

PENNSYLVANIA CAMPAIGN FOR CLEAN WATER

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Sept 14, 2021

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
Submitted via RegComments@pa.gov
<http://www.ahs.dep.pa.gov/eComment>

RE: Support for Dunbar et. al. Stream Upgrade Proposed Rulemaking

Dear Environmental Quality Board:

On behalf of the broad coalition of Pennsylvania Campaign for Clean Water's Exceptional Value Workgroup (EV Team), we are writing to express our support of the Pennsylvania Dept. of Environmental Protection's (PADEP) redesignation stream bundle to upgrade a subset of deserving Pennsylvania streams to Exceptional Value status. After the EQB voted to accept this recommendation at its April 2021 meeting, The Dunbar Creek et al. Stream Redesignations proposed rulemaking was published in the July 31, 2021, issue of the *Pennsylvania Bulletin* for a 45 day comment period that ends today (<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-31/1194.html>).

The EV team attended the virtual hearing on August 30, 2021 and testified in support of this stream upgrade bundle and has provided previous comment on some of the streams petitioned and included in this bundle over the years, including Dunbar Creek and Cranberry Creek specifically.

The list of the affected streams in this rulemaking bundle for upgrade are highlighted below for reference and some date back to as early as 2000 when the original notices of study were issued in the *Pennsylvania Bulletin*. In general, we would echo EPA's August 16, 2021 comments on the record that downgrades would require a use attainability analysis (UAA).

Table 1. *Pennsylvania Bulletin* publication dates for notices of stream evaluation.

Stream Name	Pennsylvania Bulletin	Publication Date
Bear Run	37 Pa.B. 4490	August 11, 2007
	46 Pa.B. 3328	June 25, 2016
Clyde Run	40 Pa.B. 5643	October 2, 2010
Cranberry Creek	44 Pa.B. 6149	September 27, 2014
	48 Pa.B. 5924	September 22, 2018

Dunbar Creek	30 Pa.B. 2071	April 22, 2000
Two Lick Creek	34 Pa.B. 1520	March 13, 2004
UNT 08187 to South Branch Codorus Creek	42 Pa.B. 2539	May 12, 2012

The proposed amendments are the result of stream evaluations conducted by the Department in response to: community petitions (Bear Run, Cranberry Creek, Two Lick Creek); a request from the Pennsylvania Fish and Boat Commission (PFBC) (Dunbar Creek); and the Department's ongoing Statewide monitoring activities (UNT 08187 to South Branch Codorus Creek and Clyde Run). The stream redesignations rely on the special protection qualifiers found at § 93.4b(a)(2)(i)(A) and (ii), (b)(1)(iii) and (v) and (b)(2) (relating to qualifying as High Quality or Exceptional Value Waters). The redesignations also include evaluation of the protected water uses specified in § 93.3 (relating to protected water uses) (UNT 08187 to South Branch Codorus Creek).

The EV Team believes the EV protection for these streams are long overdue and are in keeping with the protections afforded under Article 1 Section 27 of Pennsylvania's Environmental Rights Amendment of the Pennsylvania Constitution, articulated "*the people of Pennsylvania have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people now and in the future.*" We are eager to see the lengthy regulatory process through for these important streams and stream segments and appreciate the time and attention put into this review. At the same time, we encourage the movement and upgrade of other deserving streams that have yet to be put forth in a regulatory bundle before their water quality decreases and we urge DEP to prioritize its important upgrade work over other permitting responsibilities to ensure streams are granted the higher existing uses they deserve and that is required under the Clean Water Act and antidegradation requirements.

The Pennsylvania Campaign for Clean Water (Campaign) is a coalition of over 180 environmental, conservation, sporting, and religious groups from all corners of the state that speaks in one voice in support of federal and state policies to protect and restore Pennsylvania's water resources. The Exceptional Value workgroup focuses on protection of the Commonwealth's highest quality streams. Thank you for your time and consideration.

Sincerely,



Faith Zerbe
CCW EV Team Co-Chair
Delaware Riverkeeper Network



Eric Harder
CCW EV Team Co-Chair
Youghiogeny Riverkeeper