



December 2, 2022

Via Email: khmccd@ptd.net

Monroe County Conservation District
c/o Kristina Heaney
8050 Running Valley Road
Stroudsburg, PA 18360

Re: Approval of Tobyhanna Creek Act 167 Stormwater Management Plan Update
Monroe, Carbon, and Wayne Counties

Dear Ms.Heaney:

On April 20, 2022, May 5, 2022, and April 21, 2022, Monroe, Carbon, and Wayne Counties respectively adopted the Tobyhanna Creek Act 167 Plan (Plan). The Department of Environmental Protection (DEP) was notified of the adoption on June 28, 2022. The Commissioner-adopted Plan was submitted to DEP for review and approval in accordance with Section 9 of the Storm Water Management Act (1978 Act 167) on June 28, 2022. The Monroe County Conservation District (MCCD) submitted documentation certifying compliance with the municipal and regional review and adoption procedures specified in Sections 6 and 8 of Act 167.

DEP and the Department of Community and Economic Development (DCED) have reviewed the plan and find it consistent with municipal floodplain management plans, state programs that regulate dams, encroachments and water obstructions, and state and federal flood control programs.

According to Section 11(b) of Act 167, municipalities subject to the plan must enact or amend and implement such ordinances as necessary to regulate development in a manner consistent with the plan by **May 2, 2023**. Municipalities are encouraged to use the model ordinance included with the plan.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

Thank you for participating in the Stormwater Management Program. We hope that the Tobyhanna Creek Watershed receives many benefits as a result of adopting the plan update and its accompanying stormwater management ordinance. If you have any questions or need further assistance, please contact Jamie Eberl at 717-772-4058 or email at jeberl@pa.gov.

Sincerely,



Pamela R. Kania, P.E.
Environmental Program Manager
Waterways and Wetlands Program

cc: DEP Central Office / Jamie Eberl (via email jeberl@pa.gov)
DCED / Theodore Ritsick (via email thritsick@pa.gov)
Carbon County Conservation District (via email carbmgr@ptd.net)
Wayne County Conservation District (via email jknecht@waynecountypa.gov)