On November 7, 2023, Blue Ridge Real Estate submitted to the Department of Environmental Protection ("DEP") an application for National Pollutant Discharge Elimination System ("NPDES") Permit PAD130044 for Lot #2, a proposed warehouse, in Kidder Township, Carbon County. DEP determined the application to be administratively complete on January 30, 2024.

On April 27, 2024, DEP published notice in the Pennsylvania Bulletin regarding receipt of the application for NPDES Permit PAD130044. The thirty (30) day comment period had an initial deadline of May 28, 2024. DEP received public comments during the public comment period. DEP published notice on July 27, 2024, in the Pennsylvania Bulletin that a public hearing would be held on August 29, 2024, to accept additional comments. DEP held a public hearing on August 29, 2024, from 6:00 PM to 9:00 PM. DEP extended the deadline for acceptance of additional public comments to September 13, 2024.

All comments received during this period were taken into consideration by reviewers during their review of the submitted application. All comments, regardless of the method by which they were submitted, are treated with equal consideration and included in this document.

A list of the commentators, including names and affiliations (if any) is provided as follows. Each individual who submitted a comment is assigned a Commenter ID number, which is then listed at the end of the corresponding comment in the document. Staff reviewers were aware of all comments, including duplicates.

Commenter #1:

My concern is that this project will negatively affect our environment. The benefit to the citizens of Kidder Township will be minimal, while the damage to our clean air and water will be irreversible. Kidder Township ordinances were written to preserve the quality of life of its citizens. A permit should not be given based on inaccurate or outdated information. I am requesting a public hearing. The citizens who will be most affected by this project deserve to be heard and know what criteria will be considered in granting or denying the permit. Thank you.

Testimony:

As a volunteer, I joined the Trout Unlimited Cold Water Conservation Corps Water Quality Monitoring Project in 2015. Every month for three years, excluding winter months, the Kidder Township Clean Water Keepers collected data on local streams. This data was then sent to a science manager for analysis, providing a baseline in order to identify when there is an event that contributes to water pollution.
A spike in readings that are three times greater than the previous readings would alert that the cause needs to be investigated. We measured conductivity. That's the ability of water to pass an electrical current. Conductivity in water is affected by the presence of inorganic dissolved solids in the stream. These may include chloride, nitrate, sulfate, phosphate, also sodium, magnesium, calcium, iron, and aluminum.
Pure water has very low conductivity. We measure total dissolved solids. The concentration of total dissolved solids affects the balance in the cells of aquatic organisms. At a very high concentration, fish, including native trout, macroinvertebrates, and other aquatic organisms may not survive. That's why it's so important to take every precaution to preserve, protect, and maintain the water quality of our streams and tributaries, especially those classified as exceptional value, including the Black Creek.
Before the NPDES permit is issued, I am asking that you keep in mind the goal of the permit: to protect public health and aquatic life. There is a significant potential for damage to PA's water resources as a result of land disturbances, spills, water withdrawals, and storm water discharge with the development of warehouses and distribution centers.
Please study the impact that storm water discharge will have on the unique nature of the Pocono region before issuing the permit. Volunteers can only do so much to protect our streams. More is required. We need the resources and enforcement capabilities of agencies such as the DEP and the National Pollutant Discharge Elimination System Permit Program.
Perhaps discharge limits can be set at a lower level. Implementing best management practices that focus on reducing the source of pollutants and enhancing the natural filtration capacity of the landscape can be implemented. These measures can be leaving wide areas of existing dense trees and shrubs as buffer zones, requiring permeable paving, not asphalt, and constructing holding ponds that will adequately address the issue of protecting the Black Creek and other tributaries - and this was addressed by Chuck.
While realizing warehouse and distribution centers are a permitted land use, everything should be done to ensure they have the least environmental impact. Thank you.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater

Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided with, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

Commenter #2:

I am also writing to request a public hearing.
As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 feet of the development line. Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:

1. Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c

2. Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2
3. Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C.4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:

-Soil limitations and resolutions not provided.
-Mismatched sediment basin calculations versus plan drawings.
-Construction sequencing errors.
-Stormwater discharge design flaws that threaten UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River.
-inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion.
-Significant questions about the ability to convey stormwater beneath Walter Dam Rd.; and
-An extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte.115 to the I-80 connection in Monroe County.

These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:

The Pa Turnpike in the afternoon on a weekday I have to wait in traffic just get to the toll gates. The majority of traffic tends to be trucks. The line often extends back onto the off ramp. About half of those trucks turn left towards the 880 Rte. 940 truck terminal. How will the Turnpike Commission handle this when we add more truck terminals? We will be facing nearly 3,500 average daily truck trips and with that, considerable deterioration of air quality, noise, and waterway contamination from the truck pollutants.

Currently BRRE Lot 1 (the first truck terminal) is complete and working. It covers 1,100,000 square feet of land, with an average of 1626 daily trips, 145 in the AM rush hour and 148 in the PM rush hour.

PNK-5 (TT#2) is in construction and covers 739,050 square feet of land. There will be and estimated of 1035 additional daily truck trips, with an added 59 trips in morning rush hour and 74 in the PM rush hour.

BRRE Lot 2 (TT#3) will disrupt 420,000 square feet of wetlands, and add an estimated 836 daily trips, with an add 85 trips in the morning rush hour and an additional 88 trips in the evening rush hour.

In total we will see 2,259,050 of land disrupted, 3,497 of daily truck trip on a small two lane road that has no plans to be expanded and cannot accommodate so much traffic. I-940 was built for mild residential traffic and contains one lane going east and one lane going west.

In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.

Response:

The technical deficiencies identified by the Carbon County Conservation District and DEP were addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage

post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024, and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional, not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

Commenter #3:

I am also writing to request a public hearing.
As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 feet of the development line.
Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:
1. Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c
2. Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2
3. Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C.4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:
-Soil limitations and resolutions not provided.
-Mismatched sediment basin calculations versus plan drawings.
-Construction sequencing errors.
-Stormwater discharge design flaws that threaten UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River.
-inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion.
-Significant questions about the ability to convey stormwater beneath Walter Dam Rd.
and
-An extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte.115 to the I-80 connection in Monroe County.

These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:

Some states in the USA are ahead of Pennsylvania with respect to regulation of Truck Terminals. The CA South Coast Air Quality Management District adopted Rule 2305 in 2023 that regulates trucking emissions from warehouses with the aim to reduce harmful air emissions. Over the last decade, large warehouses and logistics centers have sprouted up across Southern California attracting thousands of heavy-duty trucks that release smog-forming nitrogen oxides and carcinogenic diesel exhaust. Data show that living within 2.0-miles from warehousing greater than 100,000 sq ft can cause adverse health from diesel emissions. And multiple warehouses have a cumulative effect. How does that apply to Kidder Township?

Table 2
Facilities and Homes in Kidder Township within two miles of the PNK5 and BRRE #2 Truck Terminal

Site	Distance to PNK (miles)	Distance to PNK (feet)
Matz Pass & Moseywood Rd Homes	1 mile	5,371
Split Rock Country Club	.62 miles	3,281
Jack Frost National Golf Club	.79 miles	4,163
Willowbrook Building	6 .6 miles	3,159
Top of East Mountain, Jack Frost	1.97 miles	10,481

Site	Distance to BRRE Lot #2	Distance to BRRE Lot #2
Jack Frost National Golf	2 .81 miles	4,299

Thousands of heavy-duty trucks per day could be traveling Rte. 940, releasing smog forming nitrogen oxides and carcinogenic diesel exhaust into the air. Truck diesel exhaust includes the following components:
Benzene is a colorless, flammable gas that has a sweet smell.
Nitrogen oxides (NOx) are a category of molecules that are generally colorless with a harsh odor.
Carbon monoxide (CO) is a colorless and odorless gas.
Ozone is a gas that ranges in appearance from colorless to blue and has a similar smell to chlorine.

Related to air quality, BRRE Lot #2 says:
"Truck traffic is the only anticipated impact on air quality and odor. The proposed use as a warehouse does include manufacturing. Trucks will not be permitted to idle when parked. They will enter the site to drop off and pick up trailers. The vehicular trips per day are anticipated to be 466 cars and 252 trucks total 718 trips as provided to PennDOT. The air quality during construction is affected by the use of construction equipment. The change in air quality is expected to be minimal as current construction equipment meet requirements set by the EPA."

But there are no measurement metrics or science assigned to this answer; it is strictly a guess, which is not acceptable to Kidder Township residents. BRRE Lot #2 Permit should not be approved by the KT Board of Supervisors without sufficient data analysis. In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.

Response:

The technical deficiencies identified by the Carbon County Conservation District and DEP were addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc.

No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

CUMULATIVE IMPACTS

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #4:

The applicant’s Environmental Impact Statement for Blue Ridge Real Estate Lot#2 Land Development in Kidder Township, dated December 2023, under the heading Soil Types, states the following:

The soil testing was conducted over multiple dates and times of year and was extensive because many of the tests resulted in a zero infiltration rate. A combination of wooded infiltration berms and evapotranspiration basins/rain gardens are proposed as a result of the infiltration testing.

This statement raises a red flag that requires very careful scrutiny by DEP in its decision regarding the NPDES for this project. According to Appendix A of the EIS, (Hydrologic Soil Group), soils having a

very slow infiltration rate are characterized by a high runoff potential when thoroughly wet, and a very slow rate of water transmission.

The Black Creek Watershed south of SR 940 in the proposed project area has already been severely compromised by deforestation and industrial development along Route 940 in Kidder Township. Black Creek, a High Quality Cold Water Fishery that ultimately discharges to the Lehigh River approximately 0.25 miles southwest of the project site, is among the receiving waters that could be affected by the high runoff potential at the site of the proposed development. Among other effects, stormwater runoff draws heat from concrete and asphalt pavement as it travels, causing river and stream temperatures to rise, creating multiple problems for aquatic creatures that require cold temperatures and high levels of oxygen to survive.

In addition to Black Creek, there are a number of other aquatic resources in the vicinity that are at risk for contamination due to the high runoff potential at the proposed land development. North of the project area, in State Game Lands #40, east and west of Walter Dam Road, there are large complexes of wetlands listed in the Carbon County Natural Areas Inventory as Top Priority Natural Areas, some of which harbor multiple plant and animal species of concern documented during field studies conducted by trained scientists for the Pennsylvania Office of The Nature Conservancy and the Pennsylvania Department of Conservation and Natural resources in 2005. One of these resources is described as follows:

FAWN RUN WETLANDS Kidder Twp. This area includes a Red Spruce Palustrine Woodland Natural Community. During surveys in 2004, biologists documented two plant species of concern here. An excellent/good population of sweet-gale (Myrica gale) was found growing with highbush blueberry, red spruce, leatherleaf, sheep's laurel and many other species. Another plant species of concern, the white-fringed orchid (Platanthera blephariglottis) was also found growing with the sweet-gale. This site is mostly within State Game Lands #40.

On the surface it might appear that these exceptional value wetlands are far enough from the proposed development to avoid adverse impacts resulting from the high runoff potential at the project site. However, scientists are finding more and more evidence confirming that aquatic resources are hydrologically, chemically, and biologically connected to one another at the watershed level. According to the U.S. Environmental Protection Agency:

The literature strongly supports the conclusion that the incremental contributions of individual streams and wetlands are cumulative across entire watersheds, and their effects on downstream waters should be evaluated within the context of other streams and wetlands in that watershed.
https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=296414

The connectivity of aquatic resources in the vicinity of the project area increases the potential for contaminants originating from the construction and operation of the proposed truck terminals to eventually impact water quality over a wide range of aquatic resources within the Upper and Middle Lehigh River watersheds.
The applicant's plan to replace native vegetation with 'landscaping' and manicured lawns indicates that pesticides and herbicides could be used in their management. These chemicals, which are especially toxic to aquatic species, could be washed into the surrounding EV wetlands during runoff events.

To my knowledge, these issues have not been adequately addressed by the applicant, making the application incomplete, and therefore I am requesting that DEP a) Reject the application for Draft Permit # PAD130044 for the proposed warehouse on S.R. 940/Francis Walter Dam Road in White

Haven PA, and b) schedule a public hearing allowing all community residents to voice their concerns about this development.

Thank you for your attention,

According to Appendix B of the applicant's Environmental Impact Statement dated December 2023 for the proposed warehouse development at SR 940/Francis Walter Dam Road in Kidder Township (Exeter Blue Ridge Lot #2): Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area.
This comes as little surprise in an area that, until recently, was among the least disturbed and most biologically diverse habitats in the Poconos. I would like to call your attention to a locally significant resource in the vicinity of the proposed project area which I believe has been overlooked by the developer as a site requiring further review for potential impacts to plant and animal communities of concern.
Locally known as the Leonardsville Swamps, this habitat lies within the Black Creek Watershed between SR 940 and Interstate 80, which places this habitat within the zone of potential impacts, including contamination from stormwater runoff, to plant and animal communities that may result from the construction and operation of the proposed warehouse development.

The Leonardsville Swamps were identified using aerial photography for inclusion in the Carbon County Natural Areas Inventory compiled by the Pennsylvania Science Office of the Nature Conservancy and the Pennsylvania Department of Conservation and Natural Resources in 2005. This site was determined to be an Acidic Shrub Swamp Natural Community, also known as an Acidic Mixed Shrub-Sphagnum Wetland.

For reasons unknown, this site was not included in field surveys conducted for the Carbon County NAI in 2005, although PSO (Pennsylvania Science Office) recommended that field surveys be conducted there in the future. The Natural Areas Inventory of Carbon County describes the Leonardsville Swamps as follows:
This locally significant site is likely an Acidic Shrub Swamp Natural Community. This site was determined using aerial photograph interpretation. The site contains a group of about nine sphagnum swamps with a large shrub component. Both coniferous and deciduous tree species are present at this site. Though somewhat disturbed, this group of wetlands is an important part of the landscape and provides valuable habitat for many native species. The biggest threat to this site is development. Disturbances to this site include housing, Interstate 80, and dirt bike and ATV trails. A 100-meter undisturbed forested buffer should remain around the wetlands and current hydrology should be maintained. Field surveys should be conducted in the future.

The Pennsylvania Natural Heritage Program (PHNP) has this to say about Acidic Shrub Swamps in general:
The community type is characterized by a substantial tall-shrub layer that may be dominated by a single species or a patchwork of mixed species. Shrub species may include: smooth alder (Alnus serrulata), speckled alder (A. incana ssp. rugosa), highbush blueberry (Vaccinium corymbosum), maleberry (Lyonia ligustrina), winterberry (Ilex verticillata), mountain holly (Ilex mucronata), and leatherleaf (Chamaedaphne calyculata). The herbaceous layer may vary from sparse to patchily dense. Swamp dewberry (Rubus hispidus) is often found in the herbaceous layer along with mostly ferns and sedges. A distinguishing characteristic of this community type is the presence of an extensive sphagnum layer. https://www.naturalheritage.state.pa.us

Despite its proximity to the proposed Exeter Blue Ridge Lot #2 warehouse development, this site is not

mentioned anywhere in the applicant's Environmental Impact Statement or in any other documents associated with the project. I would like to know if DEP is aware of this omission, and if so, what is being done to remedy the situation.

To date, I am unaware of any follow-up field surveys at this site in response to the PSO recommendations. If DEP is aware of any such survey, I would be interested in knowing the results of the survey. Meanwhile, I recommend that all construction activities associated with the proposed warehouse development be halted until the Leonardsville Swamp site has been field-surveyed by qualified biologists to determine whether any plant or animal communities of concern at this site are at risk of harm resulting from the construction and operation of the proposed Exeter Blue Ridge Lot # 2 warehouse development along Route 940 and Walter Dam Road in Kidder Township.
Thank you for the opportunity to comment.

Response:

ENDANGERED SPECIES
Applicants are required to provide to the Department proof of consultation with the Pennsylvania Natural Heritage Program ("PNHP") regarding the presence of a State or Federal threatened or endangered species on the project site. Consultation occurs with the PA Game Commission ("PGC"), the PA Department of Conservation and Natural Resources ("DCNR"), the PA Fish and Boat Commission, and the U.S. Fish and Wildlife Service ("USFWS"). Applicants are required to address and resolve potential conflicts with threatened and endangered species prior to issuance of the NPDES Permit.

The Pennsylvania Natural Diversity Inventory ("PNDI") yielded an "Avoidance Measure" issued by the USFWS within the project area, involving conducting tree cutting, disturbance, inundation, and prescribed burning from October 1 to March 31. DCNR has identified no impact with a conservation measure, which is to buffer the wetland habitat.

The project has been designed in a way that preserves the wetland, including adding a buffer around the wetland. In addition, the requirements from the USFWS have been added to the plan.

STREAMS AND WETLANDS
The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law,

Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

RIPARIAN BUFFERS

There are no streams onsite, so a riparian stream buffer could not be implemented on site.

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This

will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2-year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

CUMULATIVE IMPACTS

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #5:

I am also writing to request a public hearing.

Air Quality and Odor (Diesel Emissions), and Noise

Some states in the USA are ahead of Pennsylvania with respect to regulation of Truck Terminals. The CA South Coast Air Quality Management District adopted Rule 2305 in 2023 that regulates trucking emissions from warehouses with the aim to reduce harmful air emissions. Over the last decade, large warehouses and logistics centers have sprouted up across Southern California attracting thousands of heavy-duty trucks that release smogforming nitrogen oxides and carcinogenic diesel exhaust. Data show that living within 2.0- miles from warehousing greater than 100,000 sq ft can cause adverse health from diesel emissions. And multiple warehouses have a cumulative effect. How does that apply to Kidder Township?

Truck Noise:

Idling diesel trucks emit noise at 85 dBA (decibels) measured at a distance of 50 feet. In general, noise decreases 6 decibels for every doubling of distance from a source. So, if truck noise level is 85 decibels at 50 feet, then it would be 6 decibels lower or 79 decibels at 100 feet, 73 decibels at 200 feet, 67 decibels at 400 feet, and so on. And that's one truck! How about a six or twelve at the same time?

Kidder Township residents and visitors will be receptors of the diesel exhaust and noise emissions. The Kidder Township eCode360 requirements require an assessment of air
quality and odor, and noise levels above existing levels, expected to be generated at the site, including the source and magnitude, during and after construction.

Other municipalities now call for identification of all stationary and mobile sources of fine particulate matter, volatile organic compounds, and nitrogen oxides at the site with mitigation measures to be undertaken.

Table 2
Facilities and Homes in Kidder Township within two miles of the PNK5 and BRRE #2 Truck Terminal

Site	Distance to PNK(miles)	Distance to PNK (feet)

Matz Pass & Moseywood Rd Homes	1 mile	5,371
Split Rock Country Club	.62 miles	3,281
Jack Frost National Golf Club	.79 miles	4,163
Willowbrook Building	6 .6 miles	3,159
Top of East Mountain, Jack Frost	1.97 miles	10,481

Site	**Distance to BRRE Lot#2**	**Distance to BRRE Lot #2**
Jack Frost National Golf	2 .81 miles	4,299

Thousands of heavy-duty trucks per day could be traveling Rte. 940, releasing smog forming nitrogen oxides and carcinogenic diesel exhaust into the air. Truck diesel exhaust includes the following components:
Benzene is a colorless, flammable gas that has a sweet smell.
Nitrogen oxides (NOx) are a category of molecules that are generally colorless with a harsh odor.
Carbon monoxide (CO) is a colorless and odorless gas.
Ozone is a gas that ranges in appearance from colorless to blue and has a similar smell to chlorine.

Related to air quality, BRRE Lot #2 says:
"Truck traffic is the only anticipated impact on air quality and odor. The proposed use as a warehouse does include manufacturing. Trucks will not be permitted to idle when parked. They will enter the site to drop off and pick up trailers. The vehicular trips per day are anticipated to be 466 cars and 252 trucks total 718 trips as provided to PennDOT. The air quality during construction is affected by the use of construction equipment. The change in air quality is expected to be minimal as current construction equipment meet requirements set by the EPA."

But there are no measurement metrics or science assigned to this answer; it is strictly a guess, which is not acceptable to Kidder Township residents. BRRE Lot #2 Permit should not be approved by the KT Board of Supervisors without sufficient data analysis

Traffic Study

The Traffic Impact Study is from 2019 and it was prepared for Exeter #1. The data are outdated. The Developer submitted the 2019 traffic impact study for Blue Ridge #2 as well, now five years later. The Traffic Impact Study should be updated, stipulating that an update is expected to include all traffic data from Exeter #1 and #2 in a cumulative manner, a total of 2,462 average daily trips with 230 trucks at both a.m. and p.m. peaks, and should also include the truck traffic from the PNK-5 project as well. Please see the chart below that illustrates the concern of many residents.

Land Use-Warehouse		**Size (sq.ft.)**	**Av.Daily Trips**	**AMPeak**	**PMPeak**
BRRE Lot 1 (TT#1)-done		**1,100,000**	**1626**	**145**	**148**
PNK-5 (TT#2) – in construction		**739,050**	**1035**	**59**	**74**
BRRE Lot 2 (TT#3)		**420,000**	**836**	**85**	**88**
Total 2,259,050	**3,497**		**289**	**310**	

Wetlands Disturbance

The Blue Ridge Real Estate Lot #2 has stated “a de minimis amount of area within the wetland buffer is proposed to be disturbed”. This is unacceptable because High Quality streams and wetlands with this designation must be protected unless there is a compelling social or economic justification beyond mere profit motive that justifies their degradation. Given that two other Truck Terminals will be built, the motivation for this third Truck Terminal is merely for profit. Best Management Practices (BMP) cannot compensate for the loss of tree cover and the damage from many acres of impervious surface added related to Truck Terminals. It is likely that the watershed quality will be damaged, and each additional Truck Terminal will exacerbate this damage even further. While the loss will result in irreversible watershed damage, it will also damage the recreation, wildlife, tourism and economy once afforded by these natural resources in Kidder Township.

