



January 12, 2018

Via Hand Delivery

Christine A. Walker
Board Secretary
Environmental Hearing Board
Rachel Carson State Office Building
Second Floor
400 Market Street
Harrisburg, PA 17105



Re:

Petition to Intervene of Brodhead Watershed Association and Citizens for

Pennsylvania's Future

Monroe County Clean Streams Coalition v. DEP

EHB Docket No. 2017-107-L

Dear Ms. Walker:

Enclosed please find the following for filing in the above-captioned matter:

- Verified Petition to Intervene of Brodhead Watershed Association and Citizens for Pennsylvania's Future, including Exhibits A and B thereto;
- 2. Entry of Appearance of the following: Abigail M. Jones; Alice R. Baker; and Kurt J. Weist.

Copies of these documents are being served on Counsel of Record by both electronic mail and first class mail.

Should you have any questions, please do not hesitate to contact me at 610-639-7740. Thank you.

Sincerely,

Abigail M. Jones, Esq.

roul U fer

Staff Attorney

jones@pennfuture.org

570-216-3313

Northeast: 425 Cariton Road Suite 1 Mount Pocono, PA 18344

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COMMONWEALTH OF PENNSYLVANIA BEFORE THE ENVIRONMENTAL HEARING BOARD

2018 JAN 12 PM 2: 34
ENVIRONMENTAL
HEARING BOARD

MONROE COUNTY CLEAN STREAMS COALITION,

Appellant,

v.

EHB Docket No. 2017-107-L

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Appellee.

PETITION TO INTERVENE OF BRODHEAD WATERSHED ASSOCIATION AND CITIZENS FOR PENNSYLVANIA'S FUTURE

Pursuant to Section 4(e) of the Environmental Hearing Board Act, 35 P.S. § 7514(e), and 25 Pa. Code § 1021.81, Brodhead Watershed Association ("BWA") and Citizens for Pennsylvania's Future ("PennFuture") (together, "Petitioners") hereby respectfully petition the Board to allow them to intervene in the above-captioned matter. In support of their Petition, Petitioners assert the following:

- 1. BWA is a nonprofit corporation organized and existing under the laws of Pennsylvania. BWA is dedicated to protecting the environment and water resources within the watershed of Brodhead Creek ("Brodhead Watershed") through a variety of methods including data collection and scientific study, advocacy (including, at times, litigation), and community education.
- 2. PennFuture is a nonprofit corporation organized and existing under the laws of Pennsylvania. PennFuture is a Pennsylvania state-wide environmental organization, with one of



its offices within the Brodhead Watershed in Mt. Pocono, whose mission includes protecting Pennsylvania's air, water, and land through outreach and advocacy, including litigation.

- 3. The Appellant seeks review of what it describes as the Pennsylvania Department of Environmental Protection's ("DEP" or "Department") "determinations under 25 Pa. Code Chapter 93 that Cranberry Creek, Paradise Creek, Devil's Hole Creek, Tank Creek, Swiftwater Creek, and Tunkhannock Creek have an Existing Use of Exceptional Value." Dkt. 4, Amended Notice of Appeal ("Amended NOA"), ¶ 2(a).
- 4. The waterbodies listed in the preceding paragraph are herein collectively referred to as "the Creeks."
- 5. "Exceptional Value Waters" (or "EV") is the most protective water use under Pennsylvania's water quality standards. It is the higher of the two "Special Protection" water uses, with the second being "High Quality Waters" (or "HQ"). See 25 Pa. Code § 93.3 (Table 1).
- 6. The water quality of Exceptional Value Waters "shall be maintained and protected" without exception. 25 Pa. Code § 93.4a(d).
- 7. In contrast, under 25 Pa. Code §§ 93.4a(c) and 93.4c(b)(1)(iii), DEP may allow a reduction of the water quality of High Quality Waters when DEP determines such a reduction "is necessary to accommodate important economic or social development in the area in which the waters are located." *Id.* § 93.4c(b)(1)(iii). *See* Dkt. 4, Amended NOA, ¶¶ 12-14.
- 8. "Existing uses" are defined in 25 Pa. Code § 93.1 as "[t]hose uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards."
- 9. DEP must maintain and protect existing uses and the level of water quality necessary to sustain such uses in accordance with 25 Pa. Code §§ 93.4a(b) and 93.4c(a)(1).



