

**RATIONALE FOR APPROVAL OF
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
2012 SECTION 303(d) LIST**

I. Purpose

The purpose of this document is to describe the rationale for the U.S. Environmental Protection Agency's (EPA) approval of Pennsylvania Department of Environmental Protection's (PADEP) 2012 Section 303(d) list. EPA has conducted a complete review of Pennsylvania's 2012 Section 303(d) list and supporting documentation and information. Based on this review, EPA has determined that the Commonwealth's list of water quality limited segments (WQLSs) still requiring Total Daily Maximum Loads (TMDLs) meets the requirements of Section 303(d) of the Clean Water Act (CWA or the Act) and EPA's implementing regulations. Therefore, by this letter, EPA hereby approves Pennsylvania's Section 303(d) list, which is comprised of Category 5 of Pennsylvania's Integrated Water Quality Monitoring and Assessment Report (Integrated Report).

II. Statutory And Regulatory Background

A. Identification of WQLSs for Inclusion on Section 303(d) List

Section 303(d)(1) of the CWA directs states to identify those waters within their jurisdiction for which effluent limitations required by Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard, and to establish a priority ranking for such waters taking into account the severity of the pollution and the uses to be made of such waters (Section 303(d) list). The Section 303(d) listing requirement applies to waters impaired by point and/or nonpoint sources, pursuant to EPA's long standing interpretation of Section 303(d).

EPA regulations provide that states do not need to identify waters on the Section 303(d) list where the following controls are adequate to implement applicable standards: (1) technology based effluent limitations required by the Act; (2) more stringent effluent limitations required by state or local authority; and (3) other pollution control requirements required by state, local, or Federal authority. See 40 CFR §130.7(b)(1).

Pennsylvania developed an Integrated Report, combining the former CWA Section 303(d) list and 305(b) report, which identifies the assessment status of all of Pennsylvania's waters. The Integrated Report separates the waters of Pennsylvania into five distinct categories. All stream segments or assessment units fall into one or more of the following categories:

- Category 1 – Waters attaining all designated uses.
- Category 2 – Waters where some, but not all, designated uses are met. Attainment status of the remaining designated uses is unknown because

data are insufficient to categorize the water.

- Category 3 – Waters for which there are insufficient or no data and information to determine if designated uses are met.
- Category 4 – Waters impaired for one or more designated use, but not needing a TMDL. These waters are placed in one or more of the following three subcategories:
 - Category 4a – TMDL has been completed.
 - Category 4b – Expected to meet all designated uses within a reasonable timeframe.
 - Category 4c – Not impaired by a pollutant.
- Category 5 – Waters impaired for one or more designated uses by any pollutant. Category 5 constitutes the Section 303(d) list.

B. Consideration of Existing and Readily Available Water Quality Related Data and Information

In developing Section 303(d) lists, states are required to assemble and evaluate all existing and readily available water quality related data and information including, at a minimum, consideration of existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable standards; (3) waters for which water quality problems have been reported by governmental agencies, members of the public, or academic institutions; and (4) waters identified as impaired or threatened in any Section 319 nonpoint assessment submitted to EPA. See 40 CFR §130.7(b)(5). In addition to these minimum categories, states are required to consider any other data and information that is existing and readily available. EPA's 1991 Guidance for Water Quality Based Decisions describes categories of water quality related data and information that may be existing and readily available. See *Guidance for Water Quality Based Decisions: The TMDL Process, EPA Office of Water, 1991, Appendix C (EPA's 1991 Guidance)*. While states are required to evaluate all existing and readily available water quality related data and information, states may decide to rely or not rely on particular data or information in determining whether to list particular waters.

In addition to requiring states to assemble and evaluate all existing and readily available water quality related data and information, EPA regulations at 40 CFR §130.7(b)(6) require states to include, as part of their submissions to EPA, documentation to support decisions to rely or not rely on particular data and information, and decisions to list or not list waters. Such documentation needs to include, at a minimum, the following information: (1) a description of the methodology used to develop the list; (2) a description of the data and information used to identify waters; and (3) any other reasonable information requested by the Region. As described in more detail below, Pennsylvania's 2012 Integrated Report submission (including the Section 303(d) list as Part 5) identified (1) the Commonwealth's assessment methodologies; (2) included documentation to support decisions to list or not list waters in certain categories;

(3) description of data that PADEP considered; (4) comments received on the draft list; (5) PADEP's response to those comments; (6) Integrated Report narrative; and (7) report appendices. EPA also received and considered a number of comments from organizations and individuals regarding the Pennsylvania Integrated Report including the Section 303(d) list.

