



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

August 16, 2021

The Honorable Patrick McDonnell,
 Chairperson, Environmental Quality Board
 P.O. Box 8477
 Harrisburg, Pennsylvania 17105-8477

Dear Chairperson McDonnell:

The U.S. Environmental Protection Agency (EPA) has reviewed the proposed rulemaking package which was published for public comment in the Pennsylvania Bulletin on July 31, 2021 (i.e., the Dunbar Creek et al. Stream Redesignations package). EPA notes that, if finalized, this package will revise the designated use of one stream segment from trout stocking fishes to cold water fishes, and upgrade the designated uses of five stream segments to high quality waters and/or exceptional value waters special protection status. This package would also revise the designated use of one stream segment from high quality-cold water fishes, migratory fishes, to cold water fishes, migratory fishes. EPA commends the Pennsylvania Department of Environmental Protection (PADEP) in its continuing effort to update the designated uses of Pennsylvania's streams to ensure that water quality standards are protective of surface waters.

EPA has only one comment on these proposed revisions. In drainage list K at 25 PA Code §93.9k PADEP proposes to revise the designated use of UNT 28168 to Oley Creek from high quality-cold water fishes, migratory fishes, to cold water fishes, migratory fishes. As PADEP notes in the proposed rulemaking such a revision to the designated use would require a use attainability analysis. EPA expects that a use attainability analysis which has been subject to public review will be included as part of PADEP's water quality standards submission package. Without such an analysis EPA cannot comment further on this proposed revision to Pennsylvania's water quality standards regulations.

If you have any questions concerning this matter please contact me at (215)814-5737, or have your staff contact Katherine Bentley at (215)814-5762.

Sincerely,

Voigt, Gregory

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 Date: 2021.08.16 16:53:24 -04'00'

Greg Voigt, Section Chief
 Standards and TMDLs Section
 Clean Water Branch
 Water Division

cc: Gary Walters
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