

September 3, 2021

Submitted via RegComments@pa.gov

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



Re: Water Quality Standards; Dunbar Creek et al. Stream Redesignations; Noticed in July 31, 2021 PA Bulletin

Dear Chairperson McDonnell,

On behalf of Clean Air Council (“The Council”), please accept these comments in response to the proposed rulemaking to redesignate the Cranberry Creek basin, from and including UNT 04948 to its mouth, from its current designation (High Quality-Cold Water Fishes, Migratory Fishes (HW-CWF, MF)) to Exceptional Value, Migratory Fishes (EV, MF). This letter also includes comments on the proposed rulemaking that the remainder of the Cranberry Creek basin, from its source to UNT 04948, maintain its current designated use of HQ-CWF, MF, as recommended by the Department of Environmental Protection’s (DEP).

Clean Air Council is a non-profit environmental organization headquartered at 135 South 19th Street, Suite 300, Philadelphia, Pennsylvania, 19103. For 50 years, the Council has worked to protect everyone’s right to a healthy environment. The Council has approximately 35,000 members throughout the Commonwealth who support this mission.

The Council urges the Environmental Quality Board (EQB) to support upgrading the 10.25 miles of the Cranberry Creek basin, from and including UNT 04948 to its mouth, to the proposed EV, MF designation. DEP’s integrated benthic macroinvertebrate tests in these streams yielded Biological Condition Scores (BCS) that exceeded the 92% criterion required to qualify for EV designation. Cranberry Creek supports a healthy wild trout fishery and these enhanced protections will greatly benefit aquatic life in these streams as well as in downstream areas of the Brodhead Watershed. This redesignation of Cranberry Creek will also help protect a valuable drinking water source since these waters eventually flow into the stretch of the Brodhead Creek where the Brodhead Creek Water Authority draws its public water supply for the region.

While the Council encourages the EQB to act promptly in supporting the redesignation of this portion of the Cranberry Creek basin to EV and allow the regulatory process to move forward towards the ultimate approval from the Independent Regulatory Review Commission (IRRC), the Council also asks that the Department of Environmental Protection (DEP) conduct an additional field survey in the portion of the Cranberry Creek basin from its source to UNT 04948,

where station 1CC is located, to determine whether this tributary also meets the biological criteria necessary for obtaining EV designation. In its draft report, DEP found that the Biological Condition Scores from tests at this eastern tributary did not meet the criteria necessary to qualify for EV redesignation and recommended the tributary retain its HQ-CWF, MF designation. However, the results of these tests were on the cusp of meeting necessary criteria and indicate that this tributary has a rich biological diversity and may actually qualify for EV status. Specifically, Station 1CC's taxa richness score of 27 fell just barely below the reference stream's score of 28 while the number of individual stonefly larva identified at Station 1CC exceeded the number of those documented at the reference stream.

Since a stream's macroinvertebrate diversity varies temporally and DEP's previous tests were based on only a single field survey, the Council encourages DEP to conduct at least one additional field survey to determine whether this stream actually meets the biological criteria necessary for EV status. Redesignating the portion of Cranberry Creek basin from its source to UNT 04948 to EV, MF would protect the headwaters of the basin and support the health of all downstream waterways, especially the portion of the basin from and including UNT 04948 to its mouth.

The Council encourages the EQB to support DEP's recommendation and to vote in favor of granting these streams the special protections they deserve. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Minott".

Joseph Otis Minott, Esq.
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