C. Priority Ranking

EPA regulations also codify and interpret the requirement in Section 303(d)(1)(A) of the Act that States establish a priority ranking for listed waters. The regulations at 40 CFR §130.7(b)(4) require states to prioritize waters on their Section 303(d) lists for TMDL development, and also to identify those WQLSs targeted for TMDL development in the next two years. In prioritizing and targeting waters, states must, at a minimum, take into account the severity of the pollution and the uses to be made of such waters. As long as these factors are taken into account, the Act provides that states establish priorities for TMDL development. States may consider other factors relevant to prioritizing the waters for TMDL development, including: immediate programmatic needs; vulnerability of particular waters with regard to aquatic habitats and recreational, economic, or aesthetic importance of particular waters; degree of public interest and support; and state or national policies and priorities. See 57 CFR §33040, 33045 (July 24, 1992), and EPA's 1991 Guidance.

III. Analysis of Pennsylvania's Submission

A. Identification of Waters and Consideration of Existing and Readily Available Water Quality Related Data and Information

EPA has reviewed Pennsylvania's submission, and has concluded that the Commonwealth developed its Section 303(d) list in compliance with Section 303(d) of the Act and 40 CFR §130.7. EPA's review is based on its analysis of whether the state reasonably considered existing and readily available water quality related data and information and reasonably identified waters required to be listed. EPA also considered the additional information and documents regarding Pennsylvania's submission from other organizations and individuals. Comments related to the impairment status of Susquehanna River were sent directly to EPA between and April 27, 2012 and April 18, 2013. Comments sent directly to EPA were considered during EPA's review process.

Description of the methodology used to develop the list (CFR §130.7(b)(6)(I))

PADEP based the 2012 Section 303(d) list on a variety of data and information sources. The rivers and streams water quality assessments reflect a combination of information from intensive surveys, Statewide Surface Water Assessment Program (SSWAP) surveys, Instream Comprehensive Evaluations (ICE) and data solicited from outside sources. Fish consumption and recreational use specific data also take into account information from the Pennsylvania interagency fish tissue sampling program and

bacteriological indicator data collected by government agencies and citizen/volunteer groups, respectively. Pennsylvania also solicited, by mail in 2011, relevant water quality data and information from roughly five hundred individuals associated with government agencies, academic institutions, advisory groups, citizen monitoring groups, watershed associations, public interest groups, and sportsmen groups. Pennsylvania considered all data and information regarding CFR §130.7(b)(5) Categories, which is the minimum required by Federal regulations.

Detailed assessment methodologies were made available to the public prior to issuance of the 2012 Integrated Report. Pennsylvania did not make any changes to the assessment methodologies that were used for the 2010 Integrated Report. The same methodologies were used for the 2012 Integrated Report.

Description of the data and information used to identify waters, including a description of the data and information used as required by CFR §130.7(b)(5)

Beginning in 2011, PADEP sent EPA documentation of data and information used to support Pennsylvania's decisions to not include certain waters on the draft 2012 Section 303(d) list. The availability of Pennsylvania's proposed Section 303(d) list of impaired waters was announced in the April 7, 2012 issue of the *Pennsylvania Bulletin*. A 45-day public comment period was provided.

EPA submitted general and specific comments to PADEP in a letter dated May 21, 2012. Pennsylvania responded to each of EPA's comments in a Comment Response Document.

On January 29, 2013, PADEP notified EPA of the availability of the final 2012 Integrated Report and invited EPA to consider that Report as its 2012 submission. Due to the size and volume of the entire report (which includes the narrative report, assessment methodology, and integrated list), it was obtained by EPA directly from PADEP's website. EPA considered: the Integrated Report; appendices detailing the data solicitation and public notice processes; listing of delisted waters; the comment response document; documentation supporting the inclusion of waters in Category 4B and the removal of waters from Category 5; and an amended version of Category 5, as Pennsylvania's final 2012 Integrated Report package for review. EPA also considered the comments and materials sent directly to EPA related to the Susquehanna River during the review process.