The Upper Lehigh watershed and others in the Poconos and upper Delaware Watershed are some of the last remaining pristine waterways in the entire state. Many other waterways in the state are influenced by fracking wastewater, acid mine drainage, or other pollutants. The Poconos is fortunate and contains unique plateau habitat, and an abundance of exceptional value and high-quality wetlands. These HQ and EV special protection designated watersheds in the state must be treated much differently than a permit in a place like parts of Southeastern PA. It's not reasonable to compare a NPDES Permit here with other locations that struggle to harbor abundant freshwater species like brown and brook trout. Has PA DEP given the full attention to the topic of antidegradation with its NPDES Permit in special protection watersheds for these high impact large scale projects? Will a basic NPDES permit be protective enough for the receiving water quality?

Cumulative Impacts

There is no discussion of cumulative impacts, which is required under the National Environmental Policy Act, as defined,” the impact on the environment which results from the incremental impact of the action, when added to other past, present, and reasonably foreseeable future actions, regardless of what agency, federal, or non-federal, or person, undertakes such other actions

Closing Comments

I have personally witnessed over saturation of warehouses in Palmer Township, PA and now I am witnessing another township get overburdened and over saturated with warehouses and/or Truck terminals. I can attest to the tremendous impact this has had in Palmer and already has had on Kidder Township.

The area of consideration that will accommodate these enormous facilities in such a small distance (approximately 2.2mi) on a single lane roadway must be revisited thoroughly and carefully in zoning and planning.

How many warehouses can one township handle? The irreversible Environmental impacts on this beautiful Pocono Plateau demand a practical and fair approach to mitigate any further damage to a place that we all love, live, play and work!

We would also appreciate an extension on the 30-day comment period from May26th.

We would like the opportunity to speak to the PA DEP about the deficient NPDES permit.

Thank you for considering our requests.

As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential

properties within 150 feet of the development line.

Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:
1. Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2
2. Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C.4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:
-Soil limitations and resolutions not provided.
-Mismatched sediment basin calculations versus plan drawings.
-Construction sequencing errors.
-Stormwater discharge design flaws that threaten UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River.
-inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion.
-Significant questions about the ability to convey stormwater beneath Walter Dam Rd.; and -An extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte.115 to the I-80 connection in Monroe County.

In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.

Testimony:
Kathy Lorigan
We have seen two other projects similar to PAD 130044 pass through many ordinances and regulations with little regard for the impacts to people who reside - who reside and enjoy Kidder Township's unique wooded environment or the wildlife that resides in the forest and the excellent value waterways teeming with natural brown trout.
We are a small community. We rely on the expertise of many organizations like yourselves to protect the residents of Kidder Township, allowing us to enjoy pure water and clean air. Our community has a uniquely high natural scenic value that is both historic and aesthetic. We must conserve the natural features of our exceptional township.
In closing, if projects of this nature and magnitude, both now and in the future, are not meticulously scrutinized by our protective organizations, our beautiful and bountiful Pocono plateau will be irreversibly damaged. Thank you for hearing my concerns.

Paul Lorigan
My name is Paul Lorigan. I'm Kathy's husband. We live together, have a house in Snow Ridge Village and it's a beautiful place. Obviously we know the pristine woodlands, the extra high quality streams

are just fantastic here. And inevitably I think we also know that these impervious surfaces, steep slopes, the climate change, the intensity of the storms, this storm water runoff is going to end up in the Black Creek and the Lehigh.
I would offer a personal data point if I can. And that is that I fish. I've been fishing for three years the confluence of the Tobyhanna and the Lehigh, it's a legendary fishing hole. And for three years - I mean I'm only there a half an hour and I'll catch three large rainbow trout, brown trout, whatever. Since construction on the warehouse started, I've not caught a trout there. And I fish every week there since that construction started. I can't prove that that's the cause of it, but it's the only thing that has changed.
I'll mention one other thing that's maybe even less related. I don't know. But peeper frogs. There's peeper frogs, always has been on Jack Frost Road going in. In fact, there was a rock painted like a frog that's going to be a statue to these frogs that you would hear every year.
This year there are no peeper frogs. Not sure why, don't know if it's related or not, but it is a data point. We also want a house down south in the Lehigh Valley. So we have seen what overdevelopment does to our community. The noise, the traffic, the air quality, the crime.
It's really changed where we live in a very bad way. So we know this Keystone Opportunity Zone was created to revitalize communities, provide tax incentives to businesses to come in and revitalize, but in a well-rounded way.
I think, you know, overdevelopment of warehouses is neither well balanced or well rounded. And it adversely affects the lives of the people that live there and the local businesses.
So I would ask you to please deny this permit. I was also going to reference the Supreme Court ruling on the Environmental Rights Amendment, that this is a right that we have to clean air, clean water, and future generations' ownership of these lands and historic and aesthetic sites. But yeah, please. Thank you very much for the opportunity to speak. Please help us. Thank you very much.

Response:

The technical deficiencies identified by the Carbon Conservation District and DEP were addressed by the applicant in the subsequent resubmissions, and the District and DEP reviewed and determined to satisfy the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater

Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

ANTIDEGRADATION ANALYSIS

Erosion and Sediment Control (E&S) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate, and water quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites, which contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which is proposed to be preserved in the project design.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing environmental impact by preserving natural resources. The alternate configuration allows for increased size of above ground basins to conservatively control runoff during construction. The basins will be constructed earlier in the construction sequence so that when impervious areas are constructed, the additional runoff will be directed to the basins to address runoff volume, rate, and water quality.

The E&S plan also includes a specific sequence of construction that limits extent/duration of disturbance to the minimum necessary to construct the improvements. An alternative location of discharge was utilized by specifically directing discharges to existing drainage paths.

Riparian Buffers to streams were not utilized as a non-discharge alternative, since there are no

streams located on the site.

Antidegradation best available combination of technologies (ABACT) erosion and sediment control (E&S) best management practices (BMPs) that have been incorporated into the project to provide antidegradation compliance for E&S during construction include the following:

- Sediment Basin with Skimmer - The sediment basin has been designed with a skimmer, with a length to width ratio greater than or equal to 4:1, and a detention time of 4-7 days to increase the efficiency of the sediment basin by allowing more opportunity for suspended solids to fall out of the solution.
- Immediate Stabilization - Upon temporary cessation of earth disturbance activity for more than four days, the project site will be immediately stabilized with temporary seeding and mulching.
- Vegetative Conveyance - The stormwater conveyance system includes channels that will be lined with permanent vegetation, rock, geotextile, or other non-erosive materials to help prevent erosion. Where permanent vegetation is specified, temporary matting will be installed to prevent erosion until vegetation is established.

Post-Construction Stormwater Management (PCSM) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm following earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites that contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which has been preserved.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing negative environmental impact by preserving natural resources. The detention basins, along with rain gardens and infiltration berms, will implement the infiltration non-discharge alternative by reducing runoff volume and rate to less than predevelopment levels and improve water quality when compared to predevelopment conditions.

Low impact development was utilized by only developing the minimum area necessary, while leaving a large area of the site wooded that could have been developed with additional trailer parking areas and building expansion. An alternative location of discharge was utilized by directing discharges to existing drainage patterns.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Water reuse was not utilized as there is no need for water on site other than drinking water.

ABACT PSCM BMP's that have been incorporated into the project to provide antidegradation compliance following earth disturbance activities include the following:

- Dry Extended Detention Basins - Dry extended detention basins will be utilized to temporarily store and attenuate stormwater runoff and provide pollutant treatment through settling and evapotranspiration.

- Rain Gardens - Stormwater runoff will be directed to several rain gardens. The rain gardens will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering and converting sediments, nutrients, and other chemicals in the runoff.
- Infiltration Berms - Stormwater runoff will be directed to surface infiltration berms. The infiltration berms will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering, and conveying sediments, nutrients, and other chemicals in the runoff.
- Street Sweeping - Street sweeping removes larger debris and smaller particulate pollutants, preventing this material from clogging the stormwater management system and washing into receiving waterways.

CUMULATIVE IMPACTS:

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity

Commenter #6:

I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661, except my comments aren't about the NPDES. My comments are about the public outcry regarding these truck terminals in Kidder Township.

1. Kidder Township Residents and Motorists Public Outcry
To the date of this writing, over nearly 800 Residents, Property Owners and Motorists have signed a Petition about Truck Terminal development in Kidder Township, providing unmistakable evidence of concern with these approvals. The language for the Petition comes largely from the Kidder Township e360 Zoning Ordinance, Page 2.

PETITION REGARDING WAREHOUSES AND HIGH-TRAFFIC TRUCK TERMINALS
ON STATE RTE. 940 (Final 2.7.24)
I am signing this petition to appeal to the Kidder Township Board of Supervisors (KT BOS) to promote, protect, and facilitate the public health, safety, morals and general welfare of their residents, landowners, and motorists, as enacted in Chapter 180 of the Kidder Township Zoning Ordinances. Warehouses and high-traffic Truck Terminals are damaging to natural resources, to health and safety, and to the headwater areas of Black Creek High Quality Stream, a tributary to the Lehigh River.

While I respect the landowners' right to sell or develop the property, I also respect the rights of those who live, visit and travel here. These forests should be developed in a more coordinated and practical manner. As a resident and/or KT landowner myself and/or a motorist who regularly travels on Rte. 940/115/I80 and/or 940/I476/I80, please ask the KT BOS to say NO to more Truck Terminals. Please sign the petition only if you live in and/or own property in Kidder Township and/or regularly travel on Rte. 940 West to I476/I80 and/or Rte. 940 East to Rte.115/I80

2. A truly heart-felt concern from a current resident:
I have been a resident of Kidder Township for 20 years. I was attracted to this beautiful resort area because of the opportunity to enjoy the natural scenic beauty and abundant outdoor activities. The captivating beauty of this mountain appealed to my desire to leave the city and suburbs behind. I had

hoped this would be my final residence. Unfortunately, it has been brought to my attention that there are plans to approve the construction of three massive truck terminals/ warehouses on Route 940. This to me is the beginning of the end to this resort/recreation area. Anyone wanting to escape the city or suburbs will not want to vacation here. They do not want to look at a concrete or asphalt jungle. Trust me when I tell you, once you destroy the natural beauty of this area, the influx of visitors will greatly diminish and so will our property values.

Let me enlighten you. I grew up in a small town much like this area. It was once beautiful with family-owned farms and apple orchards. Now it has become a concrete, asphalt wasteland with deteriorating, unusable office buildings and warehouses that no one wants. It's cheaper to build new buildings than to refurbish the old buildings. Once the owners recoup the benefits of tax breaks and incentives, they will look for loopholes to increase their profits. When they can no longer justify or support their low growth, they will sell, and the process will begin again. Meanwhile, the tax benefits and jobs promised to our community will not materialize and the residents, like in the town I grew up in, will leave. Unfortunately, it's sad but it's inevitable that in the name of progress nature's beauty will be destroyed, never to return. I hope when we have passed, we can be proud of what we achieved in our lifetime and future generations will not resent us for the destruction of our natural areas that we allowed in the name of profit and progress. Remember, wise men make wise decisions, so I implore you to choose wisely. Thank you for your time.

Truck Terminal construction along Rte. 940 in Kidder Township threatens the health and wellbeing of residents, visitors, property owners and motorists, not just in Kidder Township but in additional townships and counties. A considerable number of constituents have signed the Petition to demonstrate their concerns and to have their voices heard. It is incumbent on the Kidder Township Board of Supervisors to move ahead with Zoning Ordinance changes to address the threat of additional Truck Terminal construction in Kidder Township.

Thank you for the opportunity to submit these comments to DEP.

Response:

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

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The Department does not have the authority to assess the demand for warehouses.

Commenter #7:

Carbon County has tributary streams that flow into the Lehigh River. Also, the city of Bethlehem gets it water supply from Carbon County.

I encourage you to disallow the warehouse construction in Carbon County and Penn Forest Township. The water from Pennsylvania flows into the Chesapeake Bay. That's why local farmers filled out effluence report for years.

Fresh water fish were found floating in the Bay and it was determined that condominiums had been built with insufficient septic systems were causing this fish kill.

Water from Carbon County is bottled and shipped. I've seen our water on store shelves in Arizona. When there are droughts in the West, they depend on our drinking water.

In the late 1970's and early 1980's it was determined that 400,000 people depend on our water. While I have nothing against Blue Ridge Real Estate, there are other places to build warehouses.

Also, please halt the fracking in Northeastern Pennsylvania. The Susquehanna River is a major tributary of the Chesapeake Bay.

I witnessed the devastation when Monsanto and the Philadelphia Hospital were dumping their waste into the Bay. Hundreds of businesses were devastated. There are now thousands of recreational, fishing, crabbing, shrimping and other businesses dependent on clean water in Pennsylvania and the Chesapeake Bay. Other states include New Jersey, Maryland and Delaware.

Contaminating these waters could devastate the economy of the Northeaster United States. They can't eat the deer in Main due to the sewage sludge being used on farms. Fracking will cause more damage than ?? there. Say no to fracking and warehouses near waterways and watersheds.

The few dollars the frackers and warehouse will make will pale in comparison to the billions it will cost the State to clean up. The ends won't justify the means. You can stop the Cree prophecy from coming true.

Cree Prophecy
Only when the last tree has been cut down
Only when the last river has been poisoned
Only when the last fish has been caught
Only then will you know that money cannot be eaten

Response:
The comment pertains to a warehouse in Penn Forest Twp while the subject project is located in Kidder township; however, to the degree projects may be similar, the following response is

provided:

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

Commenter #8:

1. Public comment on Applicant's response to Module 1, May 2024 re-submission:

The developer acknowledges that certain soils are easily erodible and references the E&S Plan as the guiding document for sediment control. However, merely stating that the E&S Plan will handle easily erodible soils is insufficient. There are no specific erosion control measures described for these areas, which is essential to meet Chapter 102 requirements. For instance, erosion-prone areas may need mulching, vegetative cover, or geotextile fabrics to prevent soil loss. Furthermore, the response does not address the impact of concentrated runoff on erodible soils, which could overwhelm standard BMPs. The E&S plan needs to include detailed, site-specific measures for controlling erosion in areas identified as having easily erodible soils. A general reference to the E&S Plan without such measures is inadequate for protecting the site from excessive soil loss during storm events.

The developer notes that dewatering may be required in areas with a high water table and hydric soils. However, the response does not provide a dewatering plan, which is critical for managing construction in areas with a high water table. Dewatering can increase the risk of sediment-laden water entering nearby streams if not carefully managed. Moreover, no mention is made of whether permits will be sought for dewatering activities, which is often required under Chapter 102 if significant water drawdowns are expected. A dewatering plan should be submitted detailing how the developer plans to manage areas with high water tables to prevent sediment-laden water from impacting nearby water bodies.

The developer states that soils with slow percolation should not be used in bioretention areas, but the

plan fails to discuss alternative stormwater management BMPs for areas where infiltration is limited due to poor percolation. BMPs that rely on infiltration are not suitable for soils with slow percolation rates, such as HSG C and D soils. The omission of alternative stormwater management strategies, such as detention basins, surface drainage systems, or wet ponds, indicates a lack of comprehensive planning for stormwater management. The developer should provide a detailed stormwater management plan that addresses areas of slow percolation, as relying on infiltration BMPs in poorly draining soils could lead to water quality issues downstream.

The developer briefly mentions that hydric soils should not be used for topsoil and should be mixed with droughty soils when encountered. However, the suggestion to mix hydric soils with droughty soils is vague and lacks specific guidelines for how this process will be managed. Hydric soils can lead to saturation, compaction, and poor vegetation growth, making them unsuitable for use in topsoil without proper amendments. There are no details on how much of the site contains hydric soils, nor any mention of whether soil testing will be conducted during construction to ensure proper soil handling. The plan must include a more detailed strategy for managing hydric soils and how topsoil amendments will be implemented.

The response notes that low-strength and landslide-prone soils will not be used in embankments, but there is no mention of how these soils will be identified during construction or how areas of concern will be stabilized. Slopes with landslide-prone soils may need geotechnical stabilization techniques, such as retaining walls or soil nails, especially in areas where earthwork is significant. The developer should submit a geotechnical study and stabilization plan for areas containing landslide-prone soils, as simply stating that they will not be used in embankments is insufficient for addressing the risks associated with these soils.

2. Comments on May 2024 submission, Supplemental PCSM Report Blueridge Lot 2 3/4/24 Revised 5/10/24

The report claims that the detention basins are overdesigned for small runoff events, such as the 1.0-inch storm event, based on calculations showing that the basins have sufficient capacity to manage the runoff. However, the report explicitly excludes rain gardens and infiltration berms from the analysis of small runoff events. While the goal might be to demonstrate conservatism, it fails to provide an integrated analysis that shows how all BMPs, including rain gardens, contribute to managing smaller storms. Rain gardens and infiltration berms typically manage smaller volumes of water and excluding them from this analysis might understate their importance and overestimate the basin's role in runoff control.

The assumption that basins will always have sufficient capacity, without considering factors like sediment accumulation, clogging, or reduced capacity over time, is problematic, and must be better addressed in the narrative, and resubmitted for further public scrutiny and a follow up public hearing.

Failure to Address Drawdown and Long-Term Ponding in Wet Conditions

The report discusses how the detention basins and rain gardens will handle water retention during wet pond conditions. However, the report assumes that evapotranspiration will remove water from the basins and rain gardens after storm events. However, evapotranspiration can be highly variable, depending on climate, season, and vegetation conditions. During cold seasons or extended periods of rain, evapotranspiration is significantly reduced, which could lead to prolonged ponding and potentially impact the function of the basins. This variability should be included in the analysis to avoid over-reliance on evapotranspiration during critical periods.

Lack of Drawdown Rate Details: The report mentions the concept of an extended period of drawdown but does not provide specific details about the drawdown rates or the expected timeframes for water to be fully evacuated from the BMPs. This information is critical for determining whether the BMPs will be functional in time for the next storm event, especially in back-to-back storm events. This oversight threatens to degrade the existing water quality of Black Creek and must be addressed more thoroughly.

Conservative Runoff Rate Assumptions During Wet Pond Conditions
The applicant claims that runoff rates will be reduced even under adverse ponded conditions and compares these to predevelopment conditions. However, the report states that the required runoff rate reduction compared to predevelopment flow is 0%. However, this baseline requirement may not sufficiently address the hydrologic changes caused by the development. The lack of reduction requirements could create a false sense of security in the design's adequacy. A more rigorous comparison with post-development peak flow rates should be done, taking into account cumulative impacts and any regulatory thresholds for discharge limits.
Inadequate Discussion of Peak Flow Control: The calculation shows that even under ponded conditions, peak runoff rates are reduced. However, it does not provide
adequate modeling or sensitivity analysis to demonstrate how the BMPs perform under different storm conditions, such as 100-year storms or longer-duration events. What is the PA DEP going to do about this?
Unaccounted Volumes for Additional Stormwater Control
While the applicant focuses on the 1.0-inch event and how the basins manage runoff, the total stormwater volumes from other runoff scenarios, including larger, less frequent storms, are not adequately addressed:
Insufficient Storage for Extreme Events: While the basins appear to handle smaller runoff events, the analysis does not provide sufficient detail about the total capacity required for extreme storm events, which would overwhelm the system. The report should include a thorough assessment of how well the BMPs perform in these scenarios to prevent system overflow and potential downstream flooding.
Cumulative Runoff Effects: The exclusion of other BMPs (rain gardens and infiltration berms) from the volume analysis underplays their role in mitigating cumulative runoff. The cumulative impacts of runoff, especially from the larger impervious surfaces, should be incorporated into the overall design strategy.
Finally, the report does not consider whether there will be interactions between surface runoff
and groundwater recharge. During wet pond conditions, high groundwater levels could inhibit the BMPs' ability to manage stormwater effectively, leading to ponding and failure of the system. What is the PA DEP going to do about this?

3. comments on module 2: STORMWATER ANALYSIS – WATER QUALITY A printout of DEP's PCSM Spreadsheet – Quality Worksheet is attached for all surface waters receiving discharges. LONG-TERM O&M (May 2024 resubmission).
Upon reviewing the applicant's response for Module 2, particularly regarding the Stormwater Analysis and Long-Term Operation and Maintenance (O&M) of the Post-Construction Stormwater Management (PCSM) Best Management Practices (BMPs), I offer the following public comment:
The O&M requirements provided for each BMP are repetitive and vague, mostly consisting of generalized statements about removing debris and monitoring vegetation or outlet control structures. This raises several issues:
Lack of Specificity: Each BMP is given almost identical descriptions regarding O&M, including references to "removing debris and trash" and "monitoring the drawdown." However, the details provided are insufficient for assessing whether the BMPs will function effectively over the long term. For example, monitoring for "drawdown" is mentioned multiple times, but there is no specific mention of acceptable drawdown rates, inspection schedules, or criteria for remediation in case of failure.
Repetitive Descriptions for Different BMPs: BMPs like rain gardens, infiltration berms,
and basins have different functions and should have specific O&M requirements tailored to their unique design and location. Grouping them under the same generic maintenance language does not address the specific challenges each BMP might face. For example, rain gardens typically require soil and plant maintenance beyond simple debris removal, while infiltration berms would need detailed erosion control measures.

