

December 18, 2019

Zvi Elgat  
Elcon Recycling Services, LLC  
1720 Walton Road  
Blue Bell, PA 19422-2305

Re: Technical Deficiency Letter  
Project Name: Elcon Recycling  
NPDES Construction Permit Application No. PAD090044  
Falls Township  
Bucks County  
Plan Revision Date: October 7, 2019

Dear Zvi Elgat:

The Department of Environmental Protection (DEP) and the Bucks County Conservation District (District) have reviewed the above-referenced application and have identified the technical deficiencies listed below. The *Pennsylvania Erosion and Sediment (E&S) Pollution Control Program Manual (E&S Manual)* and the *Pennsylvania Stormwater Best Management Practices Manual (BMP Manual)* include information that may aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

The technical deficiencies void the permit decision guarantee and any agreements that have been made regarding the timeline for the permit application review. DEP will continue to follow the permit review process procedures in the review and processing of this permit application.

#### **Technical Deficiencies**

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1. Regarding Act 2:
  - a. Please provide any applicable Act 2 approvals obtained from DEP for the project site.
  - b. The narratives and plan drawings indicate the use of "Non-Residential" and "Non-Use" standards for contaminant parameters. Please provide any relevant information/correspondence from DEP Act 2 staff which indicates that this classification is appropriate. [Section 102.11(a)(1)]

2. If applicable, please consider adding the following notes (or similar) to the E&S Plan drawings:
  - a. The work being performed at this site was authorized under the PA DEP Act 2 Land Recycling program and any future work or disturbance to this area should be authorized by the same program prior to commencing.
  - b. For contaminated sites proposing to attain remediation standard(s) outlined in the Land Recycling and Environmental Remediation Standards Act (Act 2), the permittee is responsible for assuring that the remediation follows all reports/plans/procedures approved by DEP's Environmental Cleanup and Brownfields (ECB) program. Groundwater exposure pathways and contaminated soils should be properly managed to prevent groundwater pollution. The regional ECB program should be contacted at the telephone number located in the first page footer for any remediation questions. [Section 102.11(a)(1)]
3. For the MRC BMP, please indicate within the Post Construction Stormwater Management (PCSM) narrative how each of the 13 MRC Design Standards are being addressed. Where appropriate, please reference the page numbers where any applicable calculations/demonstrations can be found. [Section 102.8(g)(2)]
4. It appears that volume management for disturbed area runoff that bypasses the MRC BMP is not being appropriately calculated. Per page 59 of the PCSM narrative, it appears that the "permanently removed" MRC volume of 23,742 cf is derived from a drainage area of 10.38 ac, while the entire "delta 2" volume is derived from a post-development drainage area of 12.18 ac (per PCSM Worksheet 4). Per the MRC guidance document, please ensure that the MRC volume management credit is only being taken for up to the delta 2 volume for the drainage area that the MRC BMP manages. An alternative approach should be used to manage the remaining bypass delta 2 volume. Please make any appropriate revisions. [Section 102.8(g)(2)]
5. Please verify that the level spreader has been designed per the recommendations of DEP's PCSM Manual (e.g., sized per the guidelines presented on page 248 of Chapter 6) and that nonerosive sheet flow will be achieved. [Section 102.11(a)(2)]
6. Please provide plan drawings which indicate the pre-development and post-development drainage areas to each POI. [Section 102.11(a)(2)]
7. Within the PCSM Plan drawings, please provide specifications for the impermeable liner to be used for the MRC BMP. [Section 102.8(f)(9)]
8. Please verify that the amended soils within the MRC basin are not being double-counted for volume management crediting. [Section 102.8(f)(8)]

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 30 calendar days from the date of this letter, on or before January 24, 2020, or DEP may deny the application.

Please submit a response letter addressing the above comments and two copies of the revised information to the District at 1456 Ferry Rd # 704, Doylestown, PA 18901, and two copies of the revised information to DEP at the address located in the first page footer.

In addition, following our previous request for this application, we are requesting a digital copy of the revised information for PADEP's website as part of DEP's outreach program to the stakeholders of the project. Please send this digital copy to DEP at the address located in the first page footer.

Please coordinate with the District prior to resubmitting. The District may require a District application and/or additional fees associated with your resubmission.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that DEP make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency.

If you have questions about your application, please contact Mr. Jesse Duncan by e-mail at [jeduncan@pa.gov](mailto:jeduncan@pa.gov) or by telephone at 484.250.5826 and refer to Application No. PAD090044, to discuss your concerns or to schedule a meeting. You must attempt to schedule any meeting within the 30 calendar days allotted for your reply.

Sincerely,



Christopher Smith, P.E.  
Chief, Construction Permits Section  
Waterways and Wetlands

cc: Mr. Garton, P.E. – Gilmore & Associates, Inc.  
Mr. Krasselt – Bucks County Conservation District  
Falls Township Engineer  
Ms. Cain  
Mr. Duncan  
Mr. C. Smith, P.E.  
Mr. Hohenstein, P.E.  
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