EPA has reviewed Pennsylvania's description of the data and information considered in the listing process, biological and chemical data collected by the Commonwealth and interstate basin commissions, and its methodology for identifying waters. EPA concludes that the Commonwealth properly assembled and evaluated all existing and readily available data and information, including data and information relating to the categories of waters specified in 40 CFR §130.7(b)(5).

In addition, Pennsylvania provided its rationale for not relying on particular existing and

readily available water quality related data and information as a basis for identifying waters as part of the Section 303(d) list (Category 5 of the IR). While soliciting water quality data and information from outside sources, Pennsylvania sent out an information sheet explaining the determination process for placing a waterbody on the Section 303(d) list, the criteria required for data and/or information submitted to PADEP from outside sources, and logistical details regarding such data submittals. As part of the process the state uses in its evaluation of outside data and information, Pennsylvania screens all outside sources of data received for minimal requirements, including the specific location of the reported impairment; identification of the particular water quality standards violation(s); data to substantiate the conclusion of impairment; identification of the source(s) and cause(s) of impairment; and the presence of a quality assurance/quality control plan. EPA finds Pennsylvania's screening protocol and criteria described in its 2012 Section 303(d) list narrative report to be a reasonable rationale in determining the usage of outside data, as waters listed as impaired on the 303(d) list should be based on scientifically valid data.

This approval rationale applies to Pennsylvania's Section 303(d) list (Category 5) as published on January 29, 2013. EPA considered Categories 1, 2, 3, 4A, 4B and 4C to the extent they impact the Section 303(d) list during our approval. In addition, EPA approves the specific water pollutant combination removals and listing changes identified in Appendix E, F and G of the Integrated Report.

EPA views the 2012 Integrated Report as a snapshot of the Commonwealth's water quality in time, with the attainment status of waters continually changing with each round of reassessment. The 2014 Integrated Report therefore should build upon, by updating and possibly correcting, the approved information presented in the 2012 report. EPA will work with PADEP to update the national tracking system to reflect Pennsylvania's new report.

We encourage PADEP to maintain its efforts using volunteers to collect recreational use assessment information on Pennsylvania streams. Pennsylvania has made little progress in increasing the number of assessed waters for recreational use over the past four reporting cycles. Currently, only 2.8 percent of Pennsylvania's 86,000 stream miles are assessed for recreational use. EPA would like to see progress made over future reporting cycles in enhancing recreational use assessments. EPA encourages PADEP to develop a pathogen monitoring program that will work towards assessing recreational uses of Pennsylvania's vast water resources and protect public health.

PADEP received a considerable amount of public comments related to the Susquehanna River on the draft 2012 Integrated Report. The Pennsylvania Fish and Boat Commission (PFBC) submitted comments and materials to PADEP to support their claim that the decline in Susquehanna smallmouth bass populations indicated an aquatic life use impairment. Of all the comments received by PADEP on the Susquehanna River, the PFBC was the only organization to submit water quality data. The PFBC requested approximately 98 miles of the Susquehanna River be listed as impaired. The river section referenced by the PFBC was from Sunbury, PA to the Holtwood Dam (9.4 miles

north of the Maryland state line). PADEP evaluated the information provided by the PFBC and determined that the data supplied by the PFBC was not sufficient to list the 98 mile section of the Susquehanna River as impaired.

The pH and dissolved oxygen data submitted by the PFBC was limited to three monitoring stations with one being located in a backwater area (slow moving area off of the main river channel) that is not representative of the free flowing river and two mainstem stations. The data from the two main channel stations did not demonstrate any exceedences of numeric aquatic life criteria for dissolved oxygen that would warrant the addition of the Susquehanna River to PA's IR Category 5 list. PADEP's Susquehanna River Water Quality Network monitoring stations did not show any dissolved oxygen exceedences that would warrant an impairment determination during the IR period of record. The backwater monitoring station did show some exceedences of PA's minimum dissolved oxygen standard, but those exceedences were determined to be less than one percent of the time by PADEP's assessment of the data submitted by PFBC and met PA Chapter 96.3(c) regulations. Additionally, the backwater monitoring location is not representative of the water quality conditions in the main stem of the river. PADEP also noted the pH violations that were recorded were minimal and did not warrant an impairment designation. The 2009-1216 United States Geological Survey (USGS) report concluded "Young of Year (YOY) smallmouth bass rarely were exposed to pH that exceeded 9.0 during the critical period...It therefore seems unlikely that pH is a major stressor to YOY smallmouth bass." Levels of pH greater than 9.0 have been observed by PADEP on other waterbodies in the Commonwealth that are considered to have good water quality.