- 10. "Designated uses" are defined in 25 Pa. Code § 93.1 as "[t]hose uses specified in §§ 93.4(a) and 93.9a—93.9z for each water body or segment whether or not they are being attained."
- 11. If a waterbody's existing use and designated use differ, the waterbody must receive the protection of the higher, more protective standard. See DEP, Water Quality Antidegradation Implementation Guidance, Doc. No. 391-0330-002 (November 29, 2003) ("DEP Antidegradation Guidance"), at 9 ("If a more protective existing use [than its designated use] for a waterbody segment applies, DEP will use it in making the permit or approval decision."). See also 25 Pa. Code § 96.3(a) ("Existing and designated surface water uses shall be protected."); Amended NOA, ¶11.
- 12. DEP provides a publicly-accessible list of those surface waters that, based on DEP's evaluation of available information, see 25 Pa. Code § 93.4c(a)(1)(i), have attained an existing use that is more protective than the designated use (the "Existing Use List"). See DEP Antidegradation Guidance, at 7.
- 13. The Existing Use List is maintained and updated by DEP's Bureau of Clean Water for use by DEP and county conservation district staff with responsibility to protect surface water quality in reviewing applications for permits and approvals. See DEP Antidegradation Guidance, at 7-8. See also 25 Pa. Code § 93.4c(a)(1)(iv).
- 14. The Existing Use List includes the county, stream code, water body, designated use, existing use, qualifier, location, date of DEP's evaluation, and affected stream miles.
- 15. The Existing Use List was last revised on October 23, 2017 and is available at http://files.dep.state.pa.us/Water/Drinking%20Water%20and%20Facility%20Regulation/WaterQualityPortalFiles/Existing%20Use/EU%20table%20list.pdf (last viewed January 12, 2018). An



excerpt from the Existing Use List that includes all listings for Monroe County accompanies this Petition as Exhibit A.

16. For each of the Creeks, the Existing Use List identifies the designated use of the relevant portion of the stream or basin as "HQ-CWF, MF" (High Quality-Cold Water Fishes, Migratory Fishes), and the existing use as "EV, MF." [1]

I. PETITIONERS HAVE STANDING TO INTERVENE

A. Standard for Intervention

- 17. "Any interested party may intervene in any matter pending before the board." 35 P.S. § 7514(e). See also Jefferson County v. DEP, 703 A.2d 1063, 1065 n.2 (Pa. Cmwlth. 1997) ("The interest required, of course, must be more than a general interest in the proceeding; it must be such that the person or entity seeking intervention will either gain or lose by direct operation of the Board's ultimate determination.") (internal quotation omitted); 25 Pa. Code § 1021.81(a) (a person may petition to intervene in any matter prior to the initial presentation of evidence).
- 18. The Board has held that an intervenor must have standing to participate in an appeal before the Board, and thus must show "a substantial, direct, and immediate interest in the outcome of the appeal." Siri Lawson v. DEP, EHB Docket No. 2017-051-B (Opinion and Order on Pennsylvania State Association of Township Supervisors' Petition to Intervene, Nov. 3, 2017), slip op. at 2-3.
- 19. "An organization can have standing and, therefore, intervene either in its own right or derivatively through the standing of at least one of its members." *Connors v. State Conservation Commission*, 1999 EHB 669, 670 (citations omitted).

¹ The upper portion of Devil's Hole Creek basin, from the source to the south boundary of State Game Lands No. 221, which is not the portion of Devil's Hole Creek at issue here, has a designated use of "EV, MF." See 25 Pa. Code § 93.9c.



