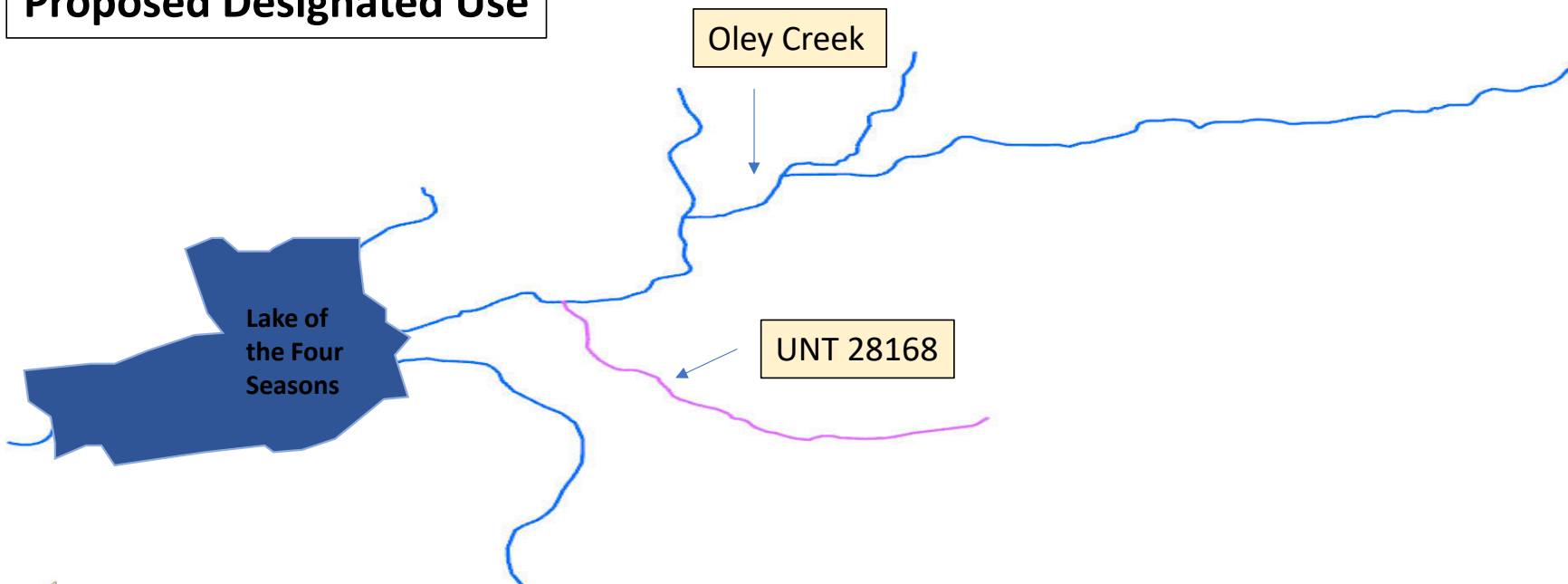
Designated Uses

- EV, MF
- HQ-CWF, MF



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

UNT 28168 to Oley Creek Proposed Designated Use

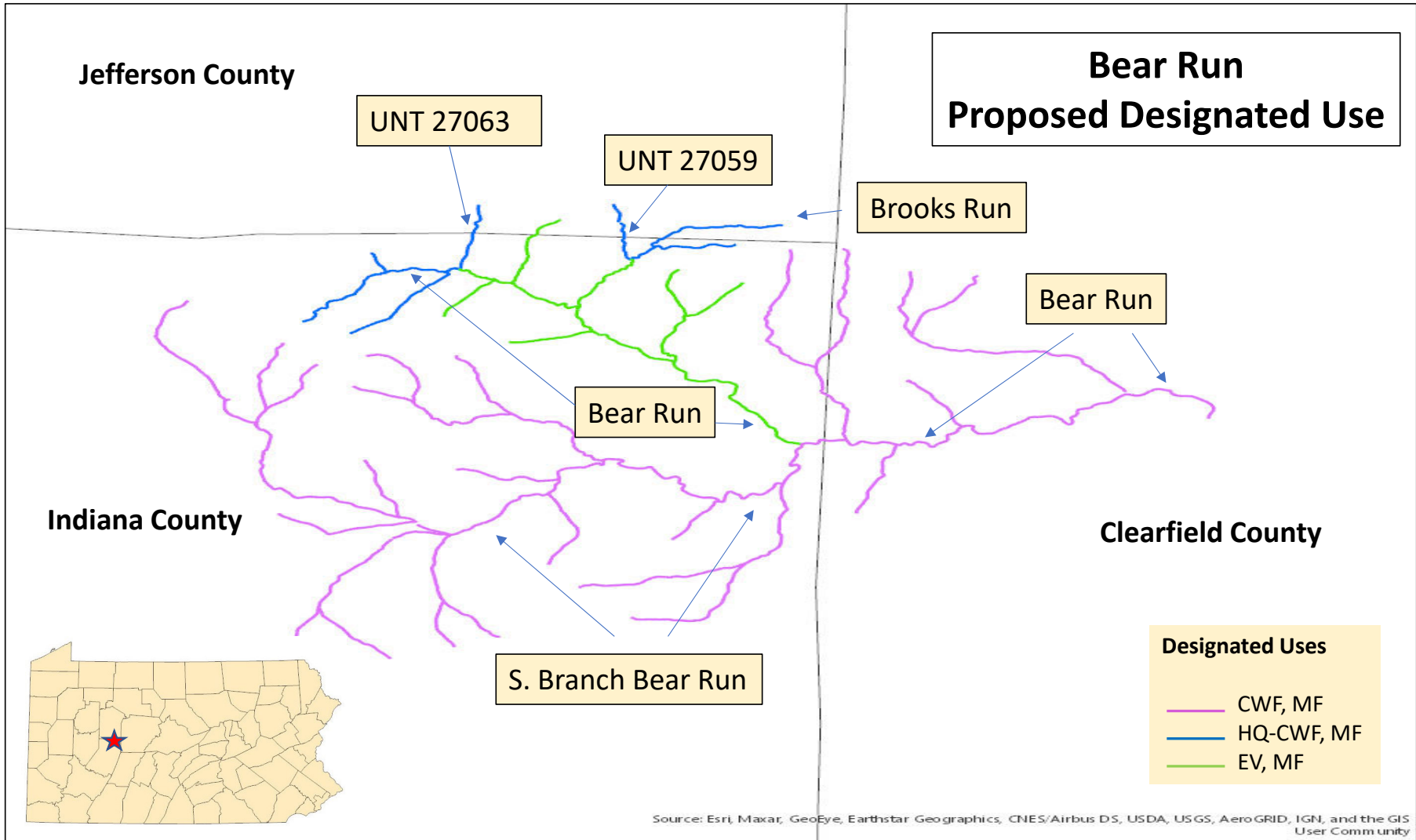


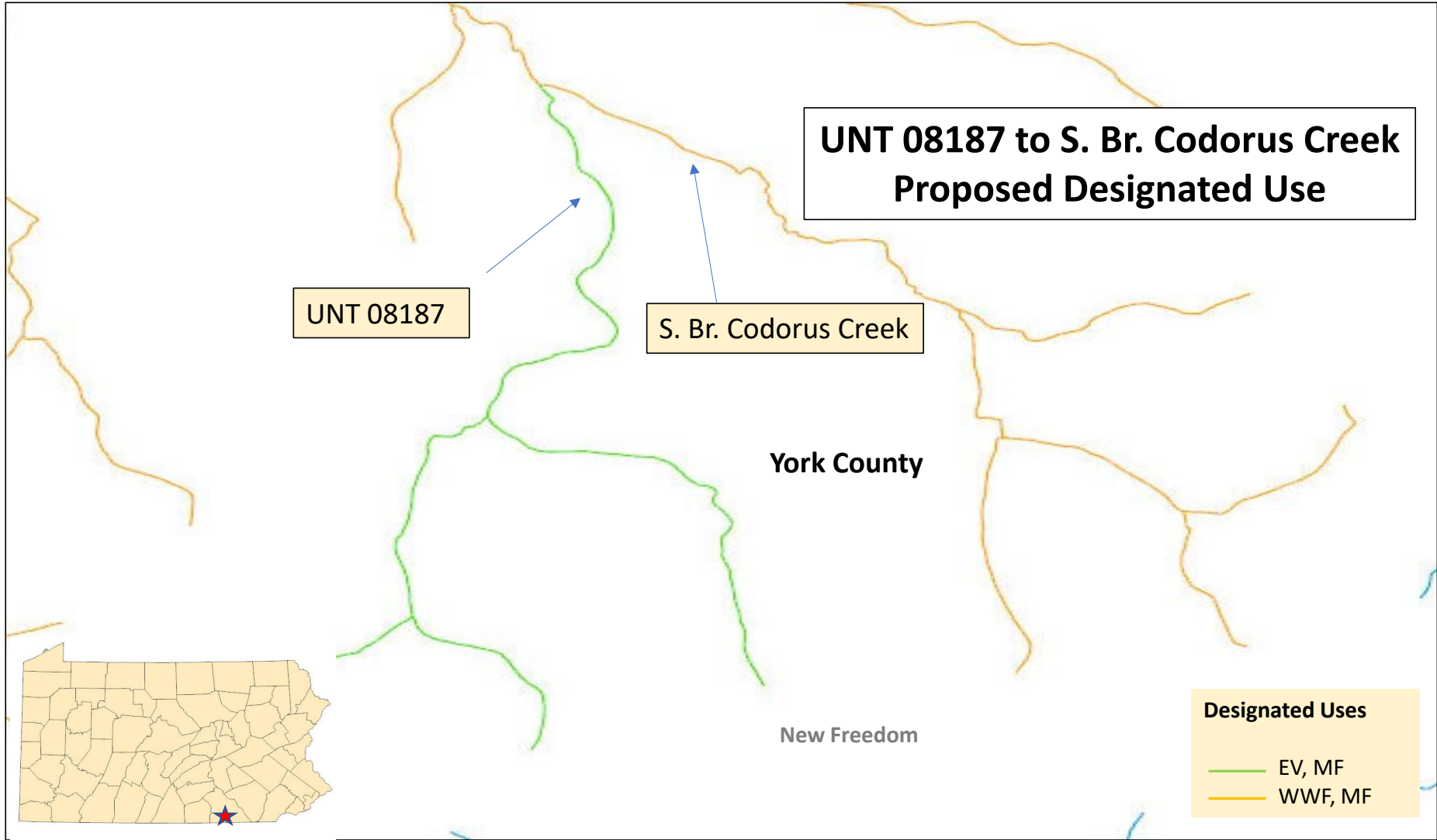
Luzerne County

Designated Uses

- CWF, MF
- HQ-CWF, MF

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





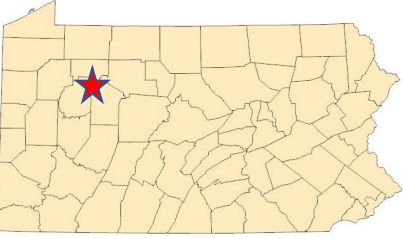
Clyde Run Proposed Designated Use

Elk County

Clarion River

Clyde Run

Jefferson County



Designated Uses

- EV
- CWF

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA

Two Lick Creek Proposed Designated Use

Two Lick Creek

Two Lick Creek
Reservoir

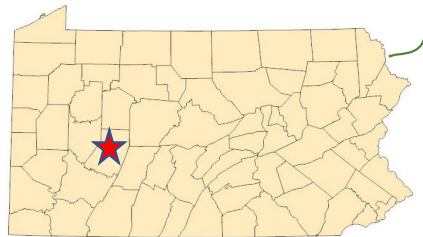
Two Lick Creek

Yellow Creek

Indiana County

Designated Uses

- TSF
- CWF



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Dunbar Creek Proposed Designated Use

Fayette County

