

# EMBARGOED MATERIAL



## BOARD OF SUPERVISORS

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HC 89 BOX 289 • STATE AVENUE • POCONO PINES PA • 18350

570-646-1212  
570-839-8632  
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E-Mail: tobytwp@epix.net  
www.tobyhannatownship.org

2872

2010 \*  
April 22, 2009

Pennsylvania Department of Environmental Protection  
Division of Water Quality Standards  
Bureau of Water Standards and Facility Regulation  
11<sup>th</sup> Floor, Rachel Carson State Office Building  
P.O. Box 8467  
Harrisburg, PA 17105-8467

Attention: Mr. Mark Brickner

Re: Upper Lehigh River - Basin Source to Tobyhanna Creek  
Petition to Re-designate from HQ-CWF to EV  
Monroe, Luzerne, Lackawanna and Carbon Counties

Dear Mr. Brickner:

At the July 6, 2009 Board of Supervisor's meeting, the Board decided not to support the above referenced petition. Attached for your reference is a copy of my correspondence (Dated: July 7, 2009) to Secretary John Hanger. Please note that the position of the Tobyhanna Township Board of Supervisors has not changed. At a recent business meeting held on April 12, 2010, the Board members again confirmed that they do not support the petition for upgrading the designated use of the Lehigh River from High Quality – Cold Water Fishes (HQ-CWF) to Exceptional Value (EV). As previously expressed, the HQ-CWF designation alone sets forth sufficient water quality standards.

The Monroe County Conservation District provided correspondence (Dated: July 7, 2009) addressed to the Environmental Quality Board which indicates that the petition marginally meets the PaDEP criteria for exceptional value waters. The correspondence states that "*Staff did not analyze the chemistry or biology given the sheer volume of data presented.*" One would anticipate that in order to make a recommendation on a matter of this magnitude, the MCCD would have taken the time to analyze all of the data. Please note that the petition provides water chemistry data which indicates that the existing waters do not meet the PaDEP chemistry criteria for exceptional value waters. It is also our understanding that members of the Monroe County

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IRRC  
2011 JUL 20 P 4: 47

Conservation Districts Board allegedly abstained from voting on this matter due to a lack of adequate information to support the proposed change.

In a related matter and according to the PaDEP website, an Act 167 Stormwater Management Plan has not been prepared and adopted for this section of the Lehigh River basin as required by said Act. We believe that an Act 167 Stormwater Plan with a model ordinance should be adopted and implemented by the affected local municipalities to protect the water quality of the Lehigh River. The lack of such ordinance allows land owners and developers to potentially affect the water quality of the Lehigh River regardless of its designation.

It is our Board's position that the existing stream designation of High Quality – Cold Water Fishes (HQ-CWF) has been appropriate to serve the communities within the watershed for many years and therefore should remain as such.

Respectfully Submitted,



Heidi A. Pickard  
Township Supervisor/Township Secretary

Cc: w/ enclosures  
Township of Tobyhanna Board of Supervisors  
Patrick M. Armstrong, Esq. (Township Solicitor)  
File



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July 7, 2009

Pennsylvania Department of Environmental Protection  
Secretary John Hanger  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg PA 17101-2301

Dear Secretary Hanger:

The Township of Tobyhanna Board of Supervisors does not support the petition for upgrading the "designated use" of the Lehigh River from high quality to exceptional value (EV). The High Quality (HQ) designation alone sets adequate standards.

Thank you for your consideration in this matter.

Sincerely,

Heidi A. Pickard  
Township Secretary

/ma



# Monroe County Conservation District

8050 RUNNING VALLEY ROAD, STROUDSBURG, PA 18360

Technical  
Section  
570-629-3060

website: mcconservation.org  
email: monroecd@ptd.net  
fax: 570-629-3063

Environmental  
Education  
570-629-3061

July 7, 2009

Environmental Quality Board  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
P.O. Box 8477  
Harrisburg, PA 17105-8477

RE: MCCD Letter of Support  
Petition to Redesignate Portion of the Little Lehigh  
Basin Source to Tobyhanna Creek from HQ-CWF to EV  
Monroe, Luzerne, Lackawanna and Carbon Counties

Dear Environmental Quality Board:

At the June 18, 2009 regularly scheduled meeting of the Monroe County Conservation District Board of Directors, a motion was made and approved to support the above petition submitted by North Pocono CARE.

The Conservation District technical staff analyzed the petition and supporting documents with respect to the criteria for Exceptional Value Waters found in PA Code Title 25, Section 93.4B. These criteria require that at least one of the two high quality water criteria (chemistry and biology) and at least one of six Exceptional Value criteria are met or the water is a surface water of exceptional ecological significance.

Staff did not analyze the chemistry or biology given the sheer volume of data presented. Because of time constraints, this office converted a sample of the existing data to the new Department methodology and found that it exceeded the EV standard of 80%. While we did not analyze the petition for compliance with the chemistry and biology criteria specifically, we believe the data supports, and is reflective of, a surface water of exceptional ecological significance.

This reach of the Lehigh River and its tributaries contain Exceptional Value Wetlands under Chapter 105, sites identified in all four counties natural areas inventories, and has been designated by The Nature Conservancy one of the worlds "Last Great Places" in need of protection.

The main stem as recognized by the PA Fish & Boat Commission as containing reproducing populations of Brown Trout. Ash Creek in Lackawanna County is designated a "Class A Wild Trout Water" for Brook Trout and other tributaries have documented populations of Brook Trout as well.

