

EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS

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November 22, 2021

Via Electronic Mail

Jessica Shirley
Commonwealth of Pennsylvania
Department of Environmental Protection
Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: East Rockhill Township's Comments on Draft Stream Evaluation Report for the Unnamed Tributary to Tohickon Creek (Bog Run), Bucks County

Dear Ms. Shirley:

East Rockhill Township (the "Township") is in receipt of the Pennsylvania Department of Environmental Protection's (the "Department") Draft Stream Evaluation Report for the Unnamed Tributary to Tohickon Creek (Bog Run) (the "Draft Report"). On October 23, 2021, the Department published notice of the availability of the Draft Report in the *Pa. Bulletin* and provided a 30-day public comment period that expires on November 22, 2021. Please accept the Township's foregoing comments on the Draft Report.

The portion of the Unnamed Tributary to Tohickon Creek at issue in the Draft Report is known as Bog Run, which comprises approximately 4.76 miles. Bog Run flows through a heavily forested area, and the Bog Run basin contains a highly important, unique, and sensitive 518-acre wetland known as the Quakertown Swamp.

On or about November 28, 2018, the Department issued to Hanson Aggregates PA, LLC ("Hanson") a renewal of National Pollutant Discharge Elimination System Permit No. PA059412, governing discharges of water from the Rock Hill Quarry in East Rockhill Township to Bog Run (the "NPDES Permit"). In Hanson's application for the renewal of the NPDES Permit, Hanson incorrectly represented to the Department that the existing use of Bog Run is Trout Stocking, Migratory Fishes.

On May 24, 2019, the Department completed an evaluation of the Bog Run basin in connection with Hanson's application for the renewal of its NPDES Permit and determined that the existing use of the Bog Run basin is actually Exceptional Value, Migratory Fishes under 25 Pa. Code § 93.4b(b)(2) because it meets the definition of a surface water of exceptional

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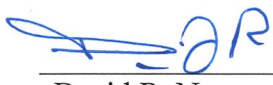
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ecological significance under 25 Pa. Code § 93.1. A surface water of exceptional ecological significance is defined as a “surface water which is important, unique or sensitive ecologically, but whose water quality as measured by traditional parameters (for example, chemical, physical or biological) may not be particularly high, or whose character cannot be adequately described by these parameters.” 25 Pa. Code § 93.1. The Department’s Water Quality Antidegradation Implementation Guidance explains: “Such aquatic systems may be considered “important” if they occupy a position or perform a function critical to an ecosystem, “unique” if they represent the only example or one of a very few examples of a particular type of aquatic system in the state, and “sensitive” because they may be intolerant of chemical, physical, or hydraulic changes imposed by man.” A surface water of exceptional ecological significance is an Exceptional Value Water. 25 Pa. Code § 93.4b(b)(2).

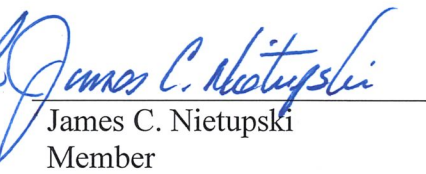
The Bog Run basin is a highly important, unique, and sensitive ecological surface water and therefore meets the definition of a surface water of exceptional ecological significance. Thus, the Township supports the Department’s reclassification of the designated use of the Bog Run basin as Exceptional Value, Migratory Fishes.

Thank you for your consideration of the foregoing comments.

Respectfully submitted,


David R. Nyman
Chairperson


Gary W. Volovnik
Vice Chairperson


James C. Nietupski
Member