PA Fish and Boat Commission (PFBC) and other commenters have referenced increased dissolved nutrient trends and algal blooms that may be impacting the health of smallmouth bass and other aquatic organisms. PADEP has acknowledged the algal blooms but does not have sufficient data to indicate an impairment of the river is warranted at this time. PADEP does not agree with the nutrient trends noted by PFBC downstream of the Conowingo Pool. The pool is a sediment trap and may give false trends due to re-suspension during high flows. Total phosphorus trends upstream at Marietta, PA in the section PFBC requested be impaired have trended downward since 2002.

Smallmouth bass lesions, young of the year mortality and declines in recreational fishing were raised as a concern by many commenters including the PFBC. The PFBC submitted information documenting declining catch rates of smallmouth bass during annual biological assessments. The PFBC contends that low dissolved oxygen, high pH and high temperatures in smallmouth bass nursery habitats are predisposing fish to disease. PADEP acknowledged that smallmouth bass are exhibiting adverse effects related to disease but also note similar observations have been made across the Commonwealth including waterbodies with historically good water quality. Young of year surveys conducted by the PFBC were discussed by PADEP as not providing sufficient community level fish data which PADEP would need to assess aquatic life use attainment. PFBC fish surveys focus on sport fish, and a representative sample of the

fish community is not collected. Based on EPA's review of the submission and comments received since then, there does not appear to be data available regarding the full fish assemblage for this section of the river.

PADEP's review of that data is based on its interpretation of its water quality standards (WQS) and conclusion that recruitment data for one fish species is not sufficient to designate a water segment as impaired on the state's Section 303(d) list for aquatic life use. As PADEP detailed in their response to comment summary, a fish index of biological integrity that measures the ecological health of a river requires fish community data and does not focus on a single fish species. PADEP requires fish community data to evaluate the health of the Susquehanna River fish assemblage. As discussed later in this document, PADEP is planning additional monitoring of the Susquehanna River and its tributaries to collect sufficient information to make an attainment determination. EPA defers to PADEP's interpretation of its WQS and designated uses in what level of data is sufficient to support a 303(d) listing of impaired. PADEP does not currently have an approved fish index of biotic integrity (IBI) to measure attainment of aquatic life uses on the Susquehanna River based on the fish community. PADEP also noted that preliminary analysis has shown recent high water temperatures correlate well with observations of smallmouth bass disease. PADEP has committed to conducting more ambient monitoring on the Susquehanna River, already begun in 2012 and continuing in 2013, including collecting comprehensive fish community data.

The draft 2012 Integrated Report identified a large portion of the mainstem Susquehanna River assessed as unimpaired for aquatic life use and recreational use and placed in Category 2. In the final 2012 Integrated Report, based on the review of public comments including the PFBC fishery data, PADEP changed the identification, for most of the Susquehanna River, to a classification that there is insufficient information (Category 3) to make an assessment determination. The mainstem Susquehanna River from Sunbury, PA to the Maryland state line is listed in Category 3 for both aquatic life and recreational uses with approximately two miles listed as impaired due to metals near Marietta, PA. In summary, PADEP considered the comments that portions of the Susquehanna River should be identified as impaired for aquatic life uses, but reached a different conclusion. PADEP based its conclusion on its finding that there has not been sufficient data collected to support the Susquehanna River being added to PA's 2012 303(d) list. PADEP recognizes there are problems with the Susquehanna smallmouth bass population. The identification of portions of the Susquehanna River on Part 3 of the IR reflects PADEP's concern that these waters may be adversely impacted by pollution but need further investigation to determine whether a specific impairment may be present, and what is causing that impairment. EPA finds PADEP's interpretation of its WQS and 303(d) listing assessment methodology as reasonable in this case, and therefore supports this decision.

