

## **Community Talking Points For DEP's Hearing Regarding Pocono Manor's NPDES Permit Renewal, Permit No PA0029149**

**Dec 6, 2022 beginning at 6:30pm at Tunkhannock Township Volunteer Fire Company Hall, 1539 Long Pond Road, Long Pond, PA 18334.** Registering in advance is NOT required but if you would like priority sign up in advance is requested by DEP to DEP's Community Relations Coordinator at [coconnolly@pa.gov](mailto:coconnolly@pa.gov) or 570-826-2511 before 4:00 p.m. on December 6, 2022.

*We encourage you to use your voice at this hearing. The application can be quite cumbersome and technical but the numbers of people who speak up generally to simply urge DEP to deny the permit will be very important. Below are a few general comments to help you stand up and testify for your use as you wish.*

- I join with previous commenters from various conservation groups and the community and I urge DEP to deny the application for renewal of Pocono Manor's renewal application and protect the Swiftwater Creek Exceptional Value status and forested regions of the Poconos instead.
- Pocono Manor's application for renewal contains insufficient information and would include an entirely different project and footprint than its original footprint – therefore the DEP has no option other than to deny the renewal request and have the applicant start from scratch. Pocono Manor Inn was destroyed by a fire in November 2019, and DEP must terminate the existing NPDES permit as future proposed land use differs significantly. To do otherwise, would be a violation of law and would jeopardize the quality of Swiftwater Creek and Exceptional Value Stream.
- Pocono Manor Investors is planning to construct a massive Margaritaville resort that is vastly different in scale and design than the former historic Pocono Manor Inn. The development would include but is not limited to a Margaritaville Hotel, Camp Margaritaville RV Resort with over 200 RV sites, 1,000 "Tiny Home Bungalows", and other attractions. It is unacceptable for DEP to grant a renewal of a NPDES permit to a non-existent and unplanned project under the Clean Water Act and PA Clean Streams Law. Swiftwater Creek, the receiving stream at issue for this permit, has had a designated use of Exceptional Value (EV) Waters since February 2018, with the existing use of EV being recognized by DEP in approximately 2016-2017. And yet, Pocono Manor's application to DEP dated November 2, 2021, failed to correctly indicate that Swiftwater Creek at the location of this discharge is an EV stream. Instead, the 2021 application lists Swiftwater Creek as HQ-CWF (High Quality, Cold Water Fishes). This error and blatant disregard by the developer is concerning since the Applicant, Pocono Manor Investors, was involved in (and lost) legal challenges to both the existing use classification and the final designated use classification. Pocono Manor has well known for several years that the correct and current classification for Swiftwater Creek is EV though they tried their best to unravel that community supported petition and the outcome of the upgrade to be able to cut corners at the expense of clean water. This is unacceptable. DEP needs to deny this renewal request now.

- Both the designated and existing uses of Swiftwater Creek are EV, more stringent protections should be required. This application should be considered cumulatively with other planned construction in the area, such as Swiftwater Solar's proposal to develop a roughly 500-acre solar facility to the south of Swiftwater Creek which will require massive clearcutting of mature trees. Having a piecemeal approval now before the full plans are unveiled is unacceptable and unprotective of EV designation. DEP must deny this renewal request.
- These combined projects would irreparably degrade the water quality of the EV Swiftwater Creek, which is unacceptable. DEP should protect clean water instead. There are many economic benefits from EV waterways as outlined in the recently published economic benefits [report by Our Pocono Waters](#). According to that report, stream and riparian protections improve water quality, reducing stress on water treatment facilities. Nutrient retention services generate \$553.5 million in annual value. Watershed and forest buffers help to avoid potential damage from flooding and erosion. Avoided sediment control services represent \$2.7 million in estimated savings per year. Riparian buffers absorb enough carbon dioxide to collectively provide roughly \$1.5 billion in carbon sequestration benefits per year. In total, ecological services bring \$2 billion in benefits to the region.
- Furthermore, quick review of this renewal request attempt by the developer clearly shows that chlorine and heavy metals would be allowed to be discharged to Swiftwater Creek. This stream has reproducing trout populations and any discharge of contaminants including heavy metals could impact this important fishery. With climate change impacts projected to result in increased thermal and dissolved oxygen harm to our most important fisheries that remain like Swiftwater Creek, DEP must not slip on allowing death by a thousand cuts to continue. Deny the permit.
- I urge DEP to deny the application for renewal of NPDES Permit No. PA0029149 and protect the Swiftwater Creek Exceptional Value status and forested regions of the Poconos instead.