Insufficient Focus on Water Quality of Black Creek: Although the applicant claims that maintenance activities will focus on vegetation and debris removal, there is no mention of monitoring specific water quality indicators such as sediment load, nutrient concentrations, or chemical pollutants like hydrocarbons or heavy metals. Post-construction BMPs should be designed and maintained with a focus on ensuring that the project's stormwater discharges meet water quality standards, yet this is not discussed.
Inadequate Long-Term Maintenance Strategies
While the applicant briefly mentions street sweeping as part of the long-term O&M plan, there is no detailed strategy for how frequently it will occur or its effectiveness in maintaining water quality. There is no mention of a specific schedule or data to support the adequacy of the proposed street sweeping frequency. Street sweeping is only effective if conducted frequently enough to prevent contaminants like sediments, oils, and metals from entering the stormwater system. Without a clearly defined schedule, this measure may fail to achieve its intended goals
Erosion and Sediment Control: While infiltration berms are mentioned, the response does not address how erosion and sediment control will be handled in the event of severe weather events. Erosion of these structures can lead to sediment-laden runoff, which compromises water quality and downstream ecosystems.

4. Comments on module 2: STORMWATER ANALYSIS – PEAK RATE Surface Water Name: UNT to / Black Creek Discharge Point(s): 1
The post-construction peak discharge rates are significantly higher than the pre-construction rates across all storm events without BMPs. For example, the 2-year/24-hour storm event sees an increase from 48.5 cfs (pre-construction) to 172.14 cfs (post-construction)—a 123.6 cfs difference. This magnitude of change poses serious flooding and erosion risks downstream, especially in the case of Black Creek. These numbers should trigger concerns about potential downstream impacts on watercourses, infrastructure, and ecological systems.
While the applicant has included BMPs to reduce these peak rates, the significant jump in post-construction values without BMPs raises questions about whether their stormwater management plan is adequate to protect the water quality of Black Creek, a special protection waterway.
Unclear BMP Effectiveness for Larger Storms
The applicant presents inflow and outflow data for the BMPs for various storm events, but the effectiveness of some BMPs in handling larger storm events (50-year and 100-year storms) appears questionable. For instance:
For BMP 1, the inflow for the 100-year storm event is 215.7 cfs, but the outflow is 2.5 cfs, which seems like an extreme reduction. Such large reductions suggest the BMPs may not realistically handle such high inflows without overtopping or failure, especially under extreme conditions. The applicant should provide additional design details to explain how these BMPs can realistically attenuate such high inflows.
In BMP 7, the inflow for the 100-year storm event is 13.3 cfs, but the outflow is reported as 12.9 cfs—a negligible reduction. This raises concerns about the overall efficiency of this BMP, as it appears ineffective in mitigating the peak runoff rate.

5. Comments on: INFILTRATION INFORMATION BMP ID: 1-9 Soil/geologic test results are attached.
Contradictory Statements and Zero Infiltration Rates
The applicant performed 38 infiltration tests but reports that 15 test locations resulted in a rate of zero. This presents a major issue:
Zero infiltration rate means that these areas are unsuitable for infiltration BMPs, yet the response indicates that some infiltration BMPs (woodland infiltration berms) were placed in areas where Hydrologic B soils are present. If these soils show zero infiltration rates in large areas, this casts doubt on the suitability of the site for any infiltration BMPs.

The fact that zero infiltration rates were found in numerous locations should have triggered a more thorough geotechnical analysis to identify potential alternative locations or methods for stormwater management. A reliance on such minimal or non-existent infiltration rates is risky and likely to lead to surface runoff and potential flooding downstream.

Reliance on Evapotranspiration BMPs

Due to poor infiltration rates, the site design heavily relies on evapotranspiration BMPs. However, evapotranspiration alone is rarely sufficient to manage stormwater in larger developments. The response lacks a detailed explanation of:

How evapotranspiration BMPs will handle large storm events, such as the 100-year storm. Evapotranspiration is often slow and ineffective for larger volumes of water.

Seasonal variations in evapotranspiration rates. During colder months, when plant growth is minimal, evapotranspiration will be significantly reduced, leading to potential ponding or surface runoff. As I commented in the public hearing, evapotranspiration won't work for 6 months out of the year as vegetation will be in a dormant state, leaving just evaporation from the surface which will leave a significant discrepancy in their assumptions.

Evapotranspiration BMPs must be supplemented with other methods, such as infiltration or detention systems, especially given the poor soil infiltration capabilities, and the extremely long and punishing winters in the poconos.

Inadequate Testing for Seasonal High-Water Table

The response does not specify the separation distance between the BMPs and the seasonal high-water table. This is critical because:

Without this information, there is no guarantee that BMPs will not be compromised by a rising water table, particularly during wet seasons.

Infiltration BMPs require a sufficient vertical buffer to avoid potential saturation of the BMPs and to ensure effective water percolation into the soil.

The omission of this data raises concerns about the long-term viability of the proposed infiltration systems and will threaten the water quality of Black Creek.

Failure to Provide a Factor of Safety (FOS)

Perhaps I missed something, but there appears not to be a Factor of Safety (FOS) is provided for the infiltration BMPs, which is a significant oversight. Infiltration systems must account for uncertainties in soil conditions and the potential for decreased infiltration over time due to compaction, sediment buildup, or clogging. Typically, a FOS of 2:1 or greater is recommended to ensure that BMPs can continue to function under varying conditions. The absence of an FOS suggests that the design may be overly optimistic, which could result in underperformance or failure during larger storm events.

6. Comments on question 1 in module 2: PCSM PLAN INFORMATION 1. Identify all structural and non-structural PCSM BMPs that have been selected and provide the information requested.

Inconsistent Drainage Areas Treated by BMPs

The drainage areas (DA) listed for each BMP do not seem to reflect an optimized approach for stormwater management.

Rain Gardens 1 through 6 are assigned relatively small drainage areas, ranging from 0.09 acres to 3.09 acres. While rain gardens are effective for treating small impervious surfaces, it appears that these BMPs may be under-utilized given the larger impervious areas created by the project. Rain gardens typically require specific soil and site conditions to function effectively, and the applicant should provide more detail on how these drainage areas were determined.

The Detention Basins 1 and 2, which treat much larger areas (16.15 acres and 15.33 acres, respectively), are handling substantial amounts of runoff. However, the limited treatment capacity of the rain gardens in other areas may lead to localized flooding or insufficient stormwater treatment, especially during heavy storm events.

Thermal Impact Mitigation is Insufficiently Addressed

The applicant briefly mentions that thermal impacts will be mitigated by discharging runoff from

impervious areas toward vegetated BMPs. However, this explanation lacks sufficient detail for the following reasons:

No Specific BMPs for Thermal Impacts: The response does not specify any additional BMPs, such as shaded channels, infiltration trenches, or green roofs, which are known to be effective at reducing thermal impacts. Relying solely on vegetated areas to cool stormwater is insufficient for larger impervious areas that will generate significant heat during warmer months. More advanced BMPs should be implemented to better mitigate the thermal impacts of runoff, especially when the project discharges into sensitive ecosystems like Black Creek.

Lack of Temperature Monitoring: The response does not include any mention of temperature monitoring of surface waters to ensure that the BMPs are effectively mitigating thermal impacts. Monitoring is critical to assess whether the BMPs are functioning as intended and to adjust the stormwater management plan as needed.

Potentially Inadequate Maintenance for Detention Basins

The applicant identifies Detention Basins 1 and 2 as primary BMPs for handling large drainage areas. However, detention basins require regular maintenance to function effectively, and the following issues arise:

No Maintenance Schedule: The response lacks any specific long-term maintenance plan for these detention basins. Detention basins typically require regular sediment removal, inspection for clogging, and vegetation management to maintain their water-holding capacity and prevent downstream flooding.

Sediment Accumulation: Since the basins will initially function as sediment basins during construction, the applicant should provide a clear plan for how accumulated sediment will be managed before the basins are converted to post-construction use. Sediment buildup can reduce the basins' capacity and effectiveness over time if not properly addressed.

Unspecified Plan for Undetained Areas

The response notes that 2.0 acres of the site are undetained but does not provide any explanation of how stormwater runoff from these areas will be managed. This omission could lead to Uncontrolled Runoff. If these areas generate significant runoff, it could bypass the designed stormwater system and flow directly into nearby water bodies without any treatment. The applicant should clarify how these areas will be managed, possibly by redirecting them into existing BMPs or installing additional stormwater controls.

Finally, the applicant claims there are no geologic formations or soil conditions that could cause pollution, but only addresses sediment-laden runoff. However, Hydrologic Soil Groups C and D, mentioned in previous parts of the application, typically have low infiltration capacities, which could lead to surface runoff and erosion. The applicant should have addressed the potential challenges posed by these soil types and provided further analysis on how the PCSM plan accounts for these conditions to minimize erosion and stormwater pollution.

7. Overall comments on the project layout, as per May 2024 resubmission documents.

While rain gardens can be an effective Best Management Practice (BMP) for managing runoff in warm climates, their overuse in this context raises several concerns due to the local climate and site-specific conditions of the cold kidder township where this BMP will not be effective for 6 months out of the year. Northeastern PA, particularly the poconos, Pennsylvania experiences long periods where evapotranspiration is negligible, particularly during the late fall, winter, and early spring months (approximately six months of the year).

Pennsylvania's cold climate significantly limits the ability of rain gardens to function effectively for half the year. During this period, vegetation is largely dormant, and evapotranspiration rates drop to negligible levels. This reduces the ability of the rain gardens to remove excess water through plant uptake.

Snowmelt during late winter and early spring could overwhelm the rain gardens, leading to ponding or localized flooding in areas with poor infiltration, which is common in Hydrologic Soil

Groups (HSG) C and D soils (common in this region).
Potential for Saturated Conditions.
With reduced evapotranspiration, the rain gardens are more likely to become saturated. If the underlying soils also have low infiltration rates (such as HSG C and D), this could result in standing water or runoff bypassing the system altogether. This runoff could carry sediments, nutrients, or pollutants downstream, leading to potential violations of Chapter 102 water quality standards
The rain garden placement near steep slopes (as indicated in the plan) exacerbates this issue. Without proper design for runoff velocity control, rain gardens could become eroded during significant storm events, reducing their capacity to function properly.
Inadequate Alternative BMPs: The reliance on rain gardens in this design appears to minimize the role of alternative BMPs like infiltration basins, detention ponds, or engineered wetlands, which could provide additional stormwater volume control when evapotranspiration is not active. These systems, unlike rain gardens, do not rely solely on vegetation and could continue to function year-round.
Maintenance Challenges: Given the warehouse's significant impervious area (parking lots and roof surfaces), rain gardens will need to handle substantial amounts of runoff during heavy rainfall events. During the six-month period when the gardens' performance is diminished, maintenance of these systems becomes crucial. Without regular removal of sediment build-up and trash, the rain gardens could lose capacity, leading to greater runoff rates and potential erosion. The site plan does not specify a detailed maintenance schedule for these rain gardens during the off-season, a necessary measure given the high runoff expected from the surrounding impervious surfaces.
Given these concerns, the plan's over-reliance on rain gardens should be reconsidered. A balanced stormwater management strategy that incorporates year-round functionality is essential for this site, particularly in Pennsylvania's climate. I offer the following public comment suggestions I respectfully request be addressed by the applicant and result in a redesign the entire permit: Reassess the role of rain gardens, particularly considering their limited functionality during the non-growing season. Introduce more detention basins, wet ponds, or engineered wetlands that can manage water year-round, particularly during the winter months when evapotranspiration is non-functional. Provide a more robust maintenance plan for rain gardens, especially during the off-season, to prevent sediment accumulation and ensure long-term functionality. Ensure that any rain gardens located near steep slopes have appropriate erosion control measures in place to prevent the systems from being overwhelmed during storm events.
This public comment should have the PA DEP prompt the developer to reconsider their approach and implement more resilient stormwater BMPs that function effectively under the site's climatic and topographic conditions, reducing the potential for downstream water quality impacts on the special protection Black Creek, one of the finest tributaries in the Poconos, and one of the highest quality water bodies in Pennsylvania for the increasingly endangered Brook Trout and sensitive pollution intolerant macroinvertebrates.

Part 1. Public Comment on the Applicants Response to PA DEP Tech Letter, May 2024 letter from Applicant to PA DEP:

Soils Information
Response: The applicant's response claims that soil limitations were added to the E&S plan set. However, the addition of this information may not necessarily mean it is adequately integrated or analyzed. There is no mention of how these limitations will influence the overall erosion and sedimentation control strategy or how they align with PA DEP's requirements. Simply adding data without interpeting its implications isn't acceptable.

Standard E&S Worksheets and Supporting Calculations
Response A: Updating elevations on Worksheet #13 is a step forward, but the response does not indicate whether the worksheet now matches all related plan drawings, which is critical for ensuring consistency across the entire project. The update should be verified and documented in detail.

Response B: The explanation that “Q” values do not change because the swales should not receive runoff during construction based on the sequence is problematic. It relies on the assumption that the construction sequence will be perfectly adhered to, which is often unrealistic. The lack of a plan for what happens if runoff does occur during construction is a significant oversight, especially for protecting water quality of a high quality receiving water.

Construction Sequencing §102.4(b)(5)(vii) and Plan Drawings
Response A: The addition of compost filter socks is a necessary correction, but there’s no discussion about the overall adequacy of these controls. Are these compost filter socks sufficient for the type and volume of expected sediment?

Response B: Shifting the staging area around Rain Garden #2 is noted, but construction within rain garden areas can still lead to soil compaction and reduced functionality. The mitigation measures, like installing orange construction fencing, may not fully prevent damage. More robust protection measures should be considered, or justification provided for why these measures are considered in compliance with PA DEP regulations.

Response D & E: The reliance on the HDPE pipe's 100-year service life is potentially misleading. Even if the pipe material is durable, maintenance and potential disturbances to the rain garden’s functionality should be more thoroughly examined. Also, the plan to restore BMPs to original specifications may not account for cumulative water quality degradation over time.

Clarification and Labeling of Riprap Apron RA-9
Applicants response: The riprap apron RA#9 has been labeled at outfall D1 in Rain Garden #4 on Sheet 6 of the E&S Plan.

While the applicants response addresses the immediate concern of labeling the riprap apron, it lacks any discussion about the overall functionality and design of the riprap apron. Simply labeling the riprap apron does not ensure that it is correctly sized, located, or designed to manage stormwater effectively.
Potential Design Issues: The applicants response does not address whether the riprap apron is properly designed to handle the specific flow conditions at outfall D1. Without a detailed analysis, there is a risk that the apron may be inadequate to prevent erosion or sedimentation in Rain Garden #4, especially during heavy rainfall events. Missing Details: There is no mention of how the placement of RA#9 fits within the broader stormwater management strategy. This omission raises concerns about whether all components of the E&S plan are being integrated effectively.

Riprap Apron Extension in Sediment Basins
Applicants response: The riprap apron size in the basins has been updated to be consistent with the design size as shown on Sheets 6 & 8 of the E&S Plan. Construction sequence #11, 14, and 16 have been updated on Sheet 14 of the E&S Plan to clarify the installation of the apron.
Inconsistent Implementation: The applicants response claims that the apron sizes have been updated to match the design, but it doesn’t address why there was an inconsistency in the first place. This raises concerns about the quality control and oversight during the design phase.
Construction Sequence Clarity: While updates have been made to the construction sequence, the applicants response does not provide any specific details on how these sequences will be enforced during the actual construction. There is a risk that without strict oversight, the construction crew may not follow these sequences precisely, leading to potential failures in stormwater management.
Lack of Justification: The applicants response does not provide any reasoning for why the aprons were initially designed to stop short of the basin bottom. Extending the aprons while the basin remains

oversized is recommended, but without a thorough explanation, it's unclear if this fix is merely a quick adjustment or if it genuinely addresses the root cause of the issue.

Details on Sediment Basins
Applicants response: Additional detail has been added to the sediment basin plan view showing the cleanout stake/elevation, skimmer, rock landing berm, guiderails, and dewatering area on Sheet 6 & 8 of the E&S Plan.
Insufficient Detail: The applicants response indicates that additional details have been added, but it doesn't specify the adequacy of these details. Are the added features sufficient to manage the expected sediment load and prevent overflow or erosion effectively?
The applicants response doesn't address how these features will be maintained over time. The cleanout stake and dewatering area, for instance, require regular monitoring and maintenance to function as intended, but there's no mention of a long-term maintenance plan.
Simply adding these elements to the plan does not ensure their effectiveness. The applicants response should have included a discussion on how these additions fit into the overall stormwater management strategy and whether they will interact properly with other BMPs (Best Management Practices) on-site.

Pipe Sizing and Potential Bottlenecks
Applicants response: The applicants response discusses the headwall of the 24" pipe and provides assurances that the 18" cross culverts will be able to accommodate flows based on calculations in the PCSM report.

Questionable Assumptions: The applicants response assumes that the existing 18" pipes will suffice based on current calculations, but this is risky. Any underestimation of flow rates or failure to account for extreme weather events could result in significant issues like road flooding or erosion downstream.
Lack of Contingency Plans: There's no discussion of what will be done if the calculations prove inaccurate, which is critical given the potential consequences of bottlenecks or pooling water on Walter Dam Road. A more robust approach would include contingency plans for upgrading the culverts if needed.

Roadside Swale and Drainage Ditch
Applicants response: The applicants response mentions an existing roadside swale and references a downstream analysis included in the PCSM report.

The existence of a roadside swale does not guarantee it will function properly under the new conditions imposed by the project. The applicants response should have included details on whether the swale has been evaluated for adequacy in handling increased flows, sediment, and potential pollutants.
Inadequate Downstream Consideration: Merely including downstream photos and mapping in a report is not enough. The applicants response fails to discuss how the increased runoff might impact downstream areas, particularly in terms of erosion, sediment deposition, and potential flooding.
Missing Impact Analysis: There is no mention of the long-term impacts on downstream un-named tributary water quality or the ecological system cumulatively. The applicants response should have included a more detailed analysis of how the stormwater discharge could alter the natural drainage characteristics and affect downstream ecosystems.
Conversion from Sediment to Detention Basins
Applicants response: Step 24 of the construction sequence on Sheet 14 of the E&S Plan was added to address the conversion, and references to the sequence have been made in other parts of the plan.

Superficial Adjustments: The addition of Step 24 and references to the sequence are positive changes, but the applicants response does not address whether these changes were rigorously tested or if they are sufficient to ensure a smooth transition from sediment to detention basins.

Overlooked Complexity: The applicants response oversimplifies the process of converting sediment basins to detention basins, which is a complex procedure requiring precise execution. The lack of detailed instructions or contingencies for this process raises concerns about the reliability of the conversion.
The applicants response doesn't address what monitoring or verification will take place after the conversion is complete. There should be a plan in place to assess the effectiveness of the detention basins and ensure they meet the intended design criteria.

Addition of Standard Construction Details
Applicants response: Details 7-1, 7-2, and 7-3 have been added to Sheet 13 of the E&S Plan.

While adding these details aligns with regulatory requirements, the applicants response does not discuss how these details will be implemented or monitored. Simply adding them to the plan does not ensure that they will be effective in practice.

Baffle Material and Design
Applicants response: The SCD 7-14 Baffle on Sheet 13 has been updated to propose only plywood baffles.

Material Suitability: The choice of plywood for baffles may be adequate in the short term, but the applicants response fails to address the long-term durability and maintenance needs of these baffles. Plywood can degrade over time, particularly in wet conditions, leading to potential failures.
Inadequate Justification: The applicants response does not provide a rationale for why plywood was chosen over other materials that might offer better durability or environmental benefits. This lack of explanation suggests that the decision may have been driven by cost or convenience rather than environmental considerations.
The applicants response should have explored whether other materials, such as treated wood or composite materials, could provide a more robust solution, especially given the high-quality nature of the Black Creek watershed.

Dimensions and Disturbance for Infiltration Berms
Applicants response: The berms vary in height and overall width of disturbance. The tallest berms are 18", which will result in 10' width of disturbance. The E&S disturbance for the berms has been revised to allow for a minimum 16' width of disturbance, as suggested. The disturbance for the berms is shown on Sheets 7, 9, and 10 of the E&S Plan.
The applicants response focuses on providing the required dimensions and revising the plan to meet the minimum disturbance width. However, it does not address how this disturbance will impact the surrounding ecological system, particularly in a forested area where root systems and native vegetation may be disrupted. The applicants response lacks a discussion on the potential for increased erosion or habitat loss due to this disturbance.
While the applicants response provides the dimensions, it does not explain why the chosen dimensions are sufficient for the infiltration berms' intended function. The rationale behind the 16-foot width remains unexplained, raising concerns about whether this dimension was selected arbitrarily or based on sound engineering principles.
The applicants response does not consider the long-term impact of the disturbance, such as the potential for sediment migration or changes in water infiltration patterns. It would have been prudent to include a discussion on how these impacts will be monitored and mitigated over time.

Access and Stabilization for Infiltration Berms
Applicants response: Additional access points along SR 940 are not proposed. The width of disturbance has been widened for access and construction of the berms. The minimum width is 16' as

suggested while some longer access routes have been increased to 20’ width. The construction of a few of the berms were moved to sequence #10 on Sheet 14 of the E&S plan so they can be easily accessed earlier in construction. Sequence #22 was also expanded to address the access to the infiltration berms. Temporary Culvert #1 is proposed in Swale 3 to address access across the swale and is shown on Sheet 9 of the E&S Plan. A calculation for the culvert is provided in Appendix H of the E&S Report, and a Riprap Apron #16 is calculated in Appendix D of the E&S Report and shown in the schedule on Sheet 14 of the E&S Plan. A dashed line has been added to Sheets 7, 9, and 11 of the E&S Plan and called out in the legend to designate the temporary access road. A Temporary Access Road detail has been added to Sheet 12 of the E&S plan and a Waterbar SCD 3-5 detail has been added to Sheet 14 of the E&S Plan. Construction Sequence #22 on Sheet 14 of the E&S Plan has been updated to include restoration of the access road. The temporary and permanent seeding is in accordance with the standard seeding tables on Sheet 11 of the E&S plan.