- 20. "An environmental organization has standing in its own right if its mission includes protection of the environment in the area affected by the Department's action." Friends of Lackawanna v. DEP, 2016 EHB 641, 648 (citations omitted), adopted and incorporated by Friends of Lackawanna v. DEP, EHB Docket No. 2015-063-L (Adjudication issued Nov. 8, 2017), slip op. at 26. See also id., slip op. at 31.
- 21. An organization has representational standing if at least one individual associated with the group has standing. See Sierra Club v. DEP, EHB Docket No. 2015-093-R (Opinion and Order on Motions for Partial Summary Judgment, July 10, 2017), slip op. at 10; Friends of Lackawanna, 2016 EHB at 643; Citizens for Pennsylvania's Future v. DEP, 2015 EHB 750, 754.
- 22. If one party has standing, the tribunal will not question whether other aligned parties have standing. See Funk v. Wolf, 144 A.3d 228, 248 n.12 (Pa. Cmwlth. 2016) ("Because we conclude that Ms. McIntyre has standing, we need not address whether the other Petitioners also have standing to reach the merits of this case."), aff'd per curiam without opinion, 158 A.3d 642 (Pa. 2017). See also Pennsylvanians Against Gambling Expansion Fund, Inc. v. Commonwealth, 877 A.2d 383, 393 (Pa. 2005); Friends of Lackawanna, 2016 EHB at 643 (citing Funk).

B. <u>Petitioners' Interests Give Them Standing to Intervene in this Appeal.</u>

- i. BWA Has Standing in Its Own Right.
- 23. Water quality is paramount to BWA's mission and BWA has devoted considerable time and resources toward protecting and improving water quality in the Brodhead Watershed, including in Swiftwater, Cranberry, Paradise, Devil's Hole, and Tank Creeks. See Friends of Lackawanna, 2016 EHB at 648.



- 24. Examples of BWA's projects² that aim to protect and improve water quality in the Brodhead Watershed include:
 - a. Working with consultants and local universities to undertake studies, reports, and plans within the Brodhead Watershed, including the Brodhead Watershed Conservation Plan (2002), the Paradise Watershed Assessment and Restoration Plan (2005), the Paradise Watershed Temperature Study (2010), the Brodhead-Paradise Greenway Plan (2010), and the Bank Stability Study (2007-2010);
 - Sampling and collecting data in support of, and the development of, a Green
 Infrastructure Plan for the lower Brodhead Watershed (2014); and
 - c. Implementing its "Streamwatcher Program," a volunteer program to monitor and sample over 100 sites within the Brodhead Watershed.
- 25. Several of BWA's projects involve the waters at issue in this matter. BWA has undertaken or commissioned studies and reports that focus on the water quality of the Paradise Creek watershed, and almost all the reports and plans referenced in Paragraph 24(a), above, discuss one or more of the following waters: Cranberry Creek, Devil's Hole Creek, Tank Creek, Paradise Creek, and Swiftwater Creek.
- 26. BWA's Streamwatcher Program enlists volunteers and members who monitor and act as stewards of the streams near their homes by collecting water quality data, via sampling and testing, which is entered by BWA members into a database to provide a graphic depiction of the long-term health of the streams. The Streamwatcher Program monitors the water quality of four of the Creeks: Paradise Creek, Cranberry Creek, Swiftwater Creek, and Devil's Hole Creek.

² More information on all of BWA's projects is available on BWA's website at <u>www.brodheadwatershed.org</u>.



- 27. BWA has submitted extensive petitions to the Environmental Quality Board ("EQB") to change the designated uses of Cranberry Creek and a portion of the Swiftwater Creek basin from HQ to EV.³
- 28. BWA submitted these redesignation petitions in an effort to preserve the existing exceptional water quality of the streams and the recreational experiences they provide, which are an important aspect of the history of the area.
- 29. As of the date of this Petition, the redesignation petition for Cranberry Creek remains pending before the EQB.
- 30. On August 15, 2017, the EQB adopted a final rule redesignating a portion of the Swiftwater Creek basin as EV. The EQB's redesignation applies to the same portion of the Swiftwater Creek basin that appears on the Existing Use List.
- 31. During a hearing held on November 16, 2017, BWA testified before the Independent Regulatory Review Commission ("IRRC") in support of the EQB's final rule redesignating a portion of Swiftwater Creek basin as EV, which IRRC unanimously approved.
- 32. As of the date of this Petition, the EQB's final rule changing the designated use of a portion of the Swiftwater Creek basin to EV has not been published in the Pennsylvania Bulletin.
- 33. The redesignation of this portion of the Swiftwater Creek basin as EV will not take effect for the purposes of the National Pollutant Discharge Elimination System permitting program until it is submitted to and approved by the United States Environmental Protection Agency ("EPA"). See 40 C.F.R. §§ 131.21(c)(2), (d) (a state's adopted revisions to its water

³ Four other organizations joined BWA in petitioning for the redesignation of the upper Swiftwater Creek basin.



quality standards do not become applicable for purposes of the federal Clean Water Act until approved by the EPA).

