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July 23, 2019

Jackie D. Shultz, Clerk
West Virginia Environmental Quality Board
601 57th Street
Charleston, WV 25304

Re: *David C. Tabb v. Harold D. Ward, Deputy
Secretary for Operations, Division of Water and
Waste Management, Department of
Environmental Protection,
Appeal No. 19-08-EQB
Motion to Intervene*

Dear Ms. Shultz:

Enclosed please find the Jefferson County Development Authority's *Motion to intervene* regarding the above-referenced matter.

Thank you for your assistance. Should you have questions, please do not hesitate to contact me.

Very truly yours,



William F. Rohrbaugh
WVSB No. 5048

xc(w/encl.): Jason S. Wandling, Esquire
David C. Tabb
TEMA North America, LLC

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

DAVID C. TABB,

Appellant,

v.

Appeal No.: 19-08-EQB

**HAROLD D. WARD, DEPUTY SECRETARY
FOR OPERATIONS, DIVISION OF WATER
AND WASTE MANAGEMENT, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Appellee.

MOTION TO INTERVENE

Now comes the Jefferson County Development Authority (hereinafter, "Development Authority"), by counsel, William F. Rohrbaugh, and respectfully requests that the West Virginia Environmental Quality Board ("Board") grant it intervenor status in the above-styled appeal and in support of this motion to intervene states as follows:

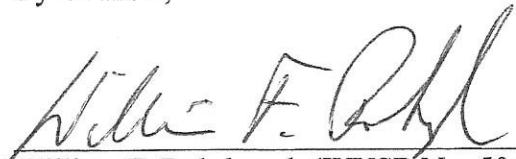
1. On March 29, 2019, the West Virginia Department of Environmental Protection, Division of Water and Waste Management (hereinafter "Appellee" or "WVDEP") issued a General Permit Registration, No. WVG611874, to the Development Authority for coverage under the West Virginia National Pollutant discharge Elimination System Multi-Sector General Stormwater Permit No. WV0111457 (hereinafter, "Permit").
2. On April 29, 2019, Appellant David C. Tabb (hereinafter, "Appellant") certified that he mailed the Notice of Appeal with this Board challenging the WVDEP's issuance of the Permit. The Notice of Appeal was subsequently received and filed by the Board on May 1, 2019.
3. WVDEP's issuance of the Permit directly affects the interests of the Development Authority.

4. For purposes of an appeal, the procedure and grounds for intervention before this Board are governed by West Virginia CSR §46-4-2.2(e), which provides that in the case of a third party appeal of a permit issued by the WVDEP, the permit holder shall be considered a party in interest and shall have the right to intervene.
5. The Development Authority is the permit holder under General Permit Registration No. WVG611874 and is entitled to intervene in this appeal by rule.

WHEREFORE, for the reasons set forth above, the Jefferson County Development Authority respectfully requests that it be granted intervenor status in this matter, and that it be made a party to these proceedings with the right to file and receive all pleadings and other documents in this matter.

Respectfully submitted,

By Counsel,



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DAVID C. TABB,

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Appellee.

CERTIFICATE OF SERVICE

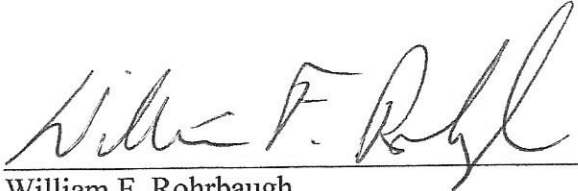
I hereby certify that on the 23rd day of July 2019, I served the foregoing "Motion to Intervene" upon the following parties by depositing the original or a true copy thereof in the U.S. mail, postage prepaid, in envelopes addressed to the following:

Jackie D. Shultz, Clerk
West Virginia Air Quality Board
601 57th Street
Charleston, WV 25304

David C. Tabb
107 Tabb Lane
Harpers Ferry, WV 25425

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William F. Rohrbaugh