Superficial Adjustments: The applicants response addresses the logistical aspects of accessing the infiltration berms but lacks depth in discussing the environmental impacts of creating these access roads. The temporary culvert and access road might lead to increased sedimentation, disruption of natural water flow, and potential harm to the swale and surrounding areas.
The expansion of access routes to 20 feet in some areas seems excessive without a clear justification. This increased disturbance might be unnecessary and could cause more water quality degradation. The applicants response fails to provide a cost-benefit analysis of these wider access routes.
Insufficient Detail on Restoration: The update to Construction Sequence #22 regarding access road restoration is positive, but the applicants response lacks specifics on the methods and materials that will be used for restoration. There is no mention of how the restored areas will be monitored to ensure they return to their natural state or how potential long-term impacts will be mitigated.

Length of Rock Construction Entrances
Applicants response: The length of the Rock Construction Entrance has been updated to 150 feet on Sheet 9 of the E&S Plan.

While extending the entrance to 150 feet is an improvement, the applicants response does not discuss whether other BMPs, such as sediment traps or wash racks, were considered or could be added to further minimize sediment runoff. The lack of exploration into additional or alternative measures indicates a possible reluctance to go beyond minimal compliance.
Potential for Insufficient Implementation: The applicants response mentions extending the entrance but does not provide any information on how this extension will be managed during construction. Without proper maintenance, even a 150-foot entrance can become ineffective. The applicants response should have included a plan for regular monitoring and maintenance of the construction entrance to ensure it continues to function as intended throughout the project.

Emergency Spillways and Roadside Conveyance
Applicants response: The Rain Garden #1 spillway location has been revised so that any overflow from the spillway would drain to Detention Basin #1. Appendix Q of the PCSM Report includes additional detail on the discharge from spillways. A Supplemental PCSM Report has been included, which routes the runoff from the site through the rain gardens and detention basins, assuming all BMPs are ponded to the lowest outfall orifice/weir. Please note the basins have been significantly upsized to increase area for evapotranspiration and reduction of runoff rates to downstream properties. No 100-year flow is proposed through the spillway during normal operation of the basin and no 100-year flow is proposed through the spillways when assumed ponded.

The applicants response relies on the assumption that no 100-year flow will occur through the spillways during normal operation. This assumption is risky, particularly in a changing climate where

extreme weather events are becoming more frequent. The applicants response does not provide any contingency plans for managing flows that exceed these assumptions, which could lead to significant downstream flooding or erosion.
Lack of Detailed Analysis: While Appendix Q provides additional detail, the applicants response does not specify whether this analysis was subjected to independent verification or peer review. The reliance on internal calculations without external validation raises concerns about the accuracy and reliability of these findings.
Inadequate Consideration of Downstream Water Quality Impacts: The applicants response mentions the upsizing of basins to increase evapotranspiration and reduce runoff, but it lacks a thorough discussion on how these measures will mitigate impacts on downstream water quality and ground water quality. The potential for increased sedimentation, erosion, or changes in water quality downstream is not adequately addressed and out of compliance with PA DEP regulations. What's the PA DEP going to do about this?

Minimizing Increase in Stormwater Runoff Volume
Applicants response: Additional BMPs have been added/expanded as suggested, including an additional Rain Garden #7, earthen check dams in Swale #1, and expanded plantings and rain gardens. The Infiltration Berms #2 and #3 were not expanded due to a township requirement for separation distance from infiltration to adjoining properties. Basin #1 and #2 were not expanded towards each other due to limited volume benefit and preservation of existing trees. The additional BMPs are provided to further reduce stormwater volume and rate and improve water quality beyond requirements.

The applicants response does not address the concern regarding the lack of adequate infiltration testing throughout the site. The heavy reliance on evapotranspiration (ET) credits without sufficient infiltration testing is problematic, as ET alone may not be reliable in managing stormwater, particularly during prolonged or intense storm events.
Overreliance on Voluntary Measures: The applicants response states that the additional BMPs are not required but are being provided to exceed requirements. This suggests that the original plan may have been insufficient, and the additional BMPs are being used to patch potential weaknesses. However, without adequate testing and validation, these measures might not provide the expected benefits.
The decision not to expand Infiltration Berms #2 and #3 due to a township requirement is understandable, but the applicants response does not explore alternative ways to enhance infiltration or runoff management in these areas. The focus on minimizing disturbance to existing trees is positive, but a more creative approach could have balanced tree preservation with improved stormwater management.

Deficiencies in the Infiltration Basin
Applicants response: The proposed location of anti-seep collars is now shown on Sheets 22 and 23 of the PCSM plan set. The underdrain system has been removed to maximize the area available for evapotranspiration, and a 6" layer of sand has been added to increase permeability and void space. The soil planting mix has been revised to meet the recommended 30% void space.

Potential Oversight in Design: The initial omission of anti-seep collars and the presence of an underdrain system suggest a lack of thoroughness in the original design. While these issues have been corrected, the applicants response does not provide any explanation for why they were overlooked in the first place. This raises concerns about the overall attention to detail in the project.
Reliance on ET Credits: The removal of the underdrain system and the addition of a sand layer are positive steps, but the heavy reliance on ET credits remains concerning. Without adequate infiltration, the ET strategy may not be sufficient to manage stormwater effectively, particularly during large storm events.

Need for Long-Term Monitoring: The applicants response does not address how the effectiveness of these changes will be monitored over time. The infiltration basins are critical components of the stormwater management system, and their performance should be regularly evaluated to ensure they continue to function as intended.

Deficiencies in the Rain Garden
Applicants response: The underdrain system has been removed to maximize evapotranspiration. The soil planting mix has been revised to a 70% topsoil and 30% compost mixture, and the plans have been updated to include a detailed planting schedule. The applicants response also addresses the concern about the inappropriate seed mix by updating the planting plan.

The applicants response appropriately addresses the specific deficiencies identified, such as the underdrain system and the seed mix. However, it does not provide a broader context for these changes, such as how they fit into the overall stormwater management strategy.
Potential Overreliance on Single BMPs: The applicants response does not explore whether additional BMPs could provide complementary benefits. Relying too heavily on a single type of BMP, particularly one that depends on specific weather conditions, will fail in a climate that is cold 6 months out of the year and zero evapotranspiration takes place.
Lack of Detail on Implementation and Maintenance: The applicants response does not discuss how these changes will be implemented and maintained over time. The effectiveness of the rain garden will depend on proper planting, regular maintenance, and monitoring to ensure that the selected plants thrive and that the rain garden functions as intended.

Deficiencies in the Infiltration Berm
Applicants response: The Infiltration Berm Detail on Sheet 25 of the PCSM Plan has been updated to include the length and spillway elevation of the berm.

Minimalist Approach: The applicants response makes the necessary updates to the plan but does so in a minimalist manner, addressing only the specific deficiency identified. There is no discussion of whether the updated berm design has been re-evaluated for overall effectiveness or how it integrates with the other BMPs on-site. The applicants response does not explore whether the updated design could be further optimized. For example, the berms could be enhanced with additional features to improve infiltration, reduce runoff, or provide additional ecological benefits.
As with the other components, the applicants response does not address how the effectiveness of the infiltration berms will be monitored and adapted over time. Given the importance of these features in managing stormwater, a clear plan for long-term monitoring and maintenance should be included.

Part 2: Public Comment on the Applicant's response to public engineering comment on evapotranspiration errors (May 2024)
The Blue Ridge Real Estate project's NPDES application and their response to public comments reflect a significant attempt to avoid making substantial changes to their proposed warehouse development, which could have adverse impacts on downstream water quality of the un-named special protection waters of the commonwealth. Their response to an engineer's detailed public comment, as well as their approach to addressing concerns, appears to prioritize economics and convenience of not doing a re-design (which they should be required to do) over ensuring the protection of an unnamed tributary to Black Creek, a high-quality waterway.
More specifically:
Failure to Use Current Documentation: Blue Ridge Real Estate dismissed concerns from the public comment by stating that the reviewed plans were outdated and that newer plans addressed the issues. However, they did not adequately clarify how these updated plans genuinely resolved the core

environmental concerns raised. This tactic sidesteps the need for transparency about what specific changes were made and whether these changes are effective.
Overreliance on Evapotranspiration (ET): Their response heavily relies on ET as a primary method for managing stormwater, which is problematic given the site's insufficient infiltration testing and the fact that during the winter season which is 6 months out of the year, ET isn't happening.
The assertion that evapotranspiration alone is sufficient for managing stormwater lacks solid empirical backing, especially in scenarios involving consecutive storm events and half of the year when evapotranspiration isn't a legitimate hydrological factor. The project's heavy dependence on this method will lead to out of compliance stormwater management, risking the quality of the downstream un-named special protection waterway.
Deflection on Stormwater Control: They acknowledged using conservative designs for detention basins but failed to provide robust evidence that these designs can handle extreme weather events without causing runoff that exceeds predevelopment rates. The lack of a detailed downstream impact analysis further weakens their position, as it is unclear how the increased stormwater volumes will be managed without affecting the special protection tributary.
Minimization of Alternatives: The response also indicates a reluctance to consider additional or alternative BMPs (Best Management Practices) that could reduce the stormwater impact. This reluctance shows a prioritization of project size over compliance with the regulations.
Inadequate Addressing of Public Concerns: By dismissing some of the public's concerns as based on outdated information or by simply asserting compliance with DEP methodologies, the applicant avoids engaging with the substantive water quality risks associated with the out of compliance project which has failed to respond to the public comment adequately. This approach suggests an underlying fear of redesigning the project in a way that would reduce its water quality degradation impacts, as mandated by the law. What is the PA DEP going to do about this?

Part 3. Public Comment on module 3: ANTIDEGRADATION – EROSION AND SEDIMENT CONTROL (E&S) PLAN
A Non-Discharge Alternative will be utilized for the project that will either individually or collectively eliminate the net change in stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.
The applicant's explanation regarding how the E&S BMPs will manage stormwater volume, rate, and quality during the 2-year/24-hour storm is significantly inadequate and demonstrates a lack of understanding of effective stormwater management practices. Here's why their justification falls short:
1. Inadequate Reliance on Above-Ground Basins
· The applicant suggests that above-ground basins constructed early in the process will adequately control runoff. However, this approach oversimplifies the complex dynamics of stormwater management during construction. Basins alone are often insufficient to address the varied stormwater challenges, particularly in areas with disturbed soils that can lead to increased erosion and sediment transport.
· The explanation does not provide any supporting data or peer-reviewed studies to demonstrate that these basins will effectively manage stormwater in all scenarios. Stormwater management, particularly in areas with significant earth disturbance, requires a combination of BMPs (Best Management Practices) to handle different aspects of stormwater, including volume, rate, and quality.
2. Mismanagement of Runoff Pathways
· The applicant proposes directing discharges to existing drainage paths. However, construction activities often alter natural drainage patterns, potentially leading to increased runoff, erosion, and sedimentation downstream. Without a detailed analysis of how these drainage paths will be affected, this approach is inadequate and could result in significant environmental degradation.
· By not considering how the cumulative impacts of construction activities and altered drainage paths will interact, the applicant fails to ensure that the stormwater management strategy will be effective under all conditions, particularly during heavy or prolonged rainfall events.

3. Dismissal of Non-Discharge Alternatives

· The applicant dismisses riparian buffers because "there are no streams onsite," but this overlooks the broader role of riparian buffers in managing runoff and protecting downstream water quality. Riparian buffers help filter out sediments and pollutants before they enter water bodies, even when those water bodies are not immediately adjacent to the site. The decision to dismiss this BMP without considering its potential benefits reflects a lack of commitment to minimizing environmental impact.

Lack of Exploration of Other BMPs: The applicant does not adequately explore other potential BMPs that could complement the basins, such as permeable surfaces, vegetative strips, or advanced filtration systems. A more thorough analysis of available BMPs could have led to a more robust and responsible stormwater management plan. As currently written the applicant fails to protect downstream water quality of the un-named tributary.

The explanation lacks any mention of contingency plans if the basins fail to perform as expected. Effective stormwater management requires not only planning for typical scenarios but also preparing for worst-case situations where primary BMPs might be overwhelmed or fail.

The applicant's reasoning is cursory and fails to provide a comprehensive justification for why their selected BMPs will be effective. The response does not demonstrate a thorough understanding of the site-specific challenges or the principles of effective stormwater management during construction activities

Antidegradation Best Available Combination of Technologies (ABACT) BMP(s) will be utilized for the project that will either individually or collectively manage the net change in stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

The applicant’s explanation of how the E&S BMPs (Erosion and Sediment Control Best Management Practices) will manage the net change in stormwater volume, rate, and quality during the 2-year/24-hour storm is grossly insufficient.

Over-Simplification of Sediment Removal:

The applicant’s claim that E&S BMPs will remove sediment from runoff is an oversimplification. Sediment removal alone does not address the critical aspects of stormwater management such as the volume and rate of runoff. Effective stormwater management during earth disturbance activities requires a holistic approach, including the control of runoff volume and rate, not just sediment.

The response fails to explain how these BMPs will work in conjunction with Post-Construction Stormwater Management (PCSM) BMPs. Without a clear integration strategy, there’s a significant risk that these BMPs will not function effectively, leading to increased erosion, sedimentation, and potential flooding.

The response does not discuss any BMPs designed to manage stormwater volume, such as infiltration trenches, rain gardens, or vegetative buffers, which are essential for reducing runoff volume and preventing downstream flooding. By focusing solely on sediment removal, the applicant ignores critical components of stormwater management.

During earth disturbance, soil compaction and removal of vegetation can lead to increased runoff and higher peak flows. Without BMPs explicitly designed to control the rate and volume of stormwater, the site is at risk of contributing to downstream flooding, erosion, and water quality degradation.

Failure to Address Water Quality

The applicant assumes that sediment removal will sufficiently manage water quality, but this ignores other potential pollutants, such as nutrients, heavy metals, and hydrocarbons, which can be mobilized during construction. BMPs need to address the full spectrum of pollutants, not just sediment, to protect water quality effectively

ANTIDEGRADATION – POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM)

PLAN A Non-Discharge Alternative will be utilized for the project that either individually or collectively eliminate the net change in stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm after earth disturbance activities.

Overreliance on Above-Ground Basins and Rain Gardens
The applicant claims that above-ground basins and rain gardens will reduce runoff volume and rate to less than predevelopment levels but fails to provide empirical data or modeling results to support this claim. Research has shown that while these BMPs can be effective, their performance is highly variable and dependent on site-specific conditions, such as soil type, vegetation, and local hydrology. Relying solely on these BMPs without a detailed analysis of their limitations raises concerns about their ability to manage stormwater effectively, especially in urbanized or heavily disturbed areas where soil compaction reduces infiltration capacity.
The applicant suggests that infiltration berms will reduce runoff further but does not provide specific data or site-specific studies to substantiate this claim. The effectiveness of infiltration BMPs can vary significantly depending on local soil permeability, and without proper testing and analysis, their performance cannot be guaranteed.
Infiltration berms can become ineffective if not properly designed or if subjected to more runoff than they can handle, potentially leading to overflow and downstream flooding. The applicant has not addressed how these risks will be mitigated.

Questionable Use of "Low Impact Development" (LID)
While the applicant claims to utilize Low Impact Development (LID) by minimizing developed areas and maintaining wooded sections, they do not demonstrate how this approach integrates effectively with the stormwater management strategy. True LID practices involve a combination of BMPs designed to mimic natural hydrology, such as permeable pavements, green roofs, and extensive vegetative buffers, none of which are detailed here.
The reliance on traditional BMPs like basins, which have limited capacity for stormwater management, contradicts the principles of LID, which emphasize distributed, smaller-scale interventions that work with the natural landscape.

Dismissal of Non-Discharge Alternatives
The applicant dismisses riparian buffers on the grounds that there are no streams onsite, neglecting the fact that riparian buffers can significantly enhance stormwater management by filtering pollutants and providing critical habitat for wildlife. Additionally, riparian buffers can slow down stormwater, promoting infiltration and reducing peak flows, which is beneficial even in the absence of a stream.
The applicant also overlooks the potential benefits of water reuse strategies, which can effectively reduce the volume of runoff, particularly in developments where large impervious surfaces increase runoff volume.

Applicants response to: Antidegradation Best Available Combination of Technologies (ABACT) has been selected for the project that will either individually or collectively manage the net change in stormwater. The applicant's explanation of how the Post-Construction Stormwater Management (PCSM) BMPs will manage stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm is highly inadequate and fails to provide a comprehensive strategy for effective stormwater management. Here's a breakdown of the issues:

1. Overreliance on Evapotranspiration Basins
- The applicant claims that detention basins and rain gardens designed as evapotranspiration basins will manage runoff. However, evapotranspiration alone is often insufficient to handle the full volume of stormwater generated by a 2-year/24-hour storm, especially in areas with significant impervious surfaces. Without additional BMPs or strategies, the basins are likely to be overwhelmed,

leading to potential overflow, erosion, and downstream flooding.

- The explanation lacks any empirical data or modeling to support the effectiveness of these basins in managing the volume, rate, and quality of stormwater. Research indicates that while evapotranspiration can contribute to stormwater management, it is not a standalone solution, particularly in climates with significant rainfall or during consecutive storm events and where winter is 6+ months of the year and evapotranspiration isn't a major part of the hydrological cycle.

2. Inadequate Design of Infiltration Berms

- The applicant suggests that infiltration berms will infiltrate runoff, but does not provide specific details on the design, soil conditions, or expected infiltration rates. The effectiveness of infiltration BMPs is highly dependent on site-specific factors, such as soil permeability and the presence of compaction. Without proper design and verification, these berms may not provide the expected infiltration, leading to insufficient stormwater management and potential groundwater contamination.
- Infiltration berms, if not adequately designed, can become overwhelmed during larger storm events, resulting in surface runoff and potentially exacerbating downstream flooding. The applicant fails to address these risks or provide contingency plans for such scenarios.

3. Failure to Address Water Quality Beyond Basic Filtration

- The applicant's explanation focuses on runoff rate and volume but does not adequately address water quality, particularly the removal of pollutants such as nutrients, PFAS, asphalt chemicals, heavy metals, and hydrocarbons. Effective stormwater management requires comprehensive BMPs that also filter and treat pollutants to prevent them from entering downstream water bodies.
- The response does not explore or include more advanced BMPs, such as bioretention systems or constructed wetlands, which are specifically designed to enhance water quality. These BMPs could provide additional treatment and filtration that go beyond what is achievable through simple infiltration and evapotranspiration.

4. Lack of a Comprehensive Stormwater Management Strategy

- The applicant provides a simplistic explanation that lacks depth and fails to demonstrate a thorough understanding of the site-specific challenges. Effective stormwater management requires a combination of BMPs, tailored to the specific site conditions, and an integrated approach that addresses the full spectrum of stormwater issues, including volume, rate, and quality.
- The effectiveness of BMPs, such as infiltration berms and rain gardens, is highly dependent on ongoing maintenance to ensure they function as intended. The applicant's response does not address how these BMPs will be maintained over time or provide a maintenance plan, raising concerns about their long-term viability.

Part 4. Public comment on the need for a separate anti-degredation analysis, and add water quality as condition to this permit.

In addition to their responses for Module 3, it is critical that this applicant submit a thorough Antidegradation Analysis to comply with Pennsylvania's anti-degradation standards for special protection receiving waters, such as the HQ Black Creek - just 800 feet from the proposed warehouse site. To be in compliance with the anti-degradation standards, is imperative that the applicant demonstrates, through detailed analysis, how their activities will not degrade this waterway. The anti-deg analysis should be required to have a comprehensive evaluation of all potential impacts, comparing pre-development, then during all sequences of construction, and after construction related to the proposed use (e.g., diesel exhaust, asphalt, salt and accidental spill examinations).

1. Failure to Address Cumulative Pollutant Sources

While the applicant has provided some information on erosion and sediment control BMPs, they have not addressed the significant pollutant loads associated with warehouse construction and long-term operations. Specifically, they have failed to account for the following critical contaminants:

Asphalt-Related Chemicals & Tire wear compounds: As mentioned previously, asphalt surfaces leach polycyclic aromatic hydrocarbons (PAHs), oils, and other volatile organic compounds (VOCs) into nearby water bodies during rain events. PAHs, in particular, are known to be highly persistent in aquatic systems and pose serious ecological risks to water quality due to their carcinogenic and mutagenic properties. Tire wear compounds are also well documented to cause harmful impacts to water quality over time and should be considered together with asphalt related compounds in the anti degradation analysis. These chemicals accumulate in the sediment of Black Creek, impacting both the aquatic life and the overall water quality. PAHs have been shown to bioaccumulate in fish and other organisms, making their presence a long-term hazard to the health, safety and welfare of residents of the commonwealth. Research has shown that asphalt-based sealants can leach significant quantities of polycyclic aromatic hydrocarbons (PAHs) into stormwater. These chemicals are highly toxic, carcinogenic, and known to persist in aquatic environments. PAHs accumulate in sediments and can severely impact aquatic ecosystems by affecting fish and other aquatic organisms. Coal-tar-based sealants used on parking lots, which may be applied to the surfaces of the warehouse parking area, contain PAH concentrations far higher than those in unsealed or less chemically intensive asphalt surfaces. Without measures to mitigate these pollutants, Black Creek's aquatic life could face long-term contamination

Salt Runoff: The application fails to address how road salt used during the winter months for de-icing operations will contribute to increased chloride levels in stormwater runoff. Chloride is particularly harmful to freshwater ecosystems and can lead to toxicity in aquatic organisms. The close proximity of Black Creek makes it susceptible to salt runoff from the paved areas associated with the warehouse, especially during snowmelt events. Excessive chloride levels can lead to disruptions in aquatic food webs and damage plant species that support the creek's water quality at their current levels. As proposed, the project will degrade water quality.

