

Executive Summary
Amendments to 25 Pa. Code Section 93.9
Sobers Run, 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, 93.9f, and 93.9i 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. This proposed rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by the Department to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were all evaluated in response to four petitions as follows:

Stream	County	Petitioner
Swiftwater Creek	Monroe	Brodhead Creek Watershed Association
Sobers Run	Northampton	Bushkill Township
Mill Creek	Berks, Chester	Delaware Riverkeeper Network
Silver Creek	Susquehanna	Silver Lake Association

Summary of the Proposed Rulemaking

Department staff evaluated the physical, chemical, and biological characteristics and other information on these waterbodies 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 developed this package of stream redesignations for the Board’s consideration. The proposed regulations include the Department’s recommendations for Exceptional Value stream redesignations in the Delaware and Susquehanna River basins. The Department’s recommendations are described in the Summary Table below and are also 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 effluent limitations or best management practices to meet designated and existing stream uses.

Additionally, the Department is recommending corrections to some stream names as they appear in §93.9c. 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.

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 for 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.

The petitioners, affected municipalities, County Planning Commissions, County Conservation Districts and other State Agencies were later notified of the availability of draft evaluation reports for their review and comment.

The draft stream evaluation reports were also made available on the Department's website and the Department provided at least a 30-day public review and comment opportunity. The comment period was extended for an additional 30 days for Mill Creek based on a request from the petitioner.

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 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

Sobers Run et al., Stream Redesignation Rulemaking Package

Stream Name	County	Zone Description [†]	List	Current DU*	Requested DU*	Recommended DU*
Swiftwater Creek	Monroe	Basin, Source to but not including UNT 04960	C	HQ-CWF, MF	EV (<i>Petition requested basin upstream of SR 611.</i>)	EV, MF
Sobers Run	Northampton	Basin	C	HQ-CWF, MF	EV	EV, MF
Mill Creek	Berks	Basin, excluding UNT at 40°14'33.8"N; 75°43'49.6"W	F	WWF, MF	EV (<i>Petition requested entire Mill Creek basin.</i>)	EV, MF
Silver Creek	Susquehanna	Basin, Source to Laurel Lake Creek	I	CWF, MF	EV (<i>Petition excluded Laurel Lake Creek basin, except McCormick Run basin.</i>)	EV, MF
McCormick Run	Susquehanna	Basin	I	CWF, MF		EV, MF
Silver Creek	Susquehanna	Basin, From Laurel Lake Creek to Mouth	I	CWF, MF		EV, MF

Proposed Stream Name Corrections that Do Not Affect the Current Designated Use			
Stream	County	List	Proposed Correction
Saw Kill Creek	Pike	C	Sawkill Creek
Raymond Kill	Pike	C	Raymondskill Creek

*WWF = warm water fishes

*CWF = cold water fishes

*TSF = trout stocking

[†]UNT = unnamed tributary

*HQ = high quality

*EV = exceptional value

*MF = migratory fishes