

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

The EQB approved the proposed rulemaking for the Blue Eye Run, et al. (WQN) package at its April 21, 2009 meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on June 20, 2009 (39 Pa.B 3043) with provision for a 45-day public comment period that closed on August 4, 2009. The only commentator was the U.S. Environmental Protection Agency (EPA) Region 3 who commended DEP on its continuing effort to upgrade streams into its highest level of the Special Protection Waters Program, but otherwise had no comments.

On June 5, 2009, the Department submitted a copy of the proposed rulemaking published at 39 Pa.B 3043 on June 20, 2009 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment in accordance with Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). Neither IRRC nor the Committees raised any comments, recommendations, or objections to any portion of the proposed rulemaking, and no changes were made from the proposed rulemaking to this final-form regulation; therefore under Section 5(g) of Regulatory Review Act, the final rulemaking will be deemed approved by IRRC.

A basin-wide migratory fishes (MF) designation was added to the Atlantic slope basin (drainage lists A--O and Z) as part of the Triennial Review of Water Quality Standards which was effective upon publication as a final rulemaking in the *Pennsylvania Bulletin* on May 16, 2009 (39 Pa.B. 2523). The MF designation applies to all waters within the respective basins unless there were specific exceptions previously noted for certain waterbodies or stream segments within one of these drainage lists. Drainage lists A--G are located within the Delaware River Basin. Drainage lists H--O are located within the Susquehanna River Basin. Drainage list Z is located within the Potomac River Basin. The MF designated use has been added to those waters which appear in Annex A to be consistent with the action in the Triennial Review final rulemaking at 39 Pa.B. 2523.

The Department recommends the designations described in Table One and as set forth in Annex A of the final rulemaking.

**Table One: Stream Redesignations**

<b>Stream</b>	<b>County</b>	<b>Reach</b>	<b>List</b>	<b>Current Designation*</b>	<b>Recommended Designation*</b>
East Branch Dyberry Creek	Wayne	Basin	B	HQ-CWF, MF	EV, MF
Unnamed Tributary (UNT) 29200 to Tunkhannock Creek	Susquehanna	Basin	I	CWF, MF	EV, MF
Young Womans Creek	Clinton	Basin, Source to Left Branch Young Womans Creek	L	HQ-CWF, MF	EV, MF
Muncy Creek	Sullivan	Mainstem, Source to second SR2002 Bridge upstream of Sonestown at RM 26.4	L	CWF, MF	EV, MF
Unnamed Tributaries to Muncy Creek	Sullivan	Basins, Source to second SR2002 Bridge upstream of Sonestown at RM 26.4	L	HQ-CWF, MF	EV, MF
Lopez Pond Brook	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
South Brook	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Rock Run	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Tublick Run	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Peters Creek	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Big Run	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Cherry Run	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Long Brook	Sullivan	Basin	L	HQ-CWF, MF	EV, MF
Spruce Run	Union	Basin, Source to eastern boundary of Bald Eagle State Forest at RM 5.09	L	HQ-CWF, MF	EV, MF
Blue Eye Run	Warren	Basin, Source to SR0027 Bridge	Q	CWF	EV
Middle Hickory Creek	Warren	Basin	Q	HQ-CWF	EV
East Hickory Creek	Warren	Basin, Middle Hickory Creek to Forest Hwy 119	Q	HQ-CWF	EV

\* HQ = High Quality  
 CWF= Cold Water Fishes  
 EV = Exceptional Value  
 MF = Migratory Fishes

\*\* RM = River Mile  
 UNT = Unnamed Tributary

In addition to these stream redesignations, the Department recommends corrections to nine stream names as they currently appear in Sections 93.9b, 93.9d, 93.9f, 93.9g, 93.9i, and 93.9p. Tadyuskung Creek, a tributary to the Lackawaxen River in Drainage List B, will be corrected to Teedyuskung Creek. In Drainage List D, the stream names for Upper Tunkhanna Creek and Hokendagua Creek, both in the Lehigh River basin, will be corrected to Upper Tunkhannock

Creek and Hokendauqua Creek. The current spelling of Mahanhon Creek, a tributary to the Schuylkill River in Drainage List F, will be corrected to Mahannon Creek. The Department will replace the stream name listing for UNT to East Branch Chester Creek at RM 0.4 (“Goose Creek”) in Drainage List G with the correct name for this stream, which is Westtown Run. Three stream names in the West Branch Susquehanna River watershed in Drainage List L will be corrected. Woodley Hollow, a tributary to Drury Run, will be corrected to Woodley Draft. Harrington Hollow and Burdie Run, both tributaries to Pine Creek will be corrected to Herrington Hollow and Burdic Run. In Drainage List P, Bayer Brook will be corrected to Boyer Brook. Boyer Brook is a tributary to Potato Creek.

The Department recommends the stream name corrections described in Table Two and as set forth in Annex A of the final rulemaking.

**Table Two: Stream Name Corrections**

<b>STREAM NAME CORRECTIONS THAT DO NOT AFFECT THE CURRENT DESIGNATED USE</b>			
<b>Stream</b>	<b>County</b>	<b>List</b>	<b>Correction</b>
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 final-form 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 final-form regulation is not more stringent than the federal requirements found in the companion federal regulations.

The streams recommended 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 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 and implement best

management practices 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 final-form rulemaking.