Diesel Exhaust Fumes and Heavy Metals: Diesel exhaust from delivery trucks, long-term warehouse operations, and construction equipment will introduce incomplete combustion products, dioxins, fine particulate matter (PM2.5), nitrogen oxides (NOx), and heavy metals such as lead, mercury, and cadmium into the atmosphere. These airborne pollutants eventually settle on nearby surfaces and are washed into detention basins, and underground stormwater detention, eventually make their way into the groundwater recharge, and directly into the surface water of black creek. For example, dioxins are a known carcinogen that bioaccumulates and is associated with diesel exhaust.

Without addressing these pollutant sources, the applicant's approach disregards the proposed application's impact on water quality that are likely to result from the warehouse operations, which is out of compliance with the PA DEP regulations.

2. Lack of Analysis Regarding Water Quality Standards

The applicant has not submitted any supplementary information explaining how their proposed activities will prevent degradation of Black Creek. Any development within proximity to these waters must be analyzed to ensure that water quality is maintained or improved. By failing to include such an analysis, the applicant overlooks essential regulatory requirements that protect streams like Black Creek from degradation due to construction and operational activities.

Furthermore, no water quality monitoring plan has been proposed as part of the permit, which is critical for ensuring ongoing compliance with water quality standards. Monitoring of Black Creek before, during, and after construction would serve as a necessary condition to confirm that water quality is not compromised by the proposed project. In the absence of water quality monitoring, there is no way to ensure that stormwater runoff, pollutant discharge, or erosion during construction will not result in degradation of this valuable water resource.

3. The Importance of Antidegradation Analysis

Without an Antidegradation Analysis, the applicant fails to demonstrate how the proposed activities will meet the Best Available Combination of Technologies (ABACT) and protect water quality. The Antidegradation Analysis should have included detailed modeling, water quality data, and alternative BMP evaluations to show how pollutant loads will be minimized or eliminated. Specific factors that the analysis must address include:
The total anticipated pollutant loads from construction activities, including hydrocarbons, VOCs, metals, nutrients, and sedimentation.
The effectiveness of BMPs in mitigating these pollutant loads, especially under different storm events, and their impact on runoff volume, rate, and quality.
Alternative stormwater management approaches that could further reduce impacts on Black Creek, such as permeable pavements, bioretention systems, and constructed wetlands.

If such an analysis is not submitted, the permit application should be denied.

4. Importance of Water Quality Monitoring as a Permit Condition
A key condition for issuing this permit must be the implementation of a robust water quality monitoring program for Black Creek. Continuous monitoring of macroinvertebrates, and water chemistry key parameters such as sediment load, nutrient concentrations, chloride levels, heavy metals, and asphalt/diesel exhaust related hydrocarbons is essential to ensure compliance with regulatory standards. The results of this monitoring must be made publicly available and should trigger immediate remediation actions if degradation is detected.

In summary, the applicant must submit a comprehensive Antidegradation Analysis, specifically addressing the pollutants associated with warehouse construction and operations. These include asphalt-related chemicals, road salt, diesel exhaust pollutants, and heavy metals. If such an analysis is not provided, the permit should be denied as it fails to comply with Chapter 93 and protect Black Creek from degradation. Additionally, water quality monitoring must be a condition of any future permit approval to ensure the ongoing protection of this critical waterway.

Part 5. Public comment on the draft permit.
This section of the draft permit introduces significant risks to the water quality of Black Creek, primarily due to inadequate controls on stormwater discharges from off-site construction support activities and authorized non-stormwater discharges. Here's a detailed scientific and regulatory justification for why this part of the draft permit should be deleted or modified:

Stormwater Discharges from Off-Site Construction Support Activities:

Risk of Sediment and Pollutant Transport: Off-site support activities such as equipment staging yards, material storage, and asphalt batch plants inherently generate large amounts of sediment, hydrocarbons, heavy metals, and other pollutants during construction. When coupled with earth disturbances, the potential for stormwater runoff transporting these contaminants into nearby water bodies like Black Creek increases significantly.

Asphalt Batch Plant Concerns: Asphalt plants emit polycyclic aromatic hydrocarbons (PAHs), heavy metals, and VOCs, which are all hazardous to aquatic ecosystems. PAHs are known to bioaccumulate in sediment, causing chronic toxicity to aquatic life, particularly in benthic organisms. No monitoring provisions or BMPs are mentioned for these emissions, leaving Black Creek vulnerable to degradation.

Lack of Specific BMPs for Off-Site Support Activities: The general language in the draft permit only stipulates that the area involved should be under five acres. However, pollutant loads from asphalt batch plants, equipment yards, and material storage areas could severely impact stormwater quality,

regardless of acreage size. Without specific Best Management Practices (BMPs) or stormwater treatment methods such as sediment basins, filtration systems, or bio-retention, stormwater runoff from these areas is likely to carry pollutants into Black Creek.

Authorized Non-Stormwater Discharges:
Potential Pollutant Sources: The permit authorizes a wide range of non-stormwater discharges associated with construction activity, including fire hydrant flushings, vehicle wash waters, and pavement wash waters, which pose risks of contamination if not properly managed. Although the permit specifies that cleaning agents should not be used, there are still significant risks from residual oils, greases, and sediments present on vehicles and equipment. Even "clean" wash water can pick up and carry these pollutants into sensitive waterways.
Insufficient Controls on Pavement Wash Waters: Pavement wash waters are explicitly allowed, provided they are directed to sediment basins or similar BMPs. However, in the absence of more advanced water treatment systems (e.g., oil-water separators, bio-filtration systems), these wash waters can still introduce significant amounts of hydrocarbons, heavy metals, and PAHs into Black Creek, especially from asphalt roads and parking lots. Research has shown that traditional sediment basins alone are inadequate in removing all forms of pollutants, particularly finer particles and dissolved contaminants.

Lack of Monitoring for Non-Stormwater Discharges: There is no provision for routine monitoring of non-stormwater discharges, such as vehicle wash waters or foundation drainage. Given the potential for these sources to contribute pollutants like chlorides, oils, and sediments, monitoring should be a mandatory component of the permit. The failure to include this monitoring increases the risk of unregulated discharges into Black Creek, leading to water quality degradation.

Impact on Black Creek’s Water Quality
Degradation of High-Quality Waters: Black Creek, being in close proximity to the proposed project, is highly susceptible to any uncontrolled discharges. The cumulative impact of stormwater and non-stormwater discharges from multiple support activities, along with runoff from the main construction site, can result in substantial degradation of the creek.

Pollutant-Sensitive Ecosystem: Black Creek supports a range of aquatic species that are particularly sensitive to changes in water quality, such as increased sedimentation, PAH accumulation, and chloride toxicity from road salts. The lack of specific BMPs and clear guidelines in the permit for handling non-stormwater discharges threatens the integrity of this ecosystem.

Recommendations for Modification or Deletion
Strengthen BMP Requirements: This section should mandate the use of more advanced BMPs such as bioretention systems, infiltration trenches, or constructed wetlands to ensure effective treatment of stormwater and non-stormwater discharges before they reach Black Creek.

Introduce Monitoring for Non-Stormwater Discharges: The permit should require routine monitoring of non-stormwater discharges, including wash waters, dewatering, and landscape irrigation, to ensure compliance with water quality standards.

Remove or Restrict Authorized Non-Stormwater Discharges: Activities like vehicle washing and pavement washdowns should either be prohibited or require advanced treatment systems (e.g., oil-water separators), to mitigate the risk of hydrocarbon and heavy metal contamination.

Mandatory Water Quality Monitoring: A comprehensive water quality monitoring plan should be included as a condition of the permit to ensure that Black Creek’s water quality is protected over the

long term.

In conclusion, this section of the draft permit poses serious risks to the water quality of Black Creek. If these discharges are not properly managed through strict BMPs, monitoring, and limitations, the permit will fail to comply with Pennsylvania's anti-degradation requirements, resulting in the degradation of this sensitive waterway. Therefore, this part of the permit should be significantly modified or deleted to protect Black Creek from adverse impacts.

Part 6. Addition of water quality, and water quantity monitoring as conditions to the permit:
In order to safeguard water resources during construction activities, it is imperative that robust water quality and quantity monitoring be mandated as part of the draft permit conditions before the permit is issued. Construction projects, particularly large-scale developments, have the potential to significantly impact local water bodies through contamination and alteration of water flow. Monitoring, which includes both surface water and monitoring wells, should be continuously conducted throughout the entire construction process to ensure that potential pollutants are detected and mitigated before they cause harm.

Water Quality Monitoring
Construction sites introduce a range of pollutants, including sediments, hydrocarbons, heavy metals, and nutrients, which can be mobilized through stormwater runoff. These pollutants, if not adequately controlled, can enter nearby water bodies, degrade water quality, and harm aquatic life.

A robust water quality monitoring system should be put in place to track potential contamination. This should include frequent surface water sampling at multiple points around the site, especially during and after rainfall events, to ensure that any discharges are within acceptable limits. Additionally, monitoring wells should be installed to detect any potential migration of contaminants into groundwater. Groundwater contamination is particularly concerning as it can spread pollutants beyond the immediate site and affect nearby streams, aquifers, or even drinking water sources.

By adding these conditions to the permit, regulators can ensure that real-time data is collected on water quality and that immediate action is taken if pollutants exceed acceptable thresholds.
Water Quantity Monitoring
Construction activities often alter the natural hydrology of an area. Changes in land cover, such as the removal of vegetation and soil compaction, can lead to increased runoff, erosion, and flooding. To mitigate these risks, it is essential to monitor both groundwater levels and surface water flow rates.

Monitoring wells should be used to track groundwater levels before, during, and after construction. This will help ensure that construction activities, such as excavation or dewatering, do not lead to groundwater depletion or alter natural recharge rates. Additionally, surface water flow should be monitored using flow gauges to measure runoff volumes during storm events. This data will help verify that the stormwater management systems in place are functioning as intended and that there is no increased risk of flooding downstream.
Without proper water quantity monitoring, changes to the site’s hydrology may go unnoticed, potentially leading to adverse effects on both local ecosystems and human infrastructure.

Integrated Monitoring Throughout Construction
It is critical that water quality and quantity monitoring be implemented throughout the entire construction process, from pre-construction to post-construction phases. This includes:

Baseline Data Collection: Prior to construction, baseline conditions for both surface water and groundwater should be assessed to establish a reference point.

Ongoing Monitoring: Continuous monitoring during construction should be performed using monitoring wells, surface water sampling, and flow measurement tools. This will allow for the detection of any adverse changes in water quality or quantity.
Post-Construction Monitoring: After the completion of the project, long-term monitoring should continue to ensure that Post-Construction Stormwater Management systems are functioning properly, and that no degradation occurs as a result of the development.

Supporting Evidence:
Studies have emphasized the importance of integrating both water quality and quantity monitoring in construction projects. A review by Harmel et al. (2023) highlights how automated water quality sampling and high-frequency monitoring are critical for understanding the impacts of stormwater runoff and other pollutants on local watersheds. These methods ensure higher data accuracy and support better decision-making for environmental management. Similarly, research in sustainable water management suggests that balancing water use and protecting water quality are key to preventing the degradation of ambient water sources (Chapman et al., 2024).

By including these measures in the NPDES permit before issuance, we can ensure that both water quality and quantity are safeguarded, minimizing the potential impacts of construction activities on local water bodies.

Local residents appear to have identified numerous flaws with the stormwater designs, including but not limited to inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion, and significant questions about the ability to convey stormwater beneath Walter Dam Rd. There's identified discharge design flaws subjecting UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-endangered Lehigh River Watershed; especially the headwaters regions which are flush with small exceptional value wetlands, tributaries.

Although Northeastern PA, (especially Monroe County, which truly stands out in their review processes) are possibly some of the better Ch 102 permit reviewers in the state. Many of these CH 102 permits for high impact uses in the Poconos fail to protect water quality and prevent degradation.. These Ch 102 permits also fails to harden antidegradation measures through, for example, conditions in the NPDES permit. It's my considered opinion that it's not good enough to just monitor hydrology.

Moreover, the PA DEP should reconsider taking the policy position of publishing "intent to issue" deficient permits; it's asinine to publish a draft deficient permit, with a letter clearly detailing numerous deficiencies. It's possibly interpreted as an insult to the public to accept testimony on a permit subject to change. While I unfortunately happen to recognize there's some questionable new politically driven special interest policy decisions in the PA DEP; That the PA DEP is constantly under pressure from possibly uneducated politicians. I still urge the PA DEP to stick to their mission of protecting the resources; even if this means that might mean some challenges.

The PA DEP should also immediately start requiring monitoring of water quality, possibly as conditions in these permits. Not just for the surface waters, but also the groundwater. Before and after tests must take place (Baseline conditions at least prior to the beginning of construction activities). The burden of proof put on the applicant to demonstrate no harm.

The Upper Lehigh watershed, and others in the Poconos and upper Delaware Watershed are some of the last remaining pristine waterways in the entire state. Many other waterways in the state are influenced by fracking wastewater, acid mine drainage, or other pollutants. The Poconos is fortunate and contains unique plateau habitat, and an abundance of exceptional value wetlands.

Ultimately, it's also my considered opinion that the PA DEP needs to better prioritize water quality protection from these uses in the Poconos region (the middle and upper delaware in particular). Even if for no other reason that over 15 million people downstream literally draw directly from the Delaware river for their drinking water.

These HQ and EV special protection designated watersheds in the state must be treated much differently than a permit in a place like parts of Southeastern PA. It's not reasonable to compare a CH 102 permit here with other locations which struggle to harbor abundant fresh water species like brown and brook trout, and the related pollution intolerant macroinvertebrates.

It's my opinion that the PA DEP fails to give the full attention it deserves on the topic of antidegradation with its Ch 102 permits in special protection watersheds for these high impact large scale projects.

This permit here is an excellent example of how the basic permit requirements aren't going to be enough, in my opinion, to protect the receiving water quality.

Response:

The technical deficiencies identified by the Carbon County Conservation District and DEP were addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

EROSION AND SEDIMENT CONTROL

The E&S plan has been developed to include site-specific erosion control measures, such as sediment reduction BMPs, mulching, and vegetative cover. The sediment reduction BMPs also provide measures for managing concentrated runoff in erosion-prone areas. The plan has been designed in accordance with the PA E&S Manual. It contains specific details for dewatering, including maintenance requirements and specific notes on dewatering locations. The comprehensive stormwater management design analyzed predevelopment and post development flow paths and incorporated infiltration where appropriate. Alternatives to infiltration are provided through various BMPs across the site. The E&S Plan contains specific details for use of topsoil, including placement, soil amendments, and subsequent seeding. Various stabilization techniques for embankments, including matting, seeding, and mulching to prevent soil displacement during storms are also included.

The E&S sequence has been specifically written to indicate that sediment is to be removed from the basins and placed in designated areas.

The access road will be restored upon completion of construction of the berms. The detail indicates that slopes over 3:1 shall be matted. Water bars are to be utilized during construction of the berms and will remain after construction. The water bar detail includes spacing of the water bars, so they are constructed correctly. The construction sequence specifically references the water bar detail.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The

Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality… ."

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

RIPARIAN BUFFERS

There are no streams onsite, so a riparian stream buffer could not be implemented on site.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2-year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

ANTIDEGRADATION ANALYSIS

Erosion and Sediment Control (E&S) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate, and water quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites which contain more sensitive natural resources such as streams and exceptional value wetlands. This site

has few sensitive natural resources except for a very small pocket wetland, which is proposed to be preserved in the project design.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing environmental impact by preserving natural resources. The alternate configuration allows for increased size of above ground basins to conservatively control runoff during construction. The basins will be constructed earlier in the construction sequence so that when impervious areas are constructed, the additional runoff will be directed to the basins to address runoff volume, rate, and water quality.

The E&S plan also includes a specific sequence of construction that limits extent/duration of disturbance to the minimum necessary to construct the improvements.
An alternative location of discharge was utilized by specifically directing discharges to existing drainage paths.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Antidegradation best available combination of technologies (ABACT) erosion and sediment control (E&S) best management practices (BMPs) that have been incorporated into the project to provide antidegradation compliance for E&S during construction include the following:

- Sediment Basin with Skimmer - The sediment basin has been designed with a skimmer, with a length to width ratio greater than or equal to 4:1, and a detention time of 4-7 days to increase the efficiency of the sediment basin by allowing more opportunity for suspended solids to fall out of the solution.
- Immediate Stabilization - Upon temporary cessation of earth disturbance activity for more than four days, the project site will be immediately stabilized with temporary seeding and mulching.
- Vegetative Conveyance - The stormwater conveyance system includes channels that will be lined with permanent vegetation, rock, geotextile, or other non-erosive materials to help prevent erosion. Where permanent vegetation is specified, temporary matting will be installed to prevent erosion until vegetation is established.

Post-Construction Stormwater Management (PCSM) Plan
Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm following earth disturbance activities.
An alternate location was utilized by using this site as opposed to other nearby industrial sites that contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which has been preserved.
An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it,

thereby reducing negative environmental impact by preserving natural resources. The detention basins, along with rain gardens and infiltration berms, will implement the infiltration non-discharge alternative by reducing runoff volume and rate to less than predevelopment levels and improve water quality when compared to predevelopment conditions.
Low impact development was utilized by only developing the minimum area necessary, while leaving a large area of the site wooded that could have been developed with additional trailer parking areas and building expansion. An alternative location of discharge was utilized by directing discharges to existing drainage patterns.
Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.
Water reuse was not utilized as there is no need for water on site other than drinking water.

ABACT PSCM BMP's that have been incorporated into the project to provide antidegradation compliance following earth disturbance activities include the following:

- Dry Extended Detention Basins - Dry extended detention basins will be utilized to temporarily store and attenuate stormwater runoff and provide pollutant treatment through settling and evapotranspiration.
- Rain Gardens - Stormwater runoff will be directed to several rain gardens. The rain gardens will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering and converting sediments, nutrients, and other chemicals in the runoff.
- Infiltration Berms - Stormwater runoff will be directed to surface infiltration berms. The infiltration berms will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering, and conveying sediments, nutrients, and other chemicals in the runoff.
- Street Sweeping - Street sweeping removes larger debris and smaller particulate pollutants, preventing this material from clogging the stormwater management system and washing into receiving waterways.

Each of the BMPs listed above are performance-based best management practices, which, when installed in accordance with the approved DEP standards, satisfy the water quality requirements. Post-construction testing is not required as the adequacy of these BMPs to meet the water quality requirements is based on scientific testing, which established pollution reductions rates for TSS, TP, and TN.

ALTERNATIVE STORMWATER MANAGEMENT STRATEGY ANALYSIS

A comprehensive approach to stormwater was taken for the site. The approach involved utilizing infiltration where possible, maximizing both structural and nonstructural BMPs, then utilizing evapotranspiration to meet Chapter 102 requirements. The underlying soils have slow percolation; therefore, maximizing BMPs across the site will improve water quality in runoff from the site. There are 12 woodland infiltration berms that rely on vertical infiltration per the soil survey data in accordance with the BMP Manual. Evapotranspiration credits are then taken utilizing evapotranspiration detention basins and rain gardens in combination with street sweeping. Finally, vegetated channels with check dams, reforestation, landscaping near impervious areas, and preservation of wooded areas was maximized and utilized where possible. This list of BMPs spread uniformly across the site meets the rate, volume, and water quality requirements of Chapter 102, and it demonstrates that an effort to the greatest extent practicable has been made to improve water quality from the site to downstream waters.

SUPPLEMENTAL STORMWATER MANAGEMENT CONSERVATIVE ANALYSIS

The comment regarding exclusion of rain gardens and infiltration berms in the PCSM Report suggests that the exclusion overestimates the basin's role in runoff control. The Supplemental PCSM Report is a report and corresponding calculations in response to this comment. With the berms and rain gardens incorporated in the report, it has been demonstrated that lesser storms will be treated via the BMPs onsite, even when the infiltration berms are receiving little to no runoff. This is the result of directing 95% of proposed impervious coverage towards a treatment BMP.

EVAPOTRANSPIRATION ANALYSIS

Evapotranspiration is a primary method by which volume control is provided in the PCSM conditions. The site was evaluated for the feasibility of infiltration, including 16 test pits, 82 hand augers, and 38 infiltration tests scattered across the site. Fifteen (15) of the infiltration tests resulted in an infiltration rate of 0.0" per hour, and another 14 resulted in an infiltration rate of less than ¼" per hour. Over 76% of the infiltration rates were between 0.0" and ¼" per hour. Therefore, evapotranspiration was utilized as a BMP where possible. Utilizing evapotranspiration in accordance with the PA DEP Spreadsheet is an acceptable approach to volume reduction.

The PA DEP Spreadsheet indicates that the evapotranspiration BMPs are sized to retain required runoff volume from the storm events up to and including the 2-year storm. The Supplemental PCSM report indicates that runoff rates for storms above this level, even when considering the BMPs are ponded to the lowest orifice, will be detained below predevelopment runoff rates.

The following explains the calculation of Infiltration Credit and Evapotranspiration (ET) Credit within DEP's PCSM Spreadsheet:

Infiltration Credit

The Infiltration credit, in cubic feet (CF) of stormwater volume, for a stormwater control measure (SCM) is calculated by the following (descriptive) formula:

(Infiltration Rate (inches/hour) x 0.9 (to provide a 10% factor of safety) / 12 inches/foot) x 12 hours x Infiltration Area (square feet (SF)) + the lesser of [I, S].

