

Tate, Michele

From: Koroncai.Robert@epamail.epa.gov  
 Sent: Tuesday, June 26, 2007 2:42 PM  
 To: RegComments@state.pa.us  
 Subject: Comments on Stream Redesignations (Big Brook, et al.)

Environmental Quality Board  
 P.O. Box 8477  
 Harrisburg, PA 17105-8477

INDEPENDENT REGULATORY  
 REVIEW COMMISSION

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Dear Sir or Madam:

The U. S. Environmental Protection Agency (EPA) has reviewed the stream redesignation proposed rulemaking package which was published in the Pennsylvania Bulletin on May 12, 2007. The stream redesignation package (i.e., Big Brook, et. al.) assigns designations to several of the Commonwealth's streams and modifies the designation of several others. We note that, if finalized, this package will provide Exceptional Value protection to almost 29 stream miles, and High Quality protection to another 5.5 miles. EPA commends the Pennsylvania Department of Environmental Protection (PADEP) in its continuing effort to upgrade streams into its Special Protection Waters Program.

EPA does have one comment on the redesignation of the main stem of the Clarion River from the inlet of Piney Lake to the mouth of the river. This portion of the Clarion River will be redesignated from Cold Water Fishes (CWF) to Warm Water Fishes (WWF). EPA is satisfied with PADEP's determination that CWF is not an existing use in accordance with 40 CFR 131.10(g). However, as the WWF designation requires less stringent criteria than the CWF designation, PADEP must indicate in its stream redesignation evaluation report why the CWF use is not feasible to attain based on one of the six factors in 40 CFR 131.10(g).

EPA will be providing a copy of this package to the U. S. Fish and Wildlife Service (FWS) so that they may identify any issues with this action. We will notify PADEP of any issues raised. This coordination with the FWS will fulfill EPA's obligations under the Endangered Species Act, and facilitate EPA's Clean Water Act 303(c) action once this rulemaking is finalized and submitted to EPA for review.

If you have any questions concerning this matter please contact me at (215) 814-5730, or have your staff contact Denise Hakowski at (215) 814-5726.

Sincerely,

Robert A. Koroncai, Associate Director  
 Office of Standards, Assessment & Information Management  
 Water Protection Division  
 U.S. Environmental Protection Agency, Region 3  
 1650 Arch Street  
 Philadelphia, PA 19103