- 34. BWA's mission and focused interest in the water quality of the Brodhead Watershed, including Swiftwater, Cranberry, Paradise, Devil's Hole, and Tank Creeks, goes far beyond the common interest of all citizens seeking obedience with the law, and therefore constitutes a substantial interest that supports BWA's standing to intervene. *See Friends of Lackawanna*, EHB Docket No. 2015-063-L (Adjudication issued Nov. 8, 2017), slip op. at 31. *See also Friends of Lackawanna*, 2016 EHB at 648.
 - BWA and PennFuture Each Have Standing as Representatives of Their Members.
- 35. Petitioners have a member in common, an aquatic biologist, who has dedicated decades of his life to the study and protection of the Creeks within the Brodhead Watershed, both through volunteer work and in his professional capacity, including through the following:
 - a. Performing electrofishing, on-stream entomology and invertebrate sampling, and water quality testing to document macroinvertebrate and trout populations and ecosystem health within Cranberry Creek, Devil's Hole Creek, Swiftwater Creek, Paradise Creek, and Tank Creek, including the sections on the Existing Use List at issue here. This work is done not only for BWA, but also for other environmental or conservation groups, private fishing clubs, private engineering firms, and municipal and county governments.
 - b. Drafting and submitting the pending redesignation petition for Cranberry Creek, on behalf of BWA. See ¶ 27, supra.
 - c. Assisting with the redesignation petition for Swiftwater Creek, on behalf of BWA and others. See ¶ 27, supra.



- d. Drafting and submitting a petition to the EQB seeking the redesignation of upper Paradise Creek, including tributaries Tank Creek, Devil's Hole Creek, and Yankee Run, from HQ to EV. This redesignation petition, which was submitted on behalf of the Brodhead Chapter of Trout Unlimited, remains pending before the EQB.
- 36. Data collected by this member through either his volunteer work or in his professional capacity, as described in Paragraph 35(a), above, was among the information used to support the redesignation petitions for Cranberry Creek, Swiftwater Creek, and upper Paradise Creek.
- 37. This member's longstanding personal and professional interests in the Creeks in the Brodhead Watershed, and in particular the classification and protection of them (or portions of them) as EV, clearly exceed the interests of the general public in the outcome of this matter, in which the Appellant contends that those streams do not warrant protection as EV. *See* Dkt. 4, Amended NOA, Secs. VI.A, C. The member's interests are therefore substantial and provide sufficient basis to grant both BWA and PennFuture representative standing to intervene.
- 38. Another member of PennFuture has donated substantial volunteer time to protecting the water quality of Tunkhannock Creek basin, including through the drafting and submission of a petition to the EQB seeking the redesignation of the Tunkhannock Creek basin from HQ to EV, and giving presentations about the redesignation petition to municipalities and municipal authorities. This redesignation petition, which was submitted on behalf of the Tobyhanna Creek/Tunkhannock Creek Watershed Association and the Tunkhanna Fishing Association, remains pending before the EQB.



- 39. The interests of PennFuture's member in the Tunkhannock Creek basin, and in particular its classification and protection as EV, clearly exceed the interests of the general public in the outcome of this matter, in which Appellant contends that Tunkhannock Creek basin does not warrant protection as EV. *See* Dkt. 4, Amended NOA, Sec. VI.B. The member's interests are therefore substantial and provide sufficient basis to grant PennFuture representative standing to intervene.
- 40. Petitioners each have members who fly-fish for trout in several of the Creeks in the Brodhead Watershed, including within the EV sections of Cranberry Creek and Paradise Creek on the Existing Use List, and in portions of Paradise Creek and Swiftwater Creek downstream from the EV sections of those streams on the Existing Use List.
- 41. For these members of Petitioners, the quality of the fly-fishing makes a difference.
- 42. The quality of fly-fishing is dependent on a robust and diverse macroinvertebrate population, which provides a food source that encourages trout to feed in that portion of the waterway and supports a healthy trout population.
- 43. The portions of the Creeks on the Existing Use List were included on the List as having an existing use of EV because biological assessments showed them to have a robust and diverse macroinvertebrate community. See Exhibit A, Excerpt from Existing Use List (identifying existing use qualifiers as "RBP [Rapid Bioassessment Protocol] Survey Antidegradation"). See also 25 Pa. Code §§ 93.4b(a)(2)(i)(A); (b)(1)(v).
- 44. The protection of upstream waters as EV helps to promote water quality, and thus the health of the macroinvertebrate and trout populations and the quality of fly-fishing, in downstream waters.