Where:

I = (Infiltration Period (hours) – 12 hrs) x (Infiltration Rate (inches/hour) x 0.9 / 12 inches/foot) x Infiltration Area (SF)

S = Storage Volume in SCM (CF)

The credit is limited to the volume of stormwater that is routed to the SCM.

The rationale for this formula is as follows:

1. The assumption is that for the first 12 hours of a 24-hour storm event, the SCM is being filled with water, and the media is becoming saturated. At the start of the second 12 hours of the 24-hour storm event, infiltration starts occurring under saturated conditions.

2. For the remainder of the Infiltration Period, stormwater volume is being lost through infiltration through the infiltrating surface, up to the volume retained in storage below the lowest orifice.

ET Credit

The ET credit, in CF, for an SCM is calculated by the following (descriptive) formula: the lesser of [M, D].

Where:

M = Media Depth (feet) x A x Infiltration Area (SF)

A = An empirically derived percentage of void space recovery for deep rooting plantings as a function of media depth

D = The difference, in CF, between the volume routed to an SCM and the Infiltration Credit calculated for the SCM

The rationale for this formula is as follows:

1. The SCM must be vegetated (other than turf grass) for ET Credit to apply.

2. ET Credit cannot exceed the difference of the volume routed to the SCM subtracted and the Infiltration Credit.

The calculations provide separate accounting for water moving downward through the media and underlying soil by gravity (Infiltration Credit) and water being taken up through root systems (ET Credit).

For example, Basin 1 soil volume is equal to the media depth times area times the void ratio. The PA DEP Spreadsheet recommends a void ratio of 30 to 40% to be used for the soil media. A sand layer is incorporated into the design, and if a 40% void ratio is utilized, the storage in the media for Basin 1 is 120,737 cu. Ft., while the storage area above the bottom of basin is 83,984 cu. Ft. In other words, fully saturated soil and a full basin to the lowest invert would be a total volume of 204,721 cu. Ft., which is 2.72 times the credit given in the spreadsheet of 75,159 cu. Ft. for Basin 1. This provides a significant factor of safety to account for extended periods of evapotranspiration. The type of media specified in the basin infiltrates at a minimum of 1 inch per hour, which will result in the initial volume being dewatered within 12 hours. There is additional storage in the soil as described above, and subsequent storms will also infiltrate at this rate until the soil is saturated. The rate of drawdown in the soil after it is saturated is dependent upon two factors: any infiltration that occurs naturally and the rate of transpiration that varies as described above. The infiltration, transpiration, and evaporation will occur over longer periods of time. The DEP Spreadsheet accounts for this by providing a significant buffer between the volume credit and total available storage so that additional volume is provided for subsequent storms.

The infiltration BMPs were ruled out early in the process after extensive infiltration testing. Other BMPs, such as wetlands, were ruled out due to limited size and effectiveness on this site. The BMPs that were chosen for this site, including vegetated channels, check dams, rain gardens, reforestation, landscaping near impervious areas, wooded infiltration berms, preservation of wooded areas, and detention basins, were based first upon maximizing environmentally sound alternatives, then upon maximizing BMPs that would result in effective treatment technologies.

Evapotranspiration is utilized in several BMPs across the site for reasons identified above. Infiltration

has been incorporated where possible. Evapotranspiration is a natural component of volume reduction in the preconstruction condition, and it is utilized in the post-construction condition to maintain and protect existing water quality and designated uses by maintaining the preconstruction site hydrologic impact.

SEASONAL HIGH WATER TABLE IMPACT

A portion of the evapotranspiration basins are located at existing grade. Areas of the basin above the existing grade are no deeper than the 3.5 feet of soil media that is to be placed in the bottom of the basin. The remainder of the basins are in cut, with some areas of excavation ranging from 10' to 16'. The soils are highly variable across the site in regard to shallow high-water table (SHWT), with SHWT recorded at some locations while not being encountered in other nearby locations. SHWT, which results in seeps and spring encountered in standard grading operations, is specifically discussed in the E&S Manual and is to be remedied by routing of the water away from the cut slopes via subsurface drains or other approved methods. Standard E&S note 25 is included on the PCSM Plans, which addressed these conditions.

INFILTRATION RATE FACTOR OF SAFETY

The infiltration rates provided in the testing were not utilized in the design of the BMPs; therefore, no factor of safety specifically applied to these rates. When utilizing the soil survey infiltration rates for the woodland infiltration berms, DEP utilized the lowest rate of the range provided by the soil survey. Then a safety factor of 2 was applied to the lowest rate and utilized in the calculations as described in Appendix H of the PCSM Report.

RAIN GARDEN DRAINAGE AREAS

The number and size of the rain gardens has been maximized across the site. The drainage areas to the rain gardens were chosen by directing any upslope areas to the rain gardens. Areas that could not be directed to the rain gardens are discharged downslope to the evapotranspiration basins. In all cases, the 2-year volumes directed at the rain gardens are greater than or equal to the storage capacity of the rain gardens. Directing any additional area to the rain gardens would not have a significant benefit in regard to water quality, as the runoff would overflow to downstream facilities.

ONGOING MAINTENANCE OF BMPS

Sheet 22 of the PCSM Plan Set outlines the ongoing maintenance requirements of the Infiltration Berms and Rain Gardens. The BMP maintenance is guaranteed to take place throughout the life of the project through the recording of an Instrument for the Declaration of Restrictions and Covenants required by the NPDES Permit. This also includes recording of the PCSM Plans with maintenance requirements and a property owner notification in the event that the property is sold.

Part 5 RESPONSE. PUBLIC COMMENT ON THE DRAFT PERMIT

The concerns raised in these comments pertain to standard requirements DEP generally imposes on all earth disturbance activities that require a Chapter 102 NPDES permit and are intended to protect and maintain water quality. DEP's standard conditions for Chapter 102 permits have been published for public review and comment, and DEP takes public feedback into account when developing and updating them.

Part 6 RESPONSE. Addition of water quality, and water quantity monitoring as conditions to the permit:

As per its Standard Operating Procedures, DEP may make a tentative decision on an individual permit application and issue a draft permit in situations where it has technical comments on the application, DEP may make a tentative decision on an individual permit application and issue a draft permit only when it believes there will not be a substantial redesign to a project when the applicant addresses the comments. If there are substantial changes as a result of DEP's comments, DEP will either request a withdrawal of the application or will start its technical review over and make a subsequent tentative decision on the application.

CUMULATIVE IMPACTS:

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #9:

I am also writing to request a public hearing.

Based on the Right-to-Know Law response to a request submitted in March 2024 and received in April 2024, Kidder Township is asked why these Ordinance requirements have not been satisfied for two truck terminal projects in Kidder Township, raising significant questions about the integrity of BRRE Lot #2 stormwater management as well:
a. Copies of all inspections of Blue Ridge real estate Exeter lot #1 stormwater facilities from start to current date - Response to request was "there are none".
b. 148-79: Blue Ridge real estate payment for Exeter lot #1 into the kidder Township stormwater maintenance fund and amount specified by the Township for 10 years of inspections of stormwater facilities. Response to request was "there are none".
c. The same question stated above in (b) was also requested for the PNK-5 project and the response to the request was "there are none".

Maintenance of stormwater permits and erosion and sediment control (E&S) permits are required as part of ongoing compliance with environmental regulations, especially for construction and development projects. These permits typically outline specific requirements for maintaining stormwater management systems and controlling erosion and sediment during and after construction activities. It's essential to adhere to the terms of these permits to prevent environmental degradation and ensure compliance with regulatory standards. Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known. Ongoing maintenance and inspections should be absolutely assured.

As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 feet of the development line.

Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:

1. Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c 2. Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2 3. Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C.4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:

-Soil limitations and resolutions not provided; -Mismatched sediment basin calculations versus plan drawings; -Construction sequencing errors; -Stormwater discharge design flaws that threaten UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River; -inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion; -Significant questions about the ability to convey stormwater beneath Walter Dam Rd.; and -An extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte.115 to the I-80 connection in Monroe County.

These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:
1) The existing detention basin stormwater management calculation errors may cause a significant negative impact on Black Creek in stormwater volume and temperature.
2) The proximity to another existing 1.1M sq ft distribution center will have cumulative environmental impacts which are not currently being considered.

In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period beyond May 26th.

Our residents deserve a meeting to speak to the PA DEP about the deficient NPDES permit and about the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.

As a follow-up to my testimony I wanted to add some additional comments. The subject permit should not be eligible to use evapotranspiration for basin stormwater volume reduction
The basin soil mechanics does not allow for water infiltration and therefore an evapotranspiration calculation is not applicable. The proposed planting mix of Ernst seeds is not feasible with permanent pooled water with topsoil and compost planting media.
Pan evaporation is the appropriate calculation for basin stormwater volume reduction.
When stormwater basin overflows occur, the water temperature discharged from the basins during seasonally warm months may add an additional thermal shock to Black Creek.
Based on the incorrect application of basin stormwater volume reduction via evapotranspiration instead of pan evaporation, I ask that you reject the applicant's NPDES permit.

My name is Chuck Cutshall and I work closely with Beth Hurley and Linda Christman in reviewing truck terminal projects on Rt 940 in Kidder Township, Carbon County. We recently hired an engineer to review the site development plans for the subject permit and an error was found in the PA DEP ET worksheet. Please see the comments from our engineer:

I wanted to raise the flag on a possible issue of interest with the current PaDEP PCSM Spreadsheet, updated Sept 2023 to reflect the Draft manual by Villanova. This is what applicants should now be using to submit their NPDES applications. A link can be found here: https://files.dep.state.pa.us/water/bpnpsm/StormwaterManagement/ConstructionStormwater/DEP_PCSM_Spreadsheet_Instructions.pdf.

In the new Manual, Villanova is allowing credit for evapotranspiration. I have not checked all

the math and I (seriously) question how the research has been translated to DEP criteria for much larger and deeper systems. But in summary, PaDEP is allowing a significant credit for evapotranspiration for bioretention systems that have a sand-based engineering soil and support vegetation.

Briefly, the PaDEP spreadsheet is allowing a 2-acre, non-infiltrating detention basin credit for 75,159 cubic feet of runoff volume management by selecting the evapotranspiration option on the worksheet. For this particular project, that's not even physically possible. I downloaded the DEP spreadsheet and input values myself, and I get the same answers as the applicant.

I wanted to see if the regional DEP case manager reviewing the subject permit application can be informed of this finding. I suspect this issue will have to be reviewed and corrected at the state level and not the regional level. Please share this information with your colleagues at the DEP state level.

Testimony

I want to start off by saying that this project has a couple significant problems. First of all, as was mentioned earlier, the project is being allowed to be developed with the assumption of evapotranspiration.

According to the Pennsylvania Post-Construction Storm Water Management Manual, there are several assumptions that need to be met in order to use evapotranspiration. A basin has to consist of sandy loam soil. The basin must be well vegetated and infiltrate water. These basins do none of those three. You cannot use evapotranspiration.

Instead, according to the same manual, an applicant should use pan evaporation as the calculation.

So in basin number one, which is 16 acres, pan evaporation calculation comes in at 430 cubic feet of volume reduction per day. According to the evapotranspiration worksheet, basin one is calculated at 75,159 cubic feet of volume reduction per day. That is a problem. Does anybody think that there's a difference between those two numbers? That equates to 562,000 gallons of water being dissipated by evaporation every day. That is not physically possible. For that reason alone, this permit should be declined.

Secondly, the evapotranspiration worksheet calculation has an error. This error has negative implications for DEP permits issued statewide. This is a significant problem. Okay.

So now let's go to the next step. When storm water overflow occurs, the overflow will be discharged to the eastern side of Walter Dam Road and drained toward the intersection of 940 and Walter Dam Road. When overflow storm water
discharges towards the intersection, there is no existing storm water swale infrastructure on Walter Dam Road. There's nothing there. If water is allowed to dissipate over the roadway, there will be significant risk of black ice occurrences and vehicular traffic accidents.

The existing swale on Route 940 is an informally unlined, rutted, and meandering dirt trench that has not been engineered to address additional storm water volume. It is not adequate. For these reasons, I request that this request be declined. Thank you.

Response:

The technical deficiencies identified by the Carbon County Conservation District and DEP were

addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
    - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

    - No improvements required.
- SR 0940 and Lot 2 Access
    - Construction of the medium volume driveway.
    - Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2 year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

CUMULATIVE IMPACTS:

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #10:

This permit is proposed for a 420,000 sq. foot warehouse on State Rte. 940 on a site opposite a 1million sq. ft. existing warehouse. Both are located in the upper reaches of the Pocono Plateau, one of the most unique environmental sites in Pennsylvania and home to several pristine waterways.

My comments focus on three concerns: (1) The waterways of the Pocono Plateau should receive extraordinary protection in order to preserve the many exceptional value streams in this region. (2) This particular permit should not be issued because of several errors and oversights

associated with this project. (3) And before issuing a permit, a public hearing should be held to explore in detail the impacts of warehouse development on the unique environment of the Pocono Plateau.

The Pocono Plateau deserves exceptional protection from your program because it is well-known as a unique environment and home to plants that are only seen in this area of the state and home to many pristine streams. Further, the streams from the Pocono Plateau are part of the Delaware River Watershed which provides drinking water to four states and has been designated for special protection by the Delaware River Watershed Compact between those states and the Federal Government. And the American Rivers Association has named the Lehigh River as one of the ten most threatened rivers in the country and the Association cited the development of over four-square miles of warehouse development with accompanying impervious surfaces as the cause of degradation of the Lehigh. The warehouse development proposed is only 800 ft. from Black Creek, named as one of the ten best trout streams in Pennsylvania. Only 2% of the streams in Pennsylvania are classified as Exceptional Value streams and 80% of those arise in the Pocono Plateau. Developments that threaten these streams and essential wetlands must be given the very highest level of protection.

This development proposal is full of errors and omissions impacting the proper handling of the non-point discharge of water. The land development plan will result in run-off laden with chemicals such as 6PPD (a known fish poison that is found in a coating on tires), diesel fuel, and the fertilizer to be used on landscaping adding to the nitrogen level of the run-off. Since we do not know what the eventual use of this warehouse is to be, we have no assurance that harmful chemicals will not be stored on-site. There are no containment areas planned for spills protection.

As mentioned, the development is only 800 feet from Black Creek and unnamed tributaries. Black Creek is classified as a High-Quality Cold-Water Fishery and must be protected. Steam testing of Black Creek show that the creek is already suffering degradation from earlier warehouse development and adding another with very little in the way of creek protection is unacceptable.

There is a small wetland on the property and the developer's plan to protect the wetland is to "put up a fence." This is inadequate.

Residents are also deserving of protection. They are already reporting run-off from the 1million sq. ft. warehouse which is operating across State Rte. 940 from the proposed development. The cumulative impact of adding another huge impervious surface to this area must be considered in any NPDES engineered for this development.

A consulting engineer has already pointed out that the transpiration rates for the NPDES permit are not properly calculated. I am sure that you have been apprised of this error. This must be properly addressed before any permit is issued.

The Kidder Township public and concerned organizations should be given an opportunity to detail their many concerns about this proposed development and the impact on water quality and

run-off control. Comments such as mine do not provide the full scope of concerns that should be considered before issuing a permit.

Testimony:
Linda Christman, I live in Lehighton, Pennsylvania. I'm President of Safe Carbon County, a local environmental nonprofit. Three years ago, a one million square foot warehouse was approved on State Route 940 in Kidder Township. This warehouse received a permit approving their national pollutant discharge elimination system, the NPDES, but nevertheless, nearby homeowners immediately noticed that their yards and basements were receiving runoff from the warehouse. The problem has not gone away. During the recent flash floods caused by Hurricane Debby, the system at this warehouse was overrun and water was pumped directly into the Tobyhanna from the warehouse property.
This is not how these systems are supposed to work. It appears that the regulations are not up to the challenge posed by our changing climate. Northeast Pennsylvania and the Pocono plateau in particular have been hit with repeated flash floods caused by tropical storms and hurricanes and just plain old massive spring rains. Carbon County has had two flash flood alerts in the past month alone. The severe thunderstorm warnings for 2023 were approximately double what they were in 2022.
The standards for northeast Pennsylvania must be adjusted to require more rigorous runoff control systems. The current standards simply do not measure up to the weather we are receiving.
And the stakes for getting it wrong have been raised. The highly toxic chemical, PPD, is now universally used as a coating for tires. This toxin is lethal for aquatic life, including prized native trout. The warehouse under discussion tonight will generate an additional 836 average daily trips. Imagine how many starts, stops and turns that will be generated within the parking lot of this warehouse. Every one of those actions will leave a toxic residue in the parking lot and on Route 940 to be washed into our watershed. And remember, the high value Black Creek and the Tobyhanna are within a thousand feet of this proposed warehouse.
Furthermore, only two percent of the streams in Pennsylvania are consider ed exceptional value. And 80 percent of those are in the Poconos.
An inadequate system of runoff control in our area is likely to impact the majority of pristine streams in Pennsylvania.
You have tools available. You have the right to require testing of runoff to ensure that toxins like 6PPD and diesel fuel are not being discharged into our streams. You can require inspection after heavy rainfalls to ensure that the NPDES is working as designed and instead of simply trying to control runoff after it's been created, I urge your department to require developers to use techniques to minimize run-off. Parking lots could have strips of turf blocks or other pervious surface to minimize run-off and pervious asphalt is actually a thing (and it last longer and requires less maintenance than regular asphalt).
I urge your department to review your standards and requirements in light of our changing climate and the increasing threats posed by toxic run-off from warehouse parking lots. Please raise the standards for every NPDES permit including this permit.

Response:

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs

proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

Once an end user is identified, DEP will ensure compliance with 40 CFR 122.26(b)(14).

Commenter #11:

Do you like to canoe? Kayak? Pick blueberries? These benign activities around Walter Francis Dam are threatened by another proposed forest clearing to build impervious parking and a warehouse building. The Pocono Plateau has a unique habitat for unusual flora and wetlands. These passive activities drive a tourist economy that relies on forests, mountain vistas, wildlife, and waterways.

Destruction of the forests for an over one million square foot warehouse has resulted in incredible truck traffic, noise, and air pollution. The changes in traffic congestion during the past year have been much more constant and continuous than the few holiday weekends we have experienced in the past.

The existing warehouse is projected to have 1600 truck trips daily. A second warehouse being built is projected to have another 1,000 daily trips. Weekdays already have traffic jams at Exit 95 of the PA Turnpike. Tractor trailer trucks block 3 exit lanes at the toll booths.

The concept of a third huge warehouse boggles the mind. The air and noise pollution from another projected 1000 daily truck trips will impact all of us. We need to understand the effect of thousands of trucks traversing a two lane state highway. How can those of us who use the road for daily living activities and employment compete with thousands of large, loud and smelly tractor trailers?

A Traffic Impact Study from 2019 is not acceptable to give you the data needed for the impact on our environment. It was completed five years ago before any forests were cleared for trucking and warehouses. All are within less than a three mile span of SR 940.

I respectfully request that you hold public hearings to be able to fully impact this project on the current residents, businesses, and visitors to Kidder Township, Carbon County. Since Kidder Township also touches Monroe, Luzerne, and Lackawanna counties, there is much at stake for all of us.

Response:

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal

ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #12:

I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661.

I am also writing to request a public hearing.

As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 of the development line. Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed variances related to storm water management from Kidder Township Ordinances, including:

Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2 Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C-4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as soil limitations and resolutions unaddressed, mismatched sediment basin calculations versus plan drawings, construction sequencing errors, stormwater discharge design flaws subjecting UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River, inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion, significant questions about the ability to convey stormwater beneath Walter Dam Rd., and an extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte. 115 to the I-80 connection in Monroe County.

These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:
Environmental and community consequences of this project nor consequences have been discussed or provided by the Developer.
No description of proposed use, including location, relationship to other projects, or proposals, with adequate data were provided to assess the project impacts on Kidder Township. It does not include a comprehensive description of probable future effects on the proposal. It does not consider the potential regional effects or ecological interrelationships.
There is no discussion of cumulative impacts, which is required under the National Environmental Policy Act, as defined," the impact on the environment which results from the incremental impact of the action, when added to other past, present, and reasonably foreseeable future actions, regardless of what agency, federal, or nonfederal, or person, undertakes such other actions."
The Traffic Impact Study is from 2019 and it was prepared for Exeter #1. The data are outdated. The Developer submitted the 2019 traffic impact study for Blue Ridge #2 as well, now five years later. The Traffic Impact Study should be updated, stipulating that an update is expected to include all traffic data from Exeter #1 and #2 in a cumulative manner, a total of 2,462 average daily trips with 230 trucks at both a.m. and p.m. peaks, and should also include the truck traffic from the PNK-5 project as well. Please see the chart below that illustrates the concern of many residents.

Land Use-Warehouse Size			(sq.ft.)	Av.Daily Trips	AM Peak	PM Peak
BRRE Lot 1 (TT#1)-done			1,100,000	1626	145	148
PNK-5 (TT#2) – in construction			739,050	1035	59	74
BRRE Lot 2 (TT#3)			420,000	836	85	88
Total	2,259,050	3,497		289	310	

The land development plan states soil planting shall have lime and fertilizer, applied in accordance with liming recommendations per soil test recommendations; so chemical additives will be used that can be detrimental to the Black Creek and unnamed tributaries (UNT). Runoff from the site will drain to Black Creek and UNT to Black Creek, which is classified in Chapter 93 as a High Quality-Cold Water Fish stream. Chemicals will also be introduced by the intense truck traffic planned, and also potentially by the materials stored in the truck terminal.

Extremely limited assessments of the impact on various animal life and habitat was performed and deemed inadequate to many.