As noted above, and as a response to the shift in identification from unimpaired (Category 2) classification to a Category 3 classification, PADEP initiated a study in 2012 which will continue in 2013 to assess the Susquehanna River and its major tributaries to collect significantly broader data for the purposes of investigating the causes

for smallmouth bass decline and to further assess water quality. PADEP transmitted electronic copies of the Susquehanna study plans to EPA and has made those available to the public. The Susquehanna Study is and will continue to collect numerous types of water quality data including: macroinvertebrate data, periphyton data, continuous water quality monitoring data, fish community data from multiple sites, nutrient data, passive samplers, and herbicide/pesticide data. EPA supports PADEP's additional data collection efforts as a reasonable and appropriate response to the information regarding the decline of the smallmouth bass fishery and water quality concerns.

PADEP staff has also developed a benthic macroinvertebrate IBI to assess aquatic life use in Pennsylvania's larger wadeable streams and rivers. The IBI is expected to be published in 2013 with PADEP's Assessment and Listing Methodology that will be used for the 2014 IR. The new methods will provide a scientific framework for assessing and characterizing the benthic macroinvertebrates of large rivers in the Commonwealth including the Susquehanna River. PADEP staff are also currently working towards developing fish IBIs for wadeable streams and large rivers. If successful, these new fish indices may be useful in evaluation of overall fish community health.

After receipt of Pennsylvania's final IR on January 29, 2013, EPA received numerous public comments on the Susquehanna River. The issues raised by the public were similar to those raised to PADEP. Comments submitted to EPA related to the Susquehanna River did not include any additional water quality monitoring data. The comments submitted to EPA referenced various media articles and PFBC statements about smallmouth bass health. The only quantitative data available for review were the continuous monitoring data submitted by PFBC. Based on PADEP's review, the data submitted by PFBC did not indicate an aquatic life use impairment was warranted. EPA understands the concerns of the public related to the Susquehanna River smallmouth bass health. EPA supports PADEP's decision to collect additional data on the Susquehanna River and major tributaries to thoroughly assess the Susquehanna River. It is EPA's expectation that the planned monitoring and assessment work that PADEP has committed to in the Susquehanna Basin will yield a data set sufficient to make assessment determinations for portions of the mainstem Susquehanna River in the future. EPA considered all comments received prior to making its approval decision.

B. Public Participation

Pennsylvania announced the availability of its draft 2012 Integrated Report and the Section 303(d) list of impaired waters in the April 7, 2012, issue of the *Pennsylvania Bulletin*. At that time, the Commonwealth accepted public comments on the proposed list until May 22, 2012. Comments were received from EPA in a letter dated May 21, 2012. To address comments received, a number of changes were made to the list and a Comment Response Document was developed as an appendix of Pennsylvania's Integrated Report.

EPA staff met with PFBC Executive Director Mr. John Arway on July 11, 2012 to discuss PFBC's concerns about the health of Susquehanna River smallmouth bass. EPA

also held a conference call on February 14, 2013 with Mr. Michael Helfrich, Lower Susquehanna Riverkeeper (and others), to listen to Mr. Helfrich's Susquehanna River concerns. EPA has also responded to several inquiries from elected officials either asking questions about the Susquehanna River's impairment status or relaying their constituents concerns.

C. Previously Listed Waterbodies Not Included on the 2012 Section 303(d) List

Pennsylvania has also demonstrated, to EPA's satisfaction, good cause for not including certain waters on its list. As provided in 40 CFR §130.7(b)(6)(iv), EPA requested that Pennsylvania demonstrate good cause for not including such waters. For the 2012 Section 303(d) list, Pennsylvania submitted various sets of data demonstrating that certain previously listed waters either recovered to the point that the applicable water quality standards have been attained, or were initially listed in error and/or are currently not impaired. There may also be reassessments revealing that a WQLS is still impaired, but that the causes of impairment have changed; these waters therefore remain on the list, but are identified as impaired by different pollutant(s).