45. The use and enjoyment of the Creeks identified in Paragraph 40, above, by Petitioners' members gives them substantial interests in the outcome of the Board's decision in the above-captioned matter that are greater than those of the general public. These members' interests are therefore substantial and provide sufficient basis to grant both BWA and PennFuture representative standing to intervene. *See, e.g., Pennsylvania Trout v. DEP*, 2004 EHB 310, 359, aff'd, 863 A.2d 93 (Pa. Cmwlth. 2004); *Orix-Woodmont Deer Creek I Venture, LP. v. DEP*, 2001 EHB 82, 83-84; *Blose v. DEP*, 1998 EHB 635, 638 ("Since Mr. Blose's recreational use of Crooked Creek and the Crooked Creek watershed is dependent on the quality of the water, he has a substantial interest in preventing degradation which could adversely affect his use of the Creek.").

C. Petitioners Stand to Gain or Lose by the Board's Adjudication in this Matter

- 46. An objectively reasonable threat or realistic potential of harm to a person's interest suffices to make that interest "direct" and "immediate," and thus gives the person standing to participate in an appeal before the Board. See Citizens Advocates United to Safeguard the Environment, Inc. v. DEP, 2007 EHB 632, 673 (citing Pennsylvania Trout v. DEP, 2004 EHB 310, 355-56, aff'd, 863 A.2d 93 (Pa. Cmwlth. 2004); Giordano v. DEP, 2000 EHB 1184, 1187).
- 47. In the intervention context, this inquiry focuses on the potential effect of the Board's decision, and is incorporated within the question of whether the person seeking to intervene "will either gain or lose by direct operation of the Board's ultimate determination." Siri Lawson, EHB Docket No. 2017-051-B (Opinion and Order on Pennsylvania State Association of Township Supervisors' Petition to Intervene, Nov. 3, 2017), slip op. at 3 (quoting Jefferson County, 703 A.2d at 1065 n.2).



- 48. Appellant seeks to invalidate DEP's evaluations and listings of the Creeks as having an existing use of EV. Dkt. 4, Amended NOA, ¶ 45.
- 49. Should the Board reach the merits of Appellant's objections and rule, for example, that the Creeks did not actually attain a use of EV at the time of DEP's evaluations, the Creeks would immediately lose the protection afforded to EV streams that the water quality be maintained and protected without exception. See 25 Pa. Code § 93.4a(d).
- 50. Because such a decision would allow DEP to permit the water quality of the Creeks to be degraded, see 25 Pa. Code §§ 93.4a(c) and 93.4c(b)(1)(iii), it would:
 - a. Directly threaten BWA's interest in protecting water quality throughout the Brodhead Watershed, and would run directly counter to BWA's efforts to have the upper Swiftwater basin and Cranberry Creek classified and protected as EV. See Friends of Lackawanna, EHB Docket No. 2015-063-L (Adjudication issued Nov. 8, 2017), slip op. at 31;
 - b. Directly threaten the personal and professional interests of Petitioners' member who is an aquatic biologist in protecting the water quality of the Creeks within the Broadhead Watershed, and run directly counter to that member's efforts to have the upper Swiftwater Creek, Cranberry Creek, Paradise Creek, Tank Creek, and Devil's Hole Creek classified and protected as EV;
 - Directly threaten the interests of PennFuture's member in protecting the water quality of the Tunkhannock Creek basin, and run directly counter to that

⁴ The Board may determine that this appeal is not properly before the Board at this time. However, for the purposes of evaluating whether the Petitioners may gain or lose by operation of the Board's adjudication, the Board must consider all possible outcomes in the appeal.



