

EXECUTIVE SUMMARY
DESIGNATED WATER USES AND WATER QUALITY CRITERIA
Fishing Creek, et al., 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, §§93.9c, 93.9d, 93.9f, 93.9l and 93.9o as set forth in Annex A of this proposed rulemaking and summarized in the text below and in the table on the following page.

The streams in this proposed rulemaking that are candidates for redesignation were all evaluated in response to petitions as follows:

Stream	County	Petitioner
Buck Hill Creek	Monroe	Buck Hill Conservation Foundation
Lehigh River (upper)	Lackawanna, Monroe, Wayne, Luzerne	North Pocono Citizens Alert Regarding the Environment (CARE)
Little Lehigh Creek	Lehigh, Berks	Mid-Atlantic Environmental Law Center
Gallows Run	Bucks	Gallows Run Watershed Association
French Creek & Beaver Run	Chester	Green Valleys Association
Tannery Hollow Run	Cameron	Cameron County Conservation District
Fishing Creek	Lancaster	Patrick McClure
Deer Creek & Little Falls	York	Shrewsbury Township

These regulatory changes were developed as a result of aquatic studies conducted by the Bureau of Water Standards and Facility Regulation. The physical, chemical, and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as High Quality (HQ) or Exceptional Value (EV) waters, the Department considers the criteria in § 93.4b (relating to qualifying as HQ or EV Waters). Based on these data and appropriate regulatory criteria, the Department has developed this package of stream redesignation evaluations.

Potentially affected municipalities were notified by letter of the stream evaluations and asked to provide any readily available data. The affected municipalities were later notified of the availability of a draft evaluation report for their review and comment. All data and comments received in response to these notifications were considered in the determination of the Department’s recommendations.

The Department recommends the designations described in the following table and as set forth in Annex A of the proposed rulemaking.

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 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

**Summary Table: Proposed Rulemaking
Fishing Creek, et al. Stream Redesignations Package**

Stream	County	Reach[†]	List	Present Designation*	Requested Designation*	Recommended Designation*
Buck Hill Creek	Monroe	Basin, from and including UNT 05028 to and including UNT 05026	C	HQ-CWF, MF	EV	EV
Lehigh River (upper)	Lackawanna, Monroe, Wayne, Luzerne	Basin, source to (but not including) Tobyhanna Creek.	D	HQ-CWF, MF	EV, MF	EV, MF
Little Lehigh Creek	Lehigh, Berks	Mainstem	D	HQ-CWF, MF	EV, MF	HQ-CWF, MF (no change)
Gallows Run	Bucks	Basin	E	CWF, MF	HQ-CWF, MF	CWF, MF (no change)
Beaver Run	Chester	Basin	F	HQ-TSF, MF	EV, MF	EV, MF
French Creek	Chester	Basin, from Beaver Run to junction of West Vincent, East Vincent, and East Pikeland Townships (except Birch Run basin)	F	HQ-TSF, MF	EV, MF	Mainstem, from Beaver Run to junction of West Vincent, East Vincent, and East Pikeland Townships: EV, MF
French Creek	Chester	Mainstem, from junction of West Vincent, East Vincent, and East Pikeland Townships to T522 Bridge	F	TSF, MF	---	EV, MF
Tannery Hollow Run	Cameron	Basin	L	CWF, MF	EV, MF	EV, MF
Fishing Creek	Lancaster	Basin, from and including UNT 07256 (near T434 bridge) to mouth	O	Entire basin: HQ-CWF, MF	Entire basin: EV, MF	Basin, from and including UNT 07256 to mouth: EV, MF
Deer Creek	York	Basin (all sections in PA)	O	CWF, MF	HQ-CWF	CWF, MF (no change)
Little Falls	York	Basin (all sections in PA)	O	WWF, MF	HQ-CWF	CWF, MF

*WWF = warm water fishes	*HQ = high quality
*CWF = cold water fishes	*EV = exceptional value
*TSF = trout stocking	*MF = migratory fishes
†UNT = unnamed tributary	

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 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 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. Treatment of 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 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.