"A seasonal high water table with depth ranging from 1.33 to 4.42 feet below the ground surface exists. Residents with properties adjacent to Blue Ridge #1 are all already reporting ponding in their yards and flooding in their basements, suggesting insufficient stormwater management of Blue Ridge #1. Residents with property adjacent to Blue Ridge Lot #2 expect similar effects.

Methods for controlling air quality and noise have not been addressed sufficiently.

The eCode360 Ordinance requires existing law enforcement capabilities of the township and state shall be assessed, and the impact of the proposed development on said law enforcement agencies, along with actions proposed to mitigate any burdens created by the development. This was not done.

Assessment of existing community facilities and services was not done and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.

A description of alternatives to the proposed use was not provided, including a statement of any adverse impacts which cannot be avoided, environmental protection measures to minimize damage to critical impact areas, and a listing of steps proposed to minimize environmental damage to the side and region during and after the construction.

Any use or development of steep slope areas shall be considered a conditional use.

The Developer shall demonstrate that the proposed development cannot be accomplished on areas of the lot where the slope is less than 25%. Because this site is characterized with a seasonal high water table and steep slopes, it should be avoided.

In a letter dated 2/19/2019 from the PADEP Clean Water Program Manager to the Kidder Township BOS, it is stated that, "If wetlands, vernal pools, open water areas, streams, or ponds within the area within 300 feet of these water features are to be disturbed from the project activity a more thorough evaluation will need to be conducted of the potential adverse impacts to the species of concern." BRRE has stated that "the project is 800 feet from the HQ-CWF, MF Black Creek and UNT and therefore does not present a concern". However, this is purely an assumption without data to support it and raises a question about consistency with the PA Clean Streams Law (CSL). Water quality may not be lowered to less than the level necessary to fully protect the fishable status of Black Creek. This calls into question whether PA DEP has given

full attention to the topic of anti-degradation with the Chapter 102 NPDES permit in this special protection watershed.
With respect to point #13 above, Kidder Township-authorized stream quality testing personnel tested the Black Creek on 5-7-24 and found a pH equal to 5, typical for the Pocono Plateau, despite the range for pH as stated in Title 25 – Chapter 93.7, Specific Water Quality, Table 3, to be from 6.0 – 9.0, inclusive. Concern is raised that the 1.1 million sq.ft. truck terminal permitted by PA DEP at 880 Rte. 940 along with this additional 420,000 sq.ft. terminal will further threaten this high quality watershed in Kidder Township. We request that the PA DEP follow-up with independent water quality testing before issuing a final NPDES Permit.

In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2 mile distance.

ALSO – See Attachment #1 and Attachment #2 for additional comments submitted

Testimony
Hello. I'm Beth Hurley,I live in Kidder Township. So it sort of goes without saying that when 50 acres are going to be cut down and that wetlands exist on mild to steep slopes and wet soils will have to be dewatered during the excavation in an area that would take about 100 years to restore, that you got to do it right. So my question is, are we getting it right? Is this permit done right? No plug and chug, no rubber stamping, no getter done. Because it's not a one and done. It's a one plus one.
Our Meliora engineer showed that Blue Ridge Real Estate's plans, assumptions, designs and calculations are not correct. Construction details are lacking, maintenance and operations are not addressed. And yet many are involved in this process. I counted more than 20 organizations. When you look across the township, you look across the county, you look across the state, it's an astounding number of fingers and hands in this pie. So that would give you the impression that, yeah, we're going to nail it. This is going to be a perfect project, it's not going to fall down. But some of the things I wanted to mention that question that ability for perfection is, well, number one, DOT is using 2019 data, and to my knowledge, didn't update that, and they have not established any kind of cumulative impact.
And you've heard about the 3500 trucks going up and down 940 every single day. 3500 trucks. Right now it's only about 2500 passenger vehicles. So the trucks that are going to be established associated with these truck terminals is more than the typical traffic that we have on 940.
The Board of Supervisors Engineers have recommended waivers that are against our ordinances. Those waivers were accepted. We found 18 or more deficiencies in the environmental impact statement, one that even included manufacturing in this project.
So in the NPDES land application, it says applicants should submit copies of compliance with zoning ordinances. So it is fair to talk about zoning ordinances, even though zoning ordinances don't really show up in the DEP permit. But it's part of the NPDES land application, so it's fair to talk about ordinances.
And in fact, there is NPDES land application, Section 5.2 on wetland impacts that wasn't even

answered. And we know that this project does involve activity on wetlands. So that's kind of an example of are we getting it right because we're leaving questions unanswered.
Clausen Environmental wrote the wetland assessment for this project. At the end, Clausen Environmental says it cannot guarantee that its assessments are correct.
All right.
So I have some questions, not that you need to answer them, but I want to know what happened to Bill 782 that passed the House. That bill requires developers to give a detailed analysis of impacts of development, including traffic, infrastructure and environmental costs. So we're not the only ones thinking about that. There's kind of a bill out there bouncing around somewhat. Who knows whether it will ever be adopted?
We also have been watching for 18 months a project in Monroe County along the - Tunkhannock Creek, and that project DEP has actually made the – denied that project.
And then so what I really wanted to say in my one minute remaining is that so the approval process comes back to DEP to review and permit a project. And it does nothing to consider the cumulative noise, the diesel exhaust, the questionable storm water, the BMP problems.
So we are already seeing violations of two projects in our township - I guess what I want to say is that it goes without saying that it's hard not to be skeptical about this third project.

Response:

STORMWATER MANAGEMENT
The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

TRAFFIC
Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after

the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

CUMULATIVE IMPACTS:

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #14:

This letter is to inform you of my concerns about the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661.

I would also like to request a public hearing.

As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 feet of the development line.

Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:

1. Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c
2. Modification for stormwater facility exterior slopes to be 3:1. Kidder Township ordinances require exterior slopes of stormwater facilities to be 4:1. 148-56C.2
3. Modification for stormwater facility bottom slope to be level rather than 2% as required by Kidder Township ordinance. 148-56C.4.

Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:
-Soil limitations and resolutions not provided;
-Mismatched sediment basin calculations versus plan drawings;
-Construction sequencing errors;
-Stormwater discharge design flaws that threaten UNT of Black Creek (HQ-CWF, MF) – a river that empties into the already-polluted Lehigh River;
-inappropriate orientation of spillways and rain gardens limiting the ability to minimize the potential for accelerated erosion;
-Significant questions about the ability to convey stormwater beneath Walter Dam Rd.; and
-An extremely outdated Traffic Impact Study from 2019 that does not take into account the extensive truck traffic subjecting Rte. 940 to congestion throughout Rte. 940 in Kidder Township, from I-80/I476 through White Haven, across the Tobyhanna River and into Monroe County/Rte.115 to the I-80 connection in Monroe County.

These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:

The Blue Ridge Real Estate Lot #2 has stated "a de minimis amount of area within the wetland buffer is proposed to be disturbed". This is false because the land disrupted is not minimal at all. High Quality streams and wetlands with inn this designation will be polluted and damaged. These natural resources must be protected unless there is a compelling social or economic justification beyond for mere profit motive that justifies their degradation. Given that two other

Truck Terminals will be built, the motivation for the third Truck Terminal is strictly for the profit of Blue Ridge. No one else in this community will benefit.

Best Management Practices (BMP) cannot compensate for the loss of tree cover and the damage from many acres of impervious surface added related to Truck Terminals. The watershed quality will be damaged, and each additional Truck Terminal will exacerbate this damage even further. While the loss will result in irreversible watershed damage, it will also damage the recreation, tourism and economy once afforded by these natural resources in Kidder Township. As a Kidder township home owner, I am very upset by the destruction that is coming to my neighborhood and I fear that I may have to move away when the roads become over congested with trucks, making the neighborhood difficult or impossible to live in.

In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.

Response:
The technical deficiencies identified by the Carbon County Conservation District and DEP were addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

STORMWATER MANAGEMENT
The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

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The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

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Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

Commenter #15:

I am also writing to request a public hearing.

As with other warehouses in Kidder Township, BRRE Lot #2 is sited with disregard to residential properties within 150 feet of the development line.

Technical deficiencies related to this construction are certain to damage the environment, the waterways and wetlands, the roadways due to the extensive truck traffic, the air quality, and the tourism economy for which this area of the Poconos has so long been known.

To complete this project, the developer has needed waivers related to storm water management from Kidder Township Ordinances, including:

1. Modification for stormwater facility surface water to be closer than 25 feet to the building space, allowing for two rain gardens within 25' of the building. 148-56C.1.c
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Both the Carbon County Conservation District and the Carbon County Planning Commission offered extensive findings on deficiencies related to BRRE Lot #2, deficiencies such as:
-Soil limitations and resolutions not provided;
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-Construction sequencing errors;
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These are concerns I'm forwarding to PA DEP specifically related to BRRE Lot #2 Warehouse:

Truck traffic, air, and water pollution from diesel exhaust pollutants
Getting off the Pa Turnpike at about 3:30 I had to wait in line to even get to the toll gates. 80 % of traffic were trucks, line extended back onto the off ramp. 50% of those trucks turned left towards the 880 Rte. 940 truck terminal. How will the Turnpike Commission handle this when we add more truck terminals? We will be facing nearly 3,500 average daily truck trips and with that, considerable deterioration of air quality, noise, and waterway contamination from the truck pollutants.

Land Use-Warehouse	Size (sq.ft.)		Av. Daily Trips	AM Peak	PM Peak
BRRE Lot 1 (TT#1)-done	1,100,000		1626	145	148
PNK-5 (TT#2) – in construction	739,050		1035	59	74
BRRE Lot 2 (TT#3)	420,000		836	85	88
	Total	2,259,050	3,497	289	310

Impact to Black Creek and UNT

Researchers based in Pennsylvania reviewed data from over 600 stream sites and found that Brook Trout declines become likely when 5% or more of a watershed is covered by impervious surfaces. Higher likelihood of brook trout occurs with a higher percent of forested watershed and riparian cover, lower agricultural land use, and lower road densities and percent impervious surfaces. Brook trout populations suffer when watershed forest cover drops below 75% and percent impervious area exceeds 4%. Black Creek at Kresge Lane drains a watershed of about 3 square miles (1,913 acres). The 880 State Route 940 Truck Terminal cleared about 70 acres of forest in the Black Creek watershed (above Kresge Lane) plus added another 45 acres or so of impervious surfaces. It has Reduced watershed forest cover to 78% and quadrupled impervious area to 3%. This one major project has reduced forest cover and increased watershed imperviousness dangerously close to thresholds - 75% forest and 4% impervious – nearly unsuitable for trout fishing. This impact will become more substantial as more truck terminals are added.

Wetlands Disturbance

The Blue Ridge Real Estate Lot #2 has states "a de minimis amount of area within the wetland buffer is proposed to be disturbed". This is unacceptable because High Quality streams and wetlands with this designation must be protected unless there is a compelling social or economic justification beyond mere profit motive that justifies their degradation. Given that two other Truck Terminals will be built, the motivation for this third Truck Terminal is merely for profit. Best Management Practices (BMP) cannot compensate for the loss of tree cover and the damage from many acres of impervious surface added related to Truck Terminals. It is likely that the watershed quality will be damaged, and each additional Truck Terminal will exacerbate this damage even further. While the loss will result in irreversible watershed damage, it will also damage the recreation, tourism and economy once afforded by these natural resources in Kidder Township.

Air Quality and Odor (Diesel Emissions), and Noise

Some states in the USA are ahead of Pennsylvania with respect to regulation of Truck Terminals. The CA South Coast Air Quality Management District adopted Rule 2305 in 2023 that regulates trucking emissions from warehouses with the aim to reduce harmful air emissions. Over the last decade, large warehouses and logistics centers have sprouted up across Southern California attracting thousands of heavy-duty trucks that release smog-forming nitrogen oxides and carcinogenic diesel exhaust. Data show that living within 2.0-miles from

warehousing greater than 100,000 sq ft can cause adverse health from diesel emissions. And multiple warehouses have a cumulative effect. How does that apply to Kidder Township?

Table 2		
Facilities and Homes in Kidder Township within two miles of the PNK5 and BRRE #2 Truck Terminal		
Site	**Distance to PNK (miles)**	**Distance to PNK (feet)**
Matz Pass & Moseywood Rd Homes	1 mile	5,371
Split Rock Country Club	.62 miles	3,281
Jack Frost National Golf Club	.79 miles	4,163
Willowbrook Building 6	.6 miles	3,159
Top of East Mountain, Jack Frost	1.97 miles	10,481
Site	**Distance to BRRE Lot #2**	**Distance to BRRE Lot #2**
Jack Frost National Golf 2	.81 miles	4,299

Thousands of heavy-duty trucks per day could be traveling Rte. 940, releasing smog-forming nitrogen oxides and carcinogenic diesel exhaust into the air. Truck diesel exhaust includes the following components:
Benzene is a colorless, flammable gas that has a sweet smell.
Nitrogen oxides (NOx) are a category of molecules that are generally colorless with a harsh odor.
Carbon monoxide (CO) is a colorless and odorless gas.
Ozone is a gas that ranges in appearance from colorless to blue and has a similar smell to chlorine.
Related to air quality, BRRE Lot #2 says:
"Truck traffic is the only anticipated impact on air quality and odor. The proposed use as a warehouse does include manufacturing. Trucks will not be permitted to idle when parked. They will enter the site to drop off and pick up trailers. The vehicular trips per day are anticipated to be 466 cars and 252 trucks total 718 trips as provided to PennDOT. The air quality during construction is affected by the use of construction equipment. The change in air quality is expected to be minimal as current construction equipment meet requirements set by the EPA."

But there are no measurement metrics or science assigned to this answer; it is strictly a guess, which is not acceptable to Kidder Township residents. BRRE Lot #2 Permit should not be approved by the KT Board of Supervisors without sufficient data analysis.

Truck Noise:
Idling diesel trucks emit noise at 85 dBA (decibels) measured at a distance of 50 feet. In general, noise decreases 6 decibels for every doubling of distance from a source. So, if truck noise level is 85 decibels at 50 feet, then it would be 6 decibels lower or 79 decibels at 100 feet, 73 decibels at

200 feet, 67 decibels at 400 feet, and so on. And that's one truck! How about a six or twelve at the same time?
Kidder Township residents and visitors will be receptors of the diesel exhaust and noise emissions. The Kidder Township eCode360 requirements require an assessment of air quality and odor, and noise levels above existing levels, expected to be generated at the site, including the source and magnitude, during and after construction.
Other municipalities now call for identification of all stationary and mobile sources of fine particulate matter, volatile organic compounds, and nitrogen oxides at the site with mitigation measures to be undertaken.
Environmental and community consequences of this project nor consequences have been discussed or provided by the Developer.

No description of proposed use, including location, relationship to other projects, or proposals, with adequate data were provided to assess the project impacts on Kidder Township. It does not include a comprehensive description of probable future effects on the proposal. It does not consider the potential regional effects or ecological interrelationships.

There is no discussion of cumulative impacts, which is required under the National Environmental Policy Act, as defined," the impact on the environment which results from the incremental impact of the action, when added to other past, present, and reasonably foreseeable future actions, regardless of what agency, federal, or non-federal, or person, undertakes such other actions."

The Traffic Impact Study is from 2019 and it was prepared for Exeter #1. The data are outdated. The Developer submitted the 2019 traffic impact study for Blue Ridge #2 as well, now five years later. The Traffic Impact Study should be updated, stipulating that an update is expected to include all traffic data from Exeter #1 and #2 in a cumulative manner, a total of 2,462 average daily trips with 230 trucks at both a.m. and p.m. peaks, and should also include the truck traffic from the PNK-5 project as well. Please see the chart below that illustrates the concern of many residents.

Land Use-Warehouse	**Size (sq.ft.)**		**Av.Daily Trips**	**AM Peak**	**PM Peak**
BRRE Lot 1 (TT#1)-done	**1,100,000**		**1626**	**145**	**148**
PNK-5 (TT#2) – in construction	**739,050**		**1035**	**59**	**74**
BRRE Lot 2 (TT#3)	**420,000**		**836**	**85**	**88**
	Total	**2,259,050**	**3,497**	**289**	**310**

The land development plan states soil planting shall have lime and fertilizer, applied in accordance with liming recommendations per soil test recommendations; so chemical additives will be used that can be detrimental to the Black Creek and unnamed tributaries (UNT). Runoff from the site will drain to Black Creek and UNT to Black Creek, which is classified in Chapter

93 as a High Quality-Cold Water Fish stream. Chemicals will also be introduced by the intense truck traffic planned, and also potentially by the materials stored in the truck terminal.

Extremely limited assessments of the impact on various animal life and habitat was performed and deemed inadequate to many.

"A seasonal high water table with depth ranging from 1.33 to 4.42 feet below the ground surface exists. Residents with properties adjacent to Blue Ridge #1 are all already reporting ponding in their yards and flooding in their basements, suggesting insufficient stormwater management of Blue Ridge #1. Residents with property adjacent to Blue Ridge Lot #2 expect similar effects.

The eCode360 Ordinance requires existing law enforcement capabilities of the township and state shall be assessed, and the impact of the proposed development on said law enforcement agencies, along with actions proposed to mitigate any burdens created by the development. This was not done.

Assessment of existing community facilities and services was not done and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.

A description of alternatives to the proposed use was not provided, including a statement of any adverse impacts which cannot be avoided, environmental protection measures to minimize damage to critical impact areas, and a listing of steps proposed to minimize environmental damage to the side and region during and after the construction.

Any use or development of steep slope areas shall be considered a conditional use. The Developer shall demonstrate that the proposed development cannot be accomplished on areas of the lot where the slope is less than 25%. Because this site is characterized with a seasonal high water table and steep slopes, it should be avoided.

In a letter dated 2/19/2019 from the PADEP Clean Water Program Manager to the Kidder Township BOS, it is stated that, "If wetlands, vernal pools, open water areas, streams, or ponds within the area within 300 feet of these water features are to be disturbed from the project activity a more thorough evaluation will need to be conducted of the potential adverse impacts to the species of concern." BRRE has stated that "the project is 800 feet from the HQ-CWF, MF Black Creek and UNT and therefore does not present a concern". However, this is purely an assumption without data to support it and raises a question about consistency with the PA Clean Streams Law (CSL). Water quality may not be lowered to less than the level necessary to fully protect the fishable status of Black Creek. This calls into question whether PA DEP has given full attention to the topic of anti-degradation with the NPDES permit in this special protection watershed.

Concern is raised that the 1.1 million sq.ft. truck terminal permitted by PA DEP at 880 Rte. 940 along with this additional 420,000 sq.ft. terminal to be built as BRRE Lot #2 will further threaten this high quality watershed in Kidder Township. We request that the PA DEP follow-up with independent water quality testing before issuing a final NPDES Permit. The PA DEP should

also immediately start requiring monitoring of water quality, possibly as conditions in these permits, not just for the surface waters, but also the groundwater. Before and after tests should take place (Baseline conditions at least prior to the beginning of construction. PA DEP needs to better prioritize water quality protection from these uses in the Poconos region (the middle and upper Delaware in particular), as over 15 million people downstream literally draw directly from the Delaware river for their drinking water.

NPDES permits for high impact uses in the Poconos fail to protect water quality and prevent degradation. These NPDES permits also fail to address antidegradation measures throughout, for example, conditions in the NPDES permit. It's not good enough to just monitor hydrology. The PA DEP should reconsider taking the policy position of publishing "intent to issue" deficient permits; publishing a draft deficient permit, with a letter clearly detailing numerous deficiencies is confusing.

The Upper Lehigh watershed, and others in the Poconos and upper Delaware Watershed are some of the last remaining pristine waterways in the entire state. Many other waterways in the state are influenced by fracking wastewater, acid mine drainage, or other pollutants. The Poconos is fortunate and contains unique plateau habitat, and an abundance of exceptional value and high quality wetlands. These HQ and EV special protection designated watersheds in the state must be treated much differently than a permit in a place like parts of Southeastern PA. It's not reasonable to compare a NPDES Permit here with other locations that struggle to harbor abundant fresh water species like brown and brook trout. Has PA DEP given the full attention to the topic of antidegradation with its NPDES Permit in special protection watersheds for these high impact large scale projects? Will a basic NPDES permit be protective enough for the receiving water quality?
In addition to offering these comments and requesting a public hearing, please extend the end of 30-day comment period, from May 26th. Our residents deserve a hearing to speak to the PA DEP about the deficient NPDES permit and on the water quality degradation impacts to Black Creek and surrounding tributaries that will ensue if this third warehouse is built in Kidder Township in a short 2.2-mile distance.
I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661.

I'm going to refer to a limit or threshold beyond which the municipality may face challenges related to infrastructure strain, environmental concerns, land use conflicts, and community impact due to an excessive concentration of warehouse distribution centers. Even though this does ot specifically pertain to the stormwater permit you will be responsible for approving, the system of regulatory approval comes to rest with the PA DEP. Perhaps the regulatory approval process needs to be updated.
Kidder Township is facing overbuilding of truck terminals along Rte. 940 in a short 2.2 mile distance, with the threat of 3,500 truck trips per day. This will affect not just Kidder Township, but the surrounding boroughs and Townships in Carbon, Monroe, and Luzerne Counties, as well as cause damage to the Lehigh River and Black Creek watersheds..

Factors contributing to the determination of a saturation point include:

1. **Infrastructure Capacity: ** The ability of existing roads, utilities (water, sewer, electricity), and transportation networks to support additional warehouse developments without becoming overburdened.

2. **Environmental Impact: ** The cumulative impact of multiple distribution centers on local ecosystems, water resources, air quality, and wildlife habitats.

3. **Community Concerns: ** Increased traffic congestion, noise pollution, potential safety hazards, changes in property values, and impacts on quality of life for residents living near these facilities.