- member's efforts to have the Tunkhannock Creek basin classified and protected as EV; and
- d. Present a realistic potential to reduce the robustness and diversity of the streams' macroinvertebrate communities, and therefore harm Petitioners' members' use and enjoyment of the waters identified in Paragraph 40, above, for fly-fishing. See Stedge v. DEP, 2015 EHB 577, 619 ("Lessening the aesthetic or recreational value of an area qualifies for purposes of standing.") (citations omitted); Delaware Riverkeeper v. DEP, 2004 EHB 599, 632 ("The Board has long held that interference with the enjoyment of environmental resources is a basis for standing.") (citations omitted).
- 51. Without obtaining the status as a party in this matter, Petitioners would have no opportunity to appeal from such a decision. Therefore, to be assured of being heard, Petitioners must participate in this proceeding. See Connors, 1999 EHB at 674.
- 52. For all of these reasons, the substantial interests of the Petitioners and their members as described in Section I.B., above, are direct and immediate, and the Petitioners are likely to gain or lose from the Board's adjudication in the above-captioned matter.

II. REASONS PETITIONERS SEEK TO INTERVENE AND ISSUES ON WHICH PETITIONERS INTEND TO OFFER EVIDENCE OR ARGUMENT

- 53. Petitioners seek to intervene in this appeal in order to protect the interests of the organizations and their members in the Creeks.
- 54. Petitioners also seek to intervene in this appeal to ensure that all possible evidence and arguments in defense of the challenged existing use evaluations and listings are presented to this Board for consideration.



- 55. Petitioners intend to offer evidence or arguments on the following issues:5
 - a. Whether the existing use evaluations and listings at issue are final and appealable;
 - b. Whether the appeal is untimely; and/or
 - c. The validity of the existing use evaluations and listings at issue, including all objections raised in the Amended NOA.

WHEREFORE, BWA and PennFuture respectfully request that the Board grant this

Petition and permit BWA and PennFuture to intervene in this matter. A proposed form of order
accompanies this Petition, as Exhibit B.

Respectfully submitted,

Abigail M. Jones

Attorney ID No. 323921

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⁵ Petitioners reserve the right to offer evidence or arguments on additional issues during the course of this matter. See Dkt. 4, Amended NOA, ¶46 (reserving right to assert additional grounds for appeal).



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Dated: January 12, 2018



EXHIBIT A

to

PETITION TO INTERVENE OF BRODHEAD WATERSHED ASSOCIATION AND CITIZENS FOR PENNSYLVANIA'S FUTURE

January 12, 2018



EXISTING USE CLASSIFICATION

(LAST REVISED ON 10/23/2017)



COUNTY	STREAM CODE	STREAM NAME	DESIGNATED USE	EXISTING USE	QUALIFIER	LOCATION	DATE OF EVAL	AFFECTED STREAM MILES
LYCOMING, SULLIVAN	20720	ROCK RUN	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, SOURCE TO YELLOW DOG RUN	2/17/11	30.275
LYCOMING, TIOGA	21166	PINE CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	MAINSTEM, MARSH CREEK TO TOMBS RUN	8/31/11	50.5
LYCOMING, TIOGA	20794	ROARING BRANCH	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN	6/16/11	76.4
LYCOMING, TIOGA	21302	TEXAS CREEK (ZIMMERMAN CREEK)	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, FROM CONFLUENCE WITH AND INCLUDING LITTLE FALLS CREEK TO CONFLUENCE WITH BLOCKHOUSE CREEK	3/14/11	51.587
MCKEAN	50671	BUCK RUN	CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN	2/28/12	13.2
MCKEAN	57738	UNT BLACKSMITH RUN	CWF, MF	HQ - CWF, MF	DESIGNATED CLASS A WILD TROUT	BASIN	6/9/16	4.8
MONROE	4750	BRODHEAD CREEK	TSF,MF	CWF,MF	TROUT REPRODUCTION	MAINSTEM, FROM SR2022 (APPROX RMI 6.6) TO MOUTH	7/10/07	8.899
MONROE	4940	CRANBERRY CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, UNT 4948 TO MOUTH	10/23/17	8.01
MONROE	4983	DEVIL'S HOLE CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, FROM SOUTHERN BOUNDARY OF SGLE221 TO MOUTH	12/5/16	5.49
MONROE	3988	DOTTERS CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN	10/1/04	18.893
MONROE	4933	PARADISE CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BBASIN, SOURCE TO UNT 4978, EXCLUDING YANKEE RUN	12/5/16	1.85
MONROE	3917	POHOPOCO CREEK	CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, SOURCE TO SR 3016 BRIDGE	10/1/04	7.017
MONROE	4954	SWIFTWATER CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, SOURCE TO UNT 04960	11/21/08	7.856
MONROE	4990	TANK CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN	12/5/16	1.48
MONROE	4376	TUNKHANNOCK CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, SOURCE TO AND INCLUDING UNT 4398	12/5/16	14.5
MONROE, CARBON	4376	TUNKHANNOCK CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	MAINSTEM, UNT 4393 TO MOUTH	12/5/16	7.2
MONROE	4948	UNT TO CRANBERRY CREEK	HQ-CWF, MF	EV, MF	RBP SURVEY - ANTIDEGRADATION	BASIN	10/23/17	2.24
MONTGOMERY, LEHIGH	1473	HOSENSACK CREEK	CWF, MF	HQ - CWF, MF	DESIGNATED CLASS A WILD TROUT	MAINSTEM, CONFLUENCE OF UNT "40 27' 56.304"N "75 28' 6.592" DWS TO CONFLUENCE WITH UNT AT "40 27' 20.259"N "75 29' 47.324"	6/9/16	2.96
NORTHAMPTON	4646	BUSHKILL CREEK, UNNAMED TRIBUTARY	HQ-CWF, MF	EV, MF	RBP SURVEY- ANTIDEGRADATION	BASIN, SOURCE TO T-615	7/19/06	3.156



