

EXECUTIVE SUMMARY
DESIGNATED WATER USES AND WATER QUALITY CRITERIA
Blue Eye Run, et al. (Water Quality Network (WQN) Package)
Proposed Rulemaking

As part of its continuing water quality management program and ongoing review of water quality standards, the Department of Environmental Protection (Department) recommends that the Environmental Quality Board (Board) adopt the following amendments to 25 Pa. Code Chapter 93, §§93.9b, 93.9d, 93.9f, 93.9g, 93.9i, 93.9l, 93.9p and 93.9q as set forth in Annex A of this proposed rulemaking.

The Department operates the Surface Water Quality Network (WQN) – a long-term, fixed station network of monitoring stations on rivers and streams throughout the state. This network was initially designed to monitor water quality conditions on a broad scale. Most stations are located on major streams with large drainage areas. However, recent water quality monitoring trends emphasize the importance of identifying and defining biological reference conditions characteristic of no or minimal disturbance. As part of the process to establish biological reference conditions, smaller watersheds with minimal land disturbance were added to the water quality network to collect data representative of reference water quality conditions and to support biological metric protocol development. WQN streams are selected from various areas across the state and monitored for five years. Following the close of the 5-year inventory period, the studied sites are replaced with a new set of reference stations.

After reviewing the WQN monitoring data, several of the stations displayed existing use stream conditions indicative of Exceptional Value (EV) waters. Physical, chemical, and biological characteristics along with other information on these waterbodies were considered to determine the appropriateness of the current and recommended designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Based on these data and appropriate regulatory criteria, the Department has developed this package of stream redesignation evaluations from streams that were part of the WQN Reference Network.

Potentially affected municipalities within the watershed were notified by letter of the stream evaluations and asked to provide any readily available data. In addition, data was requested from the public through a notice in the Pennsylvania Bulletin and newspaper notices to assist the Department in the development of the draft evaluation report. No data were received in response to these notices. Pennsylvania Fish and Boat Commission (PFBC) and DEP staff reviewed the draft evaluation report and concurred with the recommendations. The affected municipalities were notified of the availability of a draft evaluation report that was posted on the Division of Water Quality Standards web page for their review and comment. No comments were received in response to these notices.

A basin-wide migratory fishes (MF) designation to drainage lists A through O and Z is currently being considered as part of the Triennial Review of Water Quality Standards final rulemaking. The MF designated use has been added to those waters that appear in the Annex of this proposed rulemaking to be consistent with the Triennial Review final rulemaking, which may not be published as final in the *Pa Bulletin* by this April 2009 EQB meeting.

Table Two: Proposed Stream Name Corrections

PROPOSED STREAM NAME CORRECTIONS THAT DO NOT AFFECT THE CURRENT DESIGNATED USE			
Stream	County	List	Proposed Correction
Tadyuskung Creek	Pike	B	Teedyuskung Creek
Upper Tunkhanna Creek	Monroe	D	Upper Tunkhannock Creek
Hokendagua Creek	Northampton	D	Hokendauqua Creek
Mahanhon Creek	Schuylkill	F	Mahannon Creek
UNT to East Branch Chester Creek at RM 0.4 ("Goose Creek")	Chester	G	Westtown Run
Woodley Hollow	Clinton	L	Woodley Draft
Harrington Hollow	Tioga	L	Herrington Hollow
Burdie Run	Tioga	L	Burdic Run
Bayer Brook	McKean	P	Boyer Brook

This proposed rulemaking is being made under the authority of Sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§691.5 (b)(1) and 691.402), which authorize the Environmental Quality Board to develop and adopt rules and regulations to implement the provisions of the Clean Streams Law, and Section 1920-A of the Administrative Code of 1929 (71 P.S. §510-20), which grants to the Board the power and duty to formulate, adopt, and promulgate rules and regulations for the proper performance of the work of the Department. In addition, Section 303 of the Federal Clean Water Act (33 U.S.C. §1313) sets forth requirements for water quality standards and the federal regulation at 40 CFR §131.32 sets forth certain requirements for portions of the Commonwealth’s antidegradation program. This regulation is not more stringent than the federal requirements found in the companion federal regulations.

The streams proposed for redesignation are already protected at their existing use and, therefore, the designated use changes will have no additional impact on treatment requirements. Existing discharges are unaffected by changes to the designated use of the water body. Some new or expanding discharges may be subject to more stringent treatment requirements to meet designated and existing stream uses.

The proposed redesignations will be implemented through the Department’s permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. Dischargers are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

The Department recommends that these revisions be adopted by the Board and published in the *Pennsylvania Bulletin* as proposed rulemaking with a 45-day public comment period. Public hearings and/or meetings will be scheduled at appropriate locations if sufficient interest is shown during the public comment period.