

Executive Summary
Amendments to 25 Pa. Code Section 93.9
Class A Stream Designations

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, §§93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q, and 93.9t to read as set forth in Annex A of this proposed rulemaking.

Purpose of the Proposed Rulemaking

Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this proposal, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, following public notice and comment, qualifies for High Quality (HQ) designation. The PFBC published notice and requested comments on the Class A designation of these streams. The PFBC Commissioners approved these waters after public notice and comment.

Summary of the Proposed Rulemaking

Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth. This review was conducted to ensure that the High Quality criteria were met. Based on these data and appropriate regulatory criteria, the Department developed this package of stream redesignations. The proposed regulations include High Quality stream redesignations in the Delaware, Susquehanna and Ohio River basins.

During the Department's review of stream data, it discovered listing errors in § 93.9. This rulemaking proposes correcting an error in the drainage list at § 93.9d. The Chapter 93.9d listing for a very short segment of the Pohopoco Creek main stem, which extends from the mouth of Middle Creek to the SR 209 bridge at Kresgeville, says that it is HQ-CWF, MF and it also incorrectly states that the same segment is CWF, MF. The correct designation for this portion of Chapter 93.9 is HQ-CWF, MF based on its current classification by PFBC as a Class A Wild Trout Water.

Second, this rulemaking proposes correcting an error in § 93.9k. Portions of Little Nescopeck Creek (above State Route 309) and Creasy Creek were included with the data submittal from the PFBC. However, these portions of the upper Nescopeck Creek basin are already designated HQ-CWF, MF and therefore no change is necessary. When reviewing the drainage list, the Department discovered duplicative listings for Creasy Creek, Little Nescopeck Creek, and Oley Creek which are improperly located below the SR 309 bridge in § 93.9k. The listing errors for

Creasy, Little Nescopeck, and Oley Creeks should be corrected because their mouths are geographically located above the SR 309 bridge and, therefore, should have High Quality designations.

Third, the rulemaking proposes corrections to some stream names as they appear in §93.9k. The United States Geologic Survey (USGS) maintains the National Hydrography Dataset (NHD) Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline.

Finally, this rulemaking recommends the High Quality waters redesignations, based on the Class A wild trout qualifier, described in the Summary Table, below, and as set forth in Annex A of the proposed rulemaking.

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 requires effluent limitations for discharges that are protective of the use designations of the stream. The streams proposed for redesignation are currently protected at their existing uses and, therefore, the designated use changes should have no additional impact on existing treatment requirements. Some new or expanding discharges may be subject to more stringent treatment requirements to meet designated and existing stream uses.

Affected Parties

The Department gave notice, in the Pennsylvania Bulletin and on its website, that an evaluation will be conducted on all or portions of the streams listed below to determine the proper Aquatic Life Use or Special Protection designations in this commonwealth's Water Quality Standards. Persons who have technical data concerning the water quality, instream habitat or biological conditions of these stream sections were encouraged to make it available to the department for consideration in the assessment. Potentially affected municipalities were also notified by letter of the stream evaluations and asked to provide any readily available data. No data or comments were received in response to these notices.

The affected municipalities, County Planning Commissions, County Conservation Districts and other State Agencies were later notified of the availability of a draft evaluation report for their review and comment. Six stakeholders offered comments during the 45-day comment period, three in support and three in opposition.

The draft stream evaluation report was also made available on the Department's website and offered an opportunity for 30-day public review and comment.

All data and comments received in response to these notifications were considered in the determination of the Department's recommendations.

Public Comments and Board Hearings

The Department recommends that these revisions be adopted by the Board and published in the *Pennsylvania Bulletin* as a 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.

**Summary Table: Proposed Rulemaking
Class A Stream Redesignations Package**

<i>Stream Name[†]</i>	<i>County</i>	<i>List</i>	<i>Zone[†]</i>	<i>Current Designated Use*</i>	<i>Recommended Designated Use*</i>
Sherman Creek	Wayne	A	Basin, from Starboard Creek to PA/NY border; and including all sections of Starboard Creek in PA	CWF, MF	HQ-CWF, MF
Martins Creek	Northampton	C	Main Stem, from UNT 63237 (40°47'36.9"N; 75°11'32.0"W) to Mouth	TSF, MF	HQ-CWF, MF
Pohopoco Creek	Monroe	D	Main Stem, from Middle Creek to SR 209	CH 93 ERROR	HQ-CWF, MF
Hunter Creek	Carbon	D	Basin	CWF, MF	HQ-CWF, MF
Catasauqua Creek	Lehigh	D	Main Stem, East Wood St Bridge to 40 meter downstream of Lehigh St Bridge	CWF, MF	HQ-CWF, MF
Saucon Creek	Lehigh	D	Main Stem, Source to 0.92KM Downstream of Township Road 410 (Chestnut Hill Road) Bridge	CWF, MF	HQ-CWF, MF
UNT 03333 to Delaware River	Northampton	E	Basin	TSF, MF	HQ-CWF, MF
UNT 02299 to Bear Creek (West)	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
Willow Creek	Berks	F	Basin, from a point at (40°25'39.2"N; 75°55'26.3"W) to Mouth	CWF, MF	HQ-CWF, MF
UNT 01950 to Tulphehocken Creek (Womelsdorf)	Berks	F	Main Stem, SR 3002 to Mouth	TSF, MF	HQ-CWF, MF
Sleepy Hollow Run	Berks	F	Main Stem	CWF, MF	HQ-CWF, MF
Hay Creek	Berks	F	Basin, from UNT 63882 to UNT 62990	CWF, MF	HQ-CWF, MF
UNT 01762 Monocacy Creek	Berks	F	Basin, Alsace and Oley Township border to Mouth	WWF, MF	HQ-CWF, MF
Big Rift Creek	Tioga	H	Basin	CWF, MF	HQ-CWF, MF
Satterlee Run	Bradford	I	Basin	CWF, MF	HQ-CWF, MF