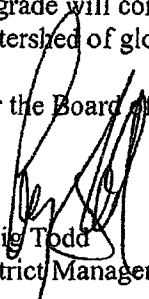
Both public and private sector efforts have focused on the watershed tributary to this section of the Lehigh because of its exceptional habitats and abundance of State Game Lands.

The Monroe County Conservation District encourages the Environmental Quality Board to approve this petition for redesignation. Sustainable economic growth within any community is directly related to the quality of the area's natural resources. One of the reasons that Monroe County has experienced such intense growth over the last ten to twenty years has been the quality and abundance of our water resources.

Recycled Paper, Soybean Ink

We feel that sustainable economic growth and requirements for future discharges that afford a level of treatment needed to maintain existing exceptional water quality are compatible and necessary. Technologies and treatment methods exist, and are in use, that would meet or exceed the resulting discharge requirements. The proposed upgrade will contribute to a continued quality of life now and for future generations while helping to maintain a watershed of global significance.

For the Board of Directors,



Craig Todd  
District Manager

CT/dml

cc: Mark Sincavage, MCCD Chairperson  
Monroe County Commissioners (via email)  
John Woodling, Monroe County Planning Commission Director (via email)  
Coolbaugh Township Supervisors and Planning Commission (via email)  
Tobyhanna Township Supervisors and Planning Commission (via email)  
Tobyhanna Open Space Advisory Committee  
c/o Bud Cook  
Coolbaugh Environmental Advisory Council  
c/o Wayne Horne  
North Pocono CARE  
c/o Barbara Smith, President  
HC 2 Box 179A  
Thornhurst, PA 18424  
File (4)

EMBARGOED MATERIAL

RECEIVED  
IRRC

2011 JUL 20 P 4:47

7007 0220 0004 2140 7116

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

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Return Receipt Fee (Endorsement Required)	2.30
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Postmark: HARRISBURG, PA 17105 APR 27 11

Sent PA DEP - Division of Water Standards  
 Street, Apt. No. or PO Box No. P.O. Box 8467  
 City, State, ZIP+4 HARRISBURG, PA 17105

PS Form 3860, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by: <i>[Signature]</i> C. Date of Delivery: <b>APR 27 2011</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>Upper Lehigh River - re-designation</i></p>
<p>1. Article Addressed to:</p> <p>Pennsylvania Department of Environment          Division of Water Quality Standards          Bureau of Water Standards and Facilities          11<sup>th</sup> Floor, Rachel Carson State Office          P.O. Box 8467          Harrisburg, PA 17105-8467</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7007 0220 0004 2140 7116</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

## Cooper, Kathy

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**From:** Margie Argot [margot@epix.net]  
**Sent:** Wednesday, July 20, 2011 4:35 PM  
**To:** IRRC  
**Cc:** 'Heidi Pickard', jkerrick@epix.net; 'Bob McHale'  
**Subject:** Tobyhanna Township does not support Upper Lehigh River-re designation petition  
**Attachments:** DOC072011.pdf

**Importance:** High

Michaele Totino,

Attached is the certified mail receipt/delivery confirmation and correspondence from our office April 22, 2010 regarding the Upper Lehigh River re-designation as discussed with Heidi Pickard, Township Secretary by phone this afternoon.

Margie Argot, Administrative Secretary  
Township of Tobyhanna  
570-646-1212 ext. 222  
570-646-9025 fax  
[www.tobyhannatownship.org](http://www.tobyhannatownship.org)  
[margot@epix.net](mailto:margot@epix.net)





TRANSACTION REPORT

P. 01

JUL-21-2011 THU 08:38 AM

FOR:

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-21	08:37 AM	76088	1'25"	8	FAX TX	OK	348	
TOTAL :						1M 25S	PAGES:	8

Facsimile Cover Sheet



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 Fax #: (717) 783-2664  
 E-mail: [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)  
 Website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us)

INDEPENDENT REGULATORY REVIEW COMMISSION  
 333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

To: Honorable Mary Jo White, Chairman  
 Agency: Senate Environmental Resources & Energy  
 Committee  
 Phone 787-9684  
 Fax: 787-6088  
 Date: July 21, 2011  
 # of Pages: 8

RE: Environmental Quality Board's #7-461 Stream Redesignations (Fishing Creek, et al.) (IRRC #2872)

URGENT!

Section 5.1(j) of the Regulatory Review Act (71 P.S. § 745.5a(j)) requires us to forward to you any documents we receive during the 48-hour blackout preceding our public meeting, upon receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

TRANSACTION REPORT

P. 01

JUL-21-2011 THU 08:40 AM

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JUL-21	08:39 AM	34141	1'01"	8	FAX TX	OK	349	
TOTAL :						1M 1S	PAGES:	8

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INDEPENDENT REGULATORY REVIEW COMMISSION  
 333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

To: Honorable John Yudichak, Minority Chairman  
 Agency: Senate Environmental Resources & Energy Committee  
 Phone: 787-7105  
 Fax: 783-4141  
 Date: July 21, 2011  
 # of Pages: 8

RE: Environmental Quality Board's #7-461 Stream Redesignations (Fishing Creek, et al.) (IRRC #2872)

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P. 01

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TOTAL :						1M 28S	PAGES:	8

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INDEPENDENT REGULATORY REVIEW COMMISSION  
 333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

To: Honorable Camille Bud George, Minority Chairman  
 Agency: House Environmental Resources & Energy  
 Committee  
 Phone: 787-7316  
 Fax: 783-8236  
 Date: July 21, 2011  
 # of Pages: 8

RE: Environmental Quality Board's #7-461 Stream Redesignations (Fishing Creek, et al.) (IRRC #2872)

**URGENT!**

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