EXHIBIT B

to

PETITION TO INTERVENE OF BRODHEAD WATERSHED ASSOCIATION AND CITIZENS FOR PENNSYLVANIA'S FUTURE

January 12, 2018



COMMONWEALTH OF PENNSYLVANIA BEFORE THE ENVIRONMENTAL HEARING BOARD

MONROE COUNTY CLEAN STREAMS COALITION,	: :							
Appellant,	; ;							
v.	: EHB Docket No. 2017-107-L							
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, Appellee.	; ; ;							
премен	•							
<u>ORDER</u>								
IT IS HEREBY ORDERED that the Petition to Intervene of Brodhead Watershed								
Association and Citizens for Pennsylvania's Future is granted. The caption is amended to read								
as follows:								
MONROE COUNTY CLEAN STREAMS COA	ALITION, :							
Appellant,	: :							
v.	: EHB Docket No. 2017-107-L							
COMMONWEALTH OF PENNSYLVANIA, I OF ENVIRONMENTAL PROTECTION, Appe BRODHEAD WATERSHED ASSOCIATION CITIZENS FOR PENNSYLVANIA'S FUTUR Intervenors.	eliee, and : AND :							
	ENVIRONMENTAL HEARING BOARD							
	Bernard A. Labuskes, Jr. Judge							
Dated:								



VERIFICATION

I. Robert J. Heil, Jr., being aware of the penalties for unsworn falsification to authority under 18 Pa. C.S. § 4904, state that I am the Executive Director of the Brodhead Watershed Association and that the facts set forth in the foregoing Petition to Intervene of Brodhead Watershed Association and Citizens for Pennsylvania's Future are true and correct to the best of my knowledge, information, and belief.

Robert J. Heil, Jr.

Dated: January 12, 2018



VERIFICATION

I, Jacquelyn Bonomo, being aware of the penalties for unsworn falsification to authority under 18 Pa. C.S. § 4904, state that I am the President and Chief Executive Officer of Citizens for Pennsylvania's Future and that the facts set forth in the foregoing Petition to Intervene of Brodhead Watershed Association and Citizens for Pennsylvania's Future are true and correct to the best of my knowledge, information, and belief.

Jacquelyn Bonomo

- Jacquel ja Bonovic

Dated: January 12, 2018



COMMONWEALTH OF PENNSYLVANIA BEFORE THE ENVIRONMENTAL HEARING BOARD

MONROE COUNTY CLEAN STREAMS COALITION,

Appellant,

V.

EHB Docket No. 2017-107-L

COMMONWEALTH OF PENNSYLVANIA, : DEPARTMENT OF ENVIRONMENTAL : PROTECTION. :

Appellee.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Petition to Intervene of Brodhead Watershed Association and Citizens for Pennsylvania's Future in the above-captioned matter, including all attachments, was served on all Counsel of Record identified below via electronic mail and First Class Mail at the following addresses on this 12th day of January, 2018:

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