



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

Ms. Cathy Myers, Acting Deputy Director
Water Management
Pennsylvania Department of
Environmental Protection
Rachel Carson State Office Building
P. O. Box 2063
Harrisburg, PA 17105-2063

Dear Ms. Myers:

The U. S. Environmental Protection Agency (EPA) is pleased to approve Total Maximum Daily Loads (TMDLs) for 42 watersheds, submitted to EPA for review and approval by the Pennsylvania Department of Environmental Protection (DEP) by letter dated March 13, 2003. The TMDLs were established and submitted in accordance with Sections 303(d)(1)(c) and 303(d)(2) of the Clean Water Act (CWA). The TMDLs were established to address impairments of water quality as identified in Pennsylvania's 1996 and 1998 Section 303(d) lists of impaired waters still needing TMDLs. Impairments addressed in these TMDLs include: sediment and nutrients from urban, suburban and agricultural areas; and pH and metals from existing or past mining activities. A list of the TMDLs included in this approval is enclosed.

In addition to the TMDL approvals, EPA is counting the removal of 15 water quality limited segments (WQLS) from Pennsylvania's 1996 Section 303(d) list towards the sixth year TMDL milestone in accordance with paragraph 16(b) of the Consent Decree. As set forth in the Consent Decree, TMDLs do not need to be established for any WQLS which EPA determines does not need TMDLs consistent with Section 303(d) of the CWA and 40 CFR §130.7, as amended. Fourteen of the 15 listed segments were removed from Pennsylvania's 1998 Section 303(d) list, which was approved by EPA. A list of the segment delistings counted towards credit, as well as the underlying rationale is enclosed.

Due to time constraints caused by the efforts needed to address the issues dealing with the non-acid mine drainage (AMD) TMDLs, we were unable to review all of the mining-related TMDLs submitted on March 13, 2003. We did, however, review and approve TMDLs for 33 AMD stream segments as required by the Consent Decree. The remainder of these TMDLs will be reviewed in the near future.

In accordance with Federal regulations at 40 CFR 130.7, a TMDL must: 1) be designed to meet water quality standards; 2) include, as appropriate, both waste load allocations (for point sources) and load allocations (for non point sources); 3) consider the impacts of background



pollutant contributions; 4) take critical stream conditions into account (the conditions when water quality is most likely to be violated); 5) consider seasonal variations; 6) include a margin of safety which accounts for any uncertainties in the relationship between pollutant loads and instream water quality; and 7) be subject to public participation. EPA's Decision Rationales for each of the watersheds, which describe how each of the approved TMDLs satisfy the above listed requirements, are enclosed.

Fifteen additional non-mining TMDLs were due to be completed by the Consent Decree deadline. Two of these 15, Glanraffan Creek and Brush Run, were submitted but cannot be approved because they do not include wasteload allocations to point sources. EPA is responsible for two TMDLs in the Wissahickon Creek Watershed, and 11 TMDLs have yet to be submitted by DEP. We have received a 60-day extension from plaintiffs to complete these remaining 15 TMDLs and are pursuing a full 6-month extension. In discussions with plaintiffs, they have proposed two alternatives that would allow us the full extension. One alternative involves aggressive use of the model storm water ordinance and Act 167 Storm Water Plans in TMDL municipalities. The second involves accelerating the completion of TMDLs due in the future by six months as equal compensation to the plaintiffs for an extension.

Together, EPA and DEP have made some improvements in our coordinating process over the past two-year TMDL development cycles such as quarterly meetings to address some policy and training issues. However, the need for an extension and the complexities involved with TMDLs as they apply to NPDES permits magnifies the need for increased cooperation at a much earlier point in the TMDL process. TMDLs need to be started earlier to allow more time for stakeholder comments to be considered before the final TMDL is issued. In many cases, this year's TMDLs have shown us that the impact on the regulated community requires that additional time and possible policy level discussions need to be built into any timeline.

In order to avoid surprises and promote continual improvement in the process, EPA requests copies of preliminary drafts earlier in the timeline, and a process that ensures that our comments are incorporated in documents prior to public notice. We also need to develop a better process to discuss the drafts that go to public notice so that problems do not arise during our formal review and approval of the final TMDL.

According to Federal regulations at 40 CFR 130.7(d)(2), a state must incorporate an approved TMDL into the appropriate water quality management plan. In addition, any new or revised National Pollutant Discharge Elimination System permit that includes any of the pollutants addressed in an approved TMDL must be consistent with conditions and assumptions of the TMDL pursuant to 40 CFR 122.44(d)(1)(VII)(B). Any such permit should be submitted to EPA for review consistent with our letter dated October 1, 1998.

We look forward to working with you on the last option to finalize our Consent Decree deadline extensions and improve the cooperation between DEP and EPA.

If you have any questions, please call me or have your staff contact Mr. Thomas Henry, EPA Region III TMDL Program Manager, at (215) 814-5752.

Sincerely,

/Signed on 6-3-03/

Jon M. Capacasa, Director
Water Protection Division

Enclosures (36)

cc: Mr. Fred Marrocco, PADEP
Mr. Edward Brezina, PADEP

WATERSHEDS COVERED UNDER THIS APPROVAL

Watershed Name	Type of Impairment	Number of Segments from the 1996 Section 303(d) List
Babb Creek	AMD	2
Bear Loop Run	AMD	1
Beaver Run	AMD	1
Catawissa Creek	AMD	5
Cats Run	AMD	1
Chartiers Creek	AMD	5
Cooks Run	AMD	4
Douglass Run/Jones Run	AMD	2
Fowler Run	AMD	1
Laurel Run	AMD	1
Longs/Sandy Runs	AMD	2
Montgomery Creek	AMD	2
Panther Creek	AMD	1
Potato Garden Run	AMD	2
Thompson Run	AMD	1
Wabash Creek	AMD	1
Plum Creek	Non-AMD	1
Dutch Fork Lake	Non-AMD	1
Harvey's Lake	Non-AMD	1
Hospital Creek	Non-AMD	1
Little Cacoosing Creek	Non-AMD	1
Oil Creek	Non-AMD	1
Owl Creek	Non-AMD	1

Pinchot Lake	Non-AMD	1
Schuylkill River - UNT	Non-AMD	1
Tulpehocken Creek	Non-AMD	1
Total Watersheds Approved		42

**SEGMENT DELISTINGS USED TOWARDS CREDIT
FOR THE SIXTH YEAR TMDL MILESTONE**

Segment Name	1996 Stream Code	Type of Impairment
Brodhead Creek	4750	Non-Mining
Unt French Creek	1550	Non-Mining
Unt Chester Creek	526	Non-Mining
Unt West Branch Chester Creek	570	Non-Mining
East Branch Brandywine Creek	229	Non-Mining
Indian Run	360	Non-Mining
West Branch White Clay Creek	465	Non-Mining
Unt Kinzua Creek	56711	Mining
West Branch Tunungwant Creek	56990	Mining
East Branch Tunungwant Creek	57031	Mining
Unt East Branch Tunungwant Creek	57105	Mining
Cole Creek	57663	Mining
Pithole Creek	54745	Mining
West Branch Blue Jay Creek	55252	Mining
Buck Run	38284	Mining
Total Segment Delistings		15