For each segment proposed for removal from the 2012 Section 303(d) list, Pennsylvania provided EPA with sufficient documentation and justification. Such data included benthic macroinvertebrate data, chemical data, habitat surveys, narrative statements from PADEP biologists, compliance data, and other forms of documentation. EPA reviewed this data and approves the set of waters or pollutant-water combinations delisted from the 2012 Section 303(d) list, which are listed in Appendices E, F and G of the 2012 Integrated Report. Delisted waters are characterized as either (1) removals from the 2012 Section 303(d) list due to attainment of WQS for the previously listed pollutant(s), listing in error, or removal of a pollutant source; or (2) remaining on the 2012 Section 303(d) list but impaired due to a different pollutant.

Removal of water pollutant combinations from the 2012 Section 303(d) list also included those segments where EPA approved TMDL(s) have been developed. These segments can be found in Category 4A. Implementation of the TMDL was not required prior to removal. Where a water was previously listed for more than one pollutant, only those pollutants addressed in an approved TMDL were moved to Category 4A.

D. Segments Excluded from the Section 303(d) List Pursuant to 40 CFR §130.7(b)(1) Because They Are Expected to Meet Water Quality Standards

Pennsylvania's decision not to include waters on its 2012 Section 303(d) list due to other required pollution controls is consistent with EPA regulations at 40 CFR §130.7(b)(1). These waters were identified in Category 4B of the Integrated Report. Under 40 CFR §130.7(b)(1), states are not required to list WQLSs still requiring TMDLs (i.e., the Section 303(d) list or Part 5 of the IR) where effluent limitations required by the CWA, more stringent effluent limitations required by state or local authority, or other pollution control requirements required by state, local, or federal authority, are stringent enough to implement applicable WQS. The regulation does not specify the timeframe in

which these various requirements must implement applicable WQS to support a state's decision not to list particular waters. Consistent with EPA guidance on this issue, EPA expects that required controls will result in attainment in a reasonable time, based on the nature of the pollutant and actions that need to be taken to achieve attainment.

Monitoring should be scheduled for these waters to verify that the WQS is attained as expected in a reasonable timeframe. Where standards will not be attained through implementation of the requirements listed in 40 CFR §130.7(b)(1) in a reasonable time, it is appropriate for the water to be placed on the Section 303(d) list to ensure that implementation of the required controls, and progress towards compliance with applicable standards, is tracked. If it is determined that the water is, in fact, meeting applicable standards when the next Section 303(d) list is developed, it would be appropriate for the state to remove the water from the list at that time.

E. Segments Identified by the State as Impaired by Nonpoint Sources

Pennsylvania properly listed waters with nonpoint sources causing or expected to cause impairment, consistent with Section 303(d) and EPA guidance. Section 303(d) lists are to include all WQLSs still needing TMDLs, regardless of whether the source of impairment is a point and/or nonpoint source. EPA's long standing interpretation is that Section 303(d) applies to waters impacted by point and/or nonpoint sources. In *Pronsolino v. Marcus*, the District Court for the Northern District of California held that Section 303(d) of the CWA authorizes EPA to identify and establish TMDLs for waters impaired by nonpoint sources (*Pronsolino et al. v. Marcus et al.*, 91 F.Supp.2d 1337, 1347 (N.D.Ca. 2000)). See, also, EPA's 1991 *Guidance and National Clarifying Guidance for 1998 Section 303(d) Lists*, Aug. 27, 1997.

F. Priority Ranking and Targeting

EPA reviewed Pennsylvania's priority ranking of listed waters for TMDL development, and concluded that the Commonwealth properly took into account the severity of pollution and the uses to be made of such waters. PADEP utilizes various mechanisms to schedule the development of TMDLs, as EPA guidance allows for states to use additional criteria to prioritize its Section 303(d) list (see EPA, April 1991).

EPA has reviewed Pennsylvania's identification of WQLS targeted for TMDL development in the next two years, and concludes that the targeted waters are appropriate for TMDL development in this timeframe.

G. Coordination with the U.S. Fish and Wildlife Service

EPA notified the Pennsylvania Field Office of the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), by letters dated April 16, 2012 and February 11, 2013, of the availability of Pennsylvania's 2012 Integrated Report. EPA provided notification as an informal coordination regarding potential impacts the proposed listings may have on threatened and endangered species.

The Section 303(d) related comments received from the NMFS were taken into account as part of EPA's decision making process. Comments were also received from the U.S. Fish and Wildlife Service related to the health of Susquehanna River smallmouth bass and were considered during EPA's decision process.