<i>Stream Name[†]</i>	<i>County</i>	<i>List</i>	<i>Zone[†]</i>	<i>Current Designated Use*</i>	<i>Recommended Designated Use*</i>
Gaylord Creek	Susquehanna	I	Basin, Source to Bradford/Susquehanna County Line	CWF, MF	HQ-CWF, MF
Burgess Brook	Wyoming	I	Basin	CWF, MF	HQ-CWF, MF
Rock Creek	Susquehanna	I	Basin	CWF, MF	HQ-CWF, MF
Lewis Creek	Luzerne	I	Basin	CWF, MF	HQ-CWF, MF
UNT 62998 to Laurel Run "Wheelbarrow Run"	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
Big Wapwalopen Creek	Luzerne	K	Main Stem, SR 437 to Powerline Crossing Upstream of Nuangola Road (41°08'58.7"N; 75°54'48.1"W)	CWF, MF	HQ-CWF, MF
Bow Creek	Luzerne	K	Main Stem, SR 309 to Mouth	CWF, MF	HQ-CWF, MF
Balliet Run	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
Big Wapwalopen Creek	Luzerne	K	Main Stem, Balliet Run to a Point 380 Meters Downstream of SR 3012 (41°03'42.1"N; 76°05'51.2"W)	CWF, MF	HQ-CWF, MF
Nescopeck Creek	Luzerne	K	Basin, Source to PA 309 Bridge	CH 93 ERROR	HQ-CWF, MF
Long Run	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
UNT 28152 to Nescopeck Creek	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
UNT 28138 to Nescopeck Creek	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
Kester Creek	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
Coles Creek	Columbia, Luzerne, Sullivan	K	Basin, Source to Marsh Run	CWF, MF	HQ-CWF, MF
UNT 27964 to Coles Creek "Fallow Hollow"	Columbia	K	Basin	CWF, MF	HQ-CWF, MF
UNT 27963 to Coles Creek "Hess Hollow"	Columbia	K	Basin	CWF, MF	HQ-CWF, MF
Wasp Branch	Luzerne	K	Basin	CWF, MF	HQ-CWF, MF
Lick Run	Columbia	K	Basin, Source to and including UNT 27727 (41°11'20.4"N; 76°31'18.0"W)	CWF, MF	HQ-CWF, MF

Stream Name[†]	County	List	Zone[†]	Current Designated Use*	Recommended Designated Use*
Laurel Run (Port Matilda)	Centre	L	Basin, Source to (40°49'3.5"N, 78°5'52"W)	CWF, MF	HQ-CWF, MF
Cedar Run	Centre	L	Main Stem	CWF, MF	HQ-CWF, MF
Harveys Run	Clinton	L	Basin, Castenea Reservoir Water Supply Intake To Mouth	CWF, MF	HQ-CWF, MF
Rock Run	Tioga	L	BASIN, Source to but not including UNT 21760 (41°38'16.2"N, 77°14'34.7"W)	CWF, MF	HQ-CWF, MF
Plum Creek	Blair	N	Main Stem, from SR 164 Bridge Crossing to Mouth	WWF, MF	HQ-CWF, MF
Halter Creek	Blair	N	Main Stem, from Plum Creek to Mouth	WWF, MF	HQ-CWF, MF
Sandy Run	Blair	N	Basin, UNT 16026 (40°32'53.2"N, 78°20'43.9"W) to Mouth	CWF, MF	HQ-CWF, MF
Little Juniata River	Blair, Huntingdon	N	Main Stem, from Logan Spring Run to McLain Run	CWF, MF	HQ-CWF, MF
Middle Spring Creek	Cumberland	O	Basin, Confluence of Gum Run and Furnace Run to T-303 (Avon Rd)	CWF, MF	HQ-CWF, MF
Big Spring Creek	Cumberland	O	Basin, SR 3007 (T 333) to Nealy Road	CWF, MF	HQ-CWF, MF
Letort Spring Run	Cumberland	O	Basin, T-710 Bridge (Post Road) to Mouth	CWF, MF	HQ-CWF, MF
Mill Creek	Potter	P	Basin, from "North Hollow" to Mouth	CWF	HQ-CWF
Logan Run	Forest	Q	Basin	CWF	HQ-CWF
Bear Run	Venango	Q	Basin	CWF	HQ-CWF
Higgins Run	Somerset	T	Main Stem, from UNT 45416 to RMI 1.37	CWF	HQ-CWF
UNT 44808 to Freeman Run	Westmoreland	T	Basin	TSF	HQ-CWF

*WWF = warm water fishes

*CWF = cold water fishes

*TSF = trout stocking

*HQ = high quality

*EV = exceptional value

*MF = migratory fishes

[†]UNT = unnamed tributary

[†]RMI = river mile index