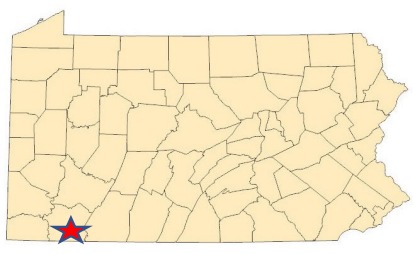
Gist Run

Dunbar

Dunbar Creek

Dunbar Creek

Glade Run



Designated Uses

- TSF
- HQ-CWF
- EV

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Implementation

National Pollutant Discharge Elimination System (NPDES)

- Requires effluent limitations that are protective of the Designated Use
- Designated use changes to High Quality or Exceptional Value should have no impact on existing activities discharging under an individual NPDES permit
- New or expanding discharges may be subject to more stringent treatment requirements to meet Designated and Existing Uses

Affected Parties

Opportunities for Public Participation Prior to Rulemaking

- DEP Notice of intent to assess the streams & request for technical data
- DEP Notice and minimum 30-day comment period on draft evaluation report

Notifications

DEP provides 4 post card notifications via USPS

- Prior to EQB meeting - proposed
- Beginning of comment period
- Prior to EQB meeting - final
- Final rule sent to IRRC/Committees

eNotice will be delivered at similar times

- Announcing the rulemaking is on EQB Meeting Agenda
- Announcing public comment periods
- Announcing the EQB has adopted the rulemaking

Notifications

Post cards are delivered to the following entities:

- Municipalities
- County Planning Commissions
- County Conservation Districts
- Regional Planning Commissions
- Other Agencies (PFBC, PGC)
- USEPA Region 3
- Commentators on proposed rule (where possible)

eNotice will be delivered to anyone who subscribes

Recommendation

DEP recommends the Dunbar Creek et al. Stream Redesignations proposed rulemaking be adopted by the Board and published in the *Pennsylvania Bulletin* with a 45-day comment period and public hearing.



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