

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
EXELON GENERATION COMPANY, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
BENJAMIN H. GRUMBLES, et al.,)	
)	
Defendants,)	
)	
and)	
)	Civil Action No. 1:18-cv-01224 (RMC)
STEWARDS OF THE LOWER SUSQUEHANNA)	
d/b/a LOWER SUSQUEHANNA RIVERKEEPER)	
ASSOCIATION)	
2098 Long Level Road)	
Wrightsville, PA 17368)	
)	
and)	
)	
WATERKEEPERS CHESAPEAKE)	
P.O. Box 11075)	
Takoma Park, MD 20913)	
)	
Proposed Intervenor-Defendants.)	
)	
_____)	

**MOTION OF STEWARDS OF THE LOWER SUSQUEHANNA, D/B/A LOWER
SUSQUEHANNA RIVERKEEPER ASSOCIATION AND WATERKEEPERS
CHESAPEAKE FOR LEAVE TO INTERVENE AS DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 24, and Local Rule 7(j) of this Court, Stewards of the Lower Susquehanna, d/b/a Lower Susquehanna Riverkeeper Association (hereafter “Lower Susquehanna Riverkeeper”) and Waterkeepers Chesapeake (collectively, “Proposed Intervenor-Defendants”) hereby move this Court for leave to intervene in this proceeding as defendants. The groups seek intervention as of right under Fed. R. Civ. P.

24(a)(2), or, in the alternative, permissive intervention under Fed. R. Civ. P. 24(b)(1). In support of this Motion, the Proposed Intervenor-Defendants submit the accompanying Memorandum of Points and Authorities, proposed Answer to the Complaint, and Exhibits.

Proposed Intervenor-Defendants have conferred with counsel for the parties. Counsel for Plaintiff states that Plaintiff takes no position at this time, and reserves the opportunity to do so after examining the basis of the Proposed Intervenor-Defendants' proposed intervention. Counsel for Defendants state that Defendants do not oppose the Proposed Defendant-Intervenors' request for leave to intervene.

Pursuant to the procedure set forth in Fed. R. Civ. P. 24(c), Proposed Intervenor-Defendants state the following as grounds for this Motion to Intervene:

1. This action is a challenge by Plaintiff to Maryland's water quality certification for Plaintiff's Conowingo Hydroelectric Project, issued under section 401 of the Clean Water Act, 33 U.S.C. § 1341. Complaint, Dkt. 1. The certification establishes conditions intended to ensure that discharges of sediment, nitrogen, and phosphorus from the Conowingo Hydroelectric Project will comply with the applicable requirements of the Clean Water Act, including attainment of Maryland's water quality standards in the Lower Susquehanna River and Chesapeake Bay. *Id.* at 26, ¶ 132. Plaintiff seeks to prevent implementation of the certification, and to diminish the scope of Maryland's legal authority to protect water quality within the state by asking this Court to declare that the certification includes requirements that exceed Maryland's authority under the Clean Water Act and violate the United States Constitution, and to order Maryland to withdraw its certification. *Id.* at 35.

2. As discussed in detail in the attached Memorandum, Proposed Intervenor-Defendants satisfy each requirement for intervention of right, pursuant to Federal Rule of Civil

Procedure 24(a): they claim an interest in the subject of this action; they are so situated that the disposition of the action may, as a practical matter, impair or impede their ability to protect that interest; their interest may not be adequately represented by parties to the case; and this motion is timely.

3. Proposed Intervenor-Defendants also satisfy the prerequisites for permissive intervention, pursuant to Federal Rule of Civil Procedure 24(b), because the lawsuit affects their interests and their intervention will not delay or prejudice the adjudication of any rights or defenses of the Parties.

Based on the grounds asserted in this Motion to Intervene and in the supporting Memorandum of Points and Authorities, Proposed Intervenor-Defendants ask this Court to grant them intervention as of right pursuant to Federal Rule of Civil Procedure 24(a) or, in the alternative, to grant permissive intervention pursuant to Rule 24(b).

DATED: July 20, 2018.

/s/ Jennifer C. Chavez
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