4. **Zoning Regulations and Land Use:** Municipalities often have zoning regulations and comprehensive plans that outline land use goals. If these plans designate specific areas for industrial or commercial use, exceeding these designations could raise concerns about overdevelopment.

5. **Economic Considerations:** Balancing economic growth from warehouse development with other economic activities and the potential saturation of the local market for such facilities.

Saturation point policies need to be implemented to prevent damage on infrastructure, the environment, and the community.

Thank you for the opportunity to submit these comments to DEP.

Response:

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STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District (“Army Corps”) performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

RIPARIAN BUFFERS

There are no streams onsite, so a riparian stream buffer could not be implemented on site.

ENDANGERED SPECIES

Applicants are required to provide to the Department proof of consultation with the Pennsylvania Natural Heritage Program (“PNHP”) regarding the presence of a State or Federal threatened or endangered species on the project site. Consultation occurs with the PA Game Commission (“PGC”), the PA Department of Conservation and Natural Resources (“DCNR”), the PA Fish and Boat Commission, and the U.S. Fish and Wildlife Service (“USFWS”). Applicants are required to address and resolve potential conflicts with threatened and endangered species prior to issuance of the NPDES Permit.

The Pennsylvania Natural Diversity Inventory (“PNDI”) yielded an “Avoidance Measure” issued by the USFWS within the project area, involving conducting tree cutting, disturbance, inundation, and prescribed burning from October 1 to March 31. DCNR has identified no impact with a conservation measure, which is to buffer the wetland habitat.

The project has been designed in a way that preserves the wetland, including adding a

buffer around the wetland. In addition, the requirements from the USFWS have been added to the plan.

ANTIDEGRADATION ANALYSIS

Erosion and Sediment Control (E&S) Plan
Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate, and water quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites which contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which is proposed to be preserved in the project design.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing environmental impact by preserving natural resources. The alternate configuration allows for increased size of above ground basins to conservatively control runoff during construction. The basins will be constructed earlier in the construction sequence so that when impervious areas are constructed, the additional runoff will be directed to the basins to address runoff volume, rate, and water quality.

The E&S plan also includes a specific sequence of construction that limits extent/duration of disturbance to the minimum necessary to construct the improvements.
An alternative location of discharge was utilized by specifically directing discharges to existing drainage paths.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Antidegradation best available combination of technologies (ABACT) erosion and sediment control (E&S) best management practices (BMPs) that have been incorporated into the project to provide antidegradation compliance for E&S during construction include the following:

- Sediment Basin with Skimmer - The sediment basin has been designed with a skimmer, with a length to width ratio greater than or equal to 4:1, and a detention time of 4-7 days to increase the efficiency of the sediment basin by allowing more opportunity for suspended solids to fall out of the solution.
- Immediate Stabilization - Upon temporary cessation of earth disturbance activity for more than four days, the project site will be immediately stabilized with temporary seeding and mulching.
- Vegetative Conveyance - The stormwater conveyance system includes channels that will

be lined with permanent vegetation, rock, geotextile, or other non-erosive materials to help prevent erosion. Where permanent vegetation is specified, temporary matting will be installed to prevent erosion until vegetation is established.

Post-Construction Stormwater Management (PCSM) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm following earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites that contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which has been preserved.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing negative environmental impact by preserving natural resources. The detention basins, along with rain gardens and infiltration berms, will implement the infiltration non-discharge alternative by reducing runoff volume and rate to less than predevelopment levels and improve water quality when compared to predevelopment conditions.

Low impact development was utilized by only developing the minimum area necessary, while leaving a large area of the site wooded that could have been developed with additional trailer parking areas and building expansion. An alternative location of discharge was utilized by directing discharges to existing drainage patterns.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Water reuse was not utilized as there is no need for water on site other than drinking water.

ABACT PSCM BMP's that have been incorporated into the project to provide antidegradation compliance following earth disturbance activities include the following:

- Dry Extended Detention Basins - Dry extended detention basins will be utilized to temporarily store and attenuate stormwater runoff and provide pollutant treatment through settling and evapotranspiration.
- Rain Gardens - Stormwater runoff will be directed to several rain gardens. The rain gardens will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering and converting sediments, nutrients, and other chemicals in the runoff.
- Infiltration Berms - Stormwater runoff will be directed to surface infiltration berms. The infiltration berms will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering, and conveying sediments, nutrients, and other chemicals in the runoff.
- Street Sweeping - Street sweeping removes larger debris and smaller particulate pollutants, preventing this material from clogging the stormwater management system and washing

into receiving waterways.

CUMULATIVE IMPACTS:

DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

Commenter #16:

On behalf of the Members and the Board of Directors of APWC, we wish to submit the following concerns regarding the Blue Ridge Real Estate Lot #2 Draft NPDES Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Road, White Haven, PA 18661.

The Black Creek watershed and Tobyhanna Creek provide critical habitat for many species of plants and animals, including some threatened and endangered ones. Lot 2 Site, wetlands A is a palustrine emergent/ shrub scrub (PEM/SS) wetland. It is part of the Black Creek Watershed, a tributary to the Lehigh River. The Pennsylvania Code, Title 25, Chapter 93, Water Quality Standards assigns streams within this section of the Lehigh River Watershed a water quality designation of High Quality- Cold Water Fishery, Migratory Fishery (HQ-CWF, MF). The Pennsylvania Fish and Boat Commission (PAFBC) lists Black Creek as a stream section that supports natural reproduction of trout. Streams and wetlands with this designation must be protected unless there is a compelling social or economic justification for their degradation. We see no evidence of this as there are already two distribution centers (one operational and one currently under construction) in the immediate area. Mere profit motive or greed are NOT appropriate justifications! The facility being debated here is 420,000 square feet and involves over 46 acres of earth disturbance. The creeks and wetlands are being threatened by the cumulative impacts of all of this development. Habitat is being fragmented and diminished due to clearcutting many acres of forested lands and the alarming increase in impervious surfaces of parking lots and roofs. All of this disrupts natural drainage patterns since stormwater runoff is the direct result of rainfall not being able to soak into the pervious earth surface. This water now needs to be managed by man-made controls such as detention ponds, swales, etc. Science and past experience have shown us that these “Best Management Practices” will never replace forested areas in protecting water quality. Residents with properties adjacent to Blue Ridge #1 are already reporting ponding in their yards and flooding in their basements, suggesting insufficient stormwater management of runoff from Blue Ridge #1. Residents with property adjacent to Blue Ridge #2 expect similar effects. Any nearby homeowner with a well may end up with contamination in their water supply.

Stormwater runoff from impervious surfaces is now recognized as a leading cause of impairment to our shared water resources. Stormwater running off of hot roofs and macadam will result in the thermal degradation of adjacent wetlands and streams. Add to that the list of pollutants that it will carry, including but not limited to: petroleum hydrocarbons, heavy metals, fluids from

vehicles such as oil, transmission and brake fluids, carcinogens such as PFAS chemicals and dioxins, plus corrosive deicing salts and the sediments resulting from earth disturbance. This is a recipe for not only the degradation of water quality, but the resulting negative impacts on the ecosystems and food chains that currently exist in this area. High Quality and Exceptional Value waters and wetlands are a precious and valuable resource which will be lost forever if they are not protected for us and for future generations.
The website of Kidder Township states that it is "A nice place to live, work and play!" When you enter Kidder Township you are entering the front door of the Poconos. The website promotes the forests, state parks, state game lands, resorts and recreational opportunities in the area. Visitors come for these activities and opportunities. None of these will benefit from the proliferation of giant distribution centers. While the focus of this hearing is the NPDES Permit, we feel that the economic impacts to nearby residents and businesses relying on tourists and visitors (such as decreased property values, possible well contamination, increased truck traffic, etc.) need to be acknowledged.
In Conclusion, APWC Members strongly urge the DEP to deny the proposed permit. We urge DEP to protect Pennsylvania's precious natural resources from harmful degradation, and we thank you for the opportunity to express our concerns on this important matter.

Response:

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By

meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

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Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and

supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2 year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

ENDANGERED SPECIES

Applicants are required to provide to the Department proof of consultation with the Pennsylvania Natural Heritage Program ("PNHP") regarding the presence of a State or Federal threatened or endangered species on the project site. Consultation occurs with the PA Game Commission ("PGC"), the PA Department of Conservation and Natural Resources ("DCNR"), the PA Fish and Boat Commission, and the U.S. Fish and Wildlife Service ("USFWS"). Applicants are required to address and resolve potential conflicts with threatened and endangered species prior to issuance of the NPDES Permit.

The Pennsylvania Natural Diversity Inventory ("PNDI") yielded an "Avoidance Measure" issued by the USFWS within the project area, involving conducting tree cutting, disturbance, inundation, and prescribed burning from October 1 to March 31. DCNR has identified no impact with a conservation measure, which is to buffer the wetland habitat.

The project has been designed in a way that preserves the wetland, including adding a buffer around the wetland. In addition, the requirements from the USFWS have been added to the plan.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

Commenter #17:

Please deny the permit for the BRRE Lot#2, Draft Permit #PAD 130044

Our environment will be heavily impacted by an additional warehouse.

Please deny this permit.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

Commenter #18:

My name is Michael Schirra. I am a member of the group Save Carbon County which has been fighting the overdevelopment of warehouses in our county. I am a long-time resident of Carbon County and a retired union carpenter.

Carbon County's economy depends on our area's pristine streams, our Lehigh River and an attractive environment. The Carbon County environment brings over $800 million in value to this county per year and hundreds of jobs into our local economy. $108 million of that value is direct revenue from eco-tourism and outdoor recreation. Our economy depends on our

environment including our beloved cold water Fishes.

Warehouses like BRRE Lot#2 threaten our local economy because they detract and damage the environment. They bring low-paying jobs that expose workers to high rates of injuries from the forced fast pace. And those jobs are diminishing as people are replaced with robotic workers. I know I was fortunate to have a union representing me. These warehouse jobs don't even respect workers and require workers to wear monitors to ensure that they are moving at the fastest pace. We do not need these jobs and this type of employer.

I know that The Department of Environmental Protection's mission is not protecting businesses nor workers, but you are charged with protecting our natural waterways and our environment. And I urge you to use every tool available to protect the Poconos and other exceptional environments from the proliferation of warehouses.

The tools available to you include the approval of National Pollutant Discharge Elimination System permits or NPDES permits. Protecting the Lehigh River watershed should be part of the consideration that determines your approval of these permits. One of the most impactful sources of pollution and damage to our streams and wetlands is stormwater run-off. This problem is not a township-by-township problem or even a county-by-county problem. Over 2 million sq. feet of warehouse development has been approved in Kidder Township but just across the county line in Monroe County warehouse development of at least that size and greater is being developed. It is all the same watershed. And that watershed is in danger.

Our Lehigh River has been named to number seven on the list of most endangered American rivers and warehouse development with its vast areas of impervious surface has been cited as the culprit. Only an agency like The Department of Environmental Protection has the scope to deal with this issue. I urge you to consider the status of the watershed when approving individual NPDES permits and I urge you to make your NPDES requirements significantly more rigorous.

Testimony (additional comments)
One thing I also would like to address is there was comments made about the truck traffic. The increase of the truck traffic is detrimental to communities such as this. North Street here, we had a runaway truck years ago that plowed into a house, leveled a house, killing a man right here in this community here.
Just if you read tonight's newspaper, the Times News, you'll see right on page one, runaway truck running down 903 or 993 at Nesquehoning. We don't need any more of this. Please. These roads can't take this. I thank you for your consideration.

Response:

STORMWATER MANAGEMENT
The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed

utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing

Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #19:

I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661. While my concerns are about the diesel exhaust emissions and noise are not specifically related to stormwater management, given that the purpose of a stormwater management program is to assure surrounding waterways are protected, diesel exhaust is extremely relevant.

Did you know that on December 14, 2023, a US federal judge allowed the South Coast Air Quality Management District's (SCAQMD or the District) to adopt Rule 2305 (Rule), upholding the first-in-the-nation Rule that regulates trucking emissions from warehouses?
Living 0.5 to 2.0-miles away from warehousing greater than 100,000 sqft can cause adverse health from diesel emissions. In kidder Township, that includes:

· SR Golf Club

· JF Golf Club
· Willowbrook Bldg #6
· Private homes along Corson Drive and Matz Pass
· and Jack Frost East Mtn ski slope are all within that distance.

Are Kidder Township residents ready for thousands of heavy-duty trucks that release smog-forming nitrogen oxides and carcinogenic diesel exhaust?

Over the last decade, large warehouses and logistics centers have sprouted up across Southern California to accommodate the boom in e-commerce and goods movement. These facilities have attracted thousands of heavy-duty trucks that release smog-forming nitrogen oxides and carcinogenic diesel exhaust. The SoCal air district's sweeping enforcement action prioritized noncompliant warehouses located in disadvantaged communities, including the Inland Empire, where residents endure the worst smog pollution in the nation, with over 100 violations. This could be Kidder Township in 1-2 years.

A number of warehouses operated by Fortune 500 companies were among the list of violators cited by the SoCal air district, including: a Boeing facility in El Segundo; a UPS facility in Sylmar; a Home Depot logistics center in Irwindale; a Target distribution center in Rialto, two Wayfair warehouses in Perris; and a Costco in Jurupa Valley.

Another important thing to remember is that these warehouses are located in a valley between Jack Frost Mountain and Big Boulder. How will that affect dissipation of the pollutants?

Benzene is a colorless, flammable gas that has a sweet smell.

Nitrogen oxides (NOx) are a category of molecules that are generally colorless with a harsh odor.

Carbon monoxide (CO) is a colorless and odorless gas.

Ozone is a gas that ranges in appearance from colorless to blue and has a similar smell to chlorine.

This is exactly what Kidder Township is facing. And warehouse/distribution centers often break rules. Who will monitor them? How often?

Additionally, idling diesel trucks emit noise at 85 dBA (decibels) measured at a distance of 50 feet. In general, noise decreases 6 decibels for every doubling of distance from a source. So, if truck noise level is 85 decibels at 50 feet, then it would be 6 decibels lower or:

79 decibels at 100 feet,
73 decibels at 200 feet,
67 decibels at 400 feet and so on.

And that's one truck. How about a dozen? A hundred? 3,500? Warehouses operate around the clock. That's around-the-clock truck noise!

Thank you for the opportunity to submit these comments to DEP.

Response:

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after

the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

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The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

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- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.

- Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #20:

We live at the end of Dotter Lane off Rt 940 in Kidder Township. The ID logistics warehouse extra trailer parking lot is a hair’s throw from our property. The sewer line runs behind our place. When they put it in they built it up so there is no natural run off…. We now have two ponds behind where our sand mound is located the trees in the area are drowning in water that does not run off. The water runs down our lane and we are forever regrading our lane from the deep grooves. Once it passes our shed it pools because they have blocked the natural water run off. We complained since this horrendous building and lot they put in. I had watched them bury cement and black top at the edge of parking lot closest to us. We put up with noise at 4 am from said parking lot when they stored extra trailers. They put this parking lot right up against our homes. No buffer for noise or the lights from the lot. I am sending you a video of this water running that winds up in these ponds that have been created. The trees in the area are hundreds of years old and will eventually uproot. These are dangerous I have videos of their burying trash, cement, blacktop etc. warehouses do not belong in places where older people planned on retiring in the quiet used to be beautiful pocono mountains. Our roads cannot handle the tractor trailers, they speed up and down truck 940 now.

Response:

PROJECT/REGULATORY EVALUATION

The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction

pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #21:

Air Pollution
Effects on Humans

On December 14, 2023, a US federal judge allowed the South Coast Air Quality Management District to adopt Rule 2305, upholding the first-in-the-nation Rule that regulates trucking emissions from warehouses.

Living 0.5 to 2.0-miles away from warehousing greater than 100,000 sqft can cause adverse health from diesel emissions. In Kidder Township, that includes:

- Split Rock Country Club
- Jach Frost National Golf Club
- Willowbrook Building #6,
- Private homes along Corson Drive and Matz Pass (I live on Matz Pass.)
- Jack Frost East Mountain ski slopes (I ski East Mountain.)

All are within that distance.

Over the past decade, large warehouses and logistics centers have sprouted up across Southern California to accommodate the boom in e-commerce and goods movement. These facilities have attracted thousands of heavy-duty trucks that release smog-forming nitrogen oxides and carcinogenic diesel exhaust. The Southern California air district's sweeping enforcement action prioritized noncompliant warehouses located in disadvantaged communities, including the Inland Empire, where residents endure the worst smog pollution in the nation. They found over 100 violations. This could be Kidder Township in 1-2 years.

A number of warehouses operated by Fortune 500 companies were on the list of violators cited by the Southern California air district, including:

- a Boeing facility in El Segundo;
- a UPS facility in Sylmar;
- a Home Depot logistics center in Irwindale;
- a Target distribution center in Rialto;
- two Wayfair warehouses in Perris;
- and a Costco in Jurupa Valley.

Another important thing to remember is that these warehouses under consideration are located in a valley between Jack Frost Mountain and Big Boulder Mountain. How will that affect dissipation of the pollutants? Also, my home is at 1800 feet above sea level. What effect has that altitude on the concentration of pollutants like:

- Benzene.
- Nitrogen oxides (NOx).
- Carbon monoxide (CO).
- Ozone.

This is exactly what Kidder Township is facing. And warehouse/distribution centers often break rules. Who will monitor them? How often?

Wildlife

Diesel exhaust also has detrimental effects on wildlife, particularly on insects and other small organisms. These are some impacts:

- Diesel exhaust pollutants can impair bees' ability to recognize floral scents, which is crucial for their foraging and pollination activities. This can contribute to phenomena like Colony Collapse Disorder.
- Bumblebees: Exposure to diesel exhaust particles can alter the gut microbiome of

bumblebees, weakening their immune systems and increasing mortality rates.
- Invertebrates: Diesel exhaust can reduce the abundance and diversity of invertebrate communities, affecting the overall ecosystem balance.
- General Wildlife: Diesel particulate matter contains harmful substances like polycyclic aromatic hydrocarbons (PAHs), These can cause respiratory and other health issues in various animals.

Plants

Diesel exhaust can also have harmful effects on plant life:
- Emissions from diesel engines contribute to the production of ground-level ozone, which can damage crops, trees, and other vegetation. This ozone can interfere with photosynthesis, reduce growth, and cause visible injury to leaves.
- Diesel exhaust can alter the blend of floral volatiles, which are the scents that flowers emit to attract pollinators. This can disrupt the interaction between plants and their pollinators, potentially affecting plant reproduction.
- Direct exposure to diesel exhaust particles can cause physical damage to plant tissues, leading to reduced growth and vitality.

These effects highlight the broader environmental impact of diesel emissions, beyond just human health concerns

Noise Pollution

Additionally, idling diesel trucks emit noise at 85 dBA (decibels) measured at a distance of 50 feet. In general, noise decreases 6 decibels for every doubling of distance from a source. So, if truck noise level is 85 decibels at 50 feet, it would be:
- 79 decibels at 100 feet,
- 73 decibels at 200 feet,
- 67 decibels at 400 feet,
- Around 45 decibels at a mile.

And that's one truck. How about a dozen? A hundred? 3,500? Warehouses operate around the clock. That's around-the-clock truck noise!

Additionally, trucks breaking can generate a great deal of noise. I-80 is below ground level in relation to my home, so there is some abatement. My sleep, though, is often disturbed by trucks breaking. Route 940 is at the same level as my home, with nothing to block the noise. Frankly, I would rather hear the crickets and katydids than trucks.

Summary

This will be our third such center. Please keep in mind their combined effect.
Please help us to keep Kidder Township a healthier, more pleasant place to live!

Response:

PROJECT/REGULATORY EVALUATION

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The Department does not have the authority to assess the demand for warehouses.

Commenter #22:

You will receive more technical detail from qualified Subject Matter Experts concerning this matter, but I'm writing about the Engineering Compliance Review of Blue Ridge Real Esatate Lot #2 PADEP #PAD130044 Permit by Michele Adams, PE LEED AP, President, Meliora Design. Ms. Adams conducted a compliance review of the Permit Application and found considerable design errors in the submission.

Meliora Design Engineering firm report states:

"They should not get an NPDES permit from DEP for this stormwater plan". They are estimating a net increase in runoff volume of 179,931 cubic feet and claiming two ways that they are managing volume:
They have a series of "infiltration berms" in the woods. The challenge is that woods will not generate the same annual volume of runoff that impervious surfaces generate. So ½ inch of rain on the roof will generate close to ½ inch of runoff every single time it rains. The woods would be able to absorb much if not all of that runoff, so when it rains in the woods there is little or no

runoff and nothing to "capture" unless it rains a large amount. So, it's not "apples to apples". Capturing runoff from the woods (where there is much less runoff) does not equal capturing runoff from the impervious surfaces such as roofs and pavement that turn virtually all rainfall into runoff. On an annual volume basis those are very different numbers.
The remainder of the volume is to be managed by "evaporating" from the detention basins (with the exception of some rain gardens), but again, the math does not hold up and the design would have to be very robust to support that this would work – I don't see that on the plans.
This is from the NPDES application: 16 test pits, 82 hand augers, and 38 infiltration tests were performed in the hydrologic D and D soils in the vicinity of the developable area in an extensive and prolonged attempt to find areas suitable for infiltration BMPs; however, the testing resulted in very low infiltration rate areas interspersed with 15 test locations resulting in a rate of zero. Due to the unreliable infiltration capabilities of the soils, the site was designed utilizing evapotranspiration BMPs in the vicinity of the development and woodland infiltration berms upslope of the development in an area with Hydrologic B soils."

I urge the PA, DEP to deny the final NPDES permit, PAD130044, for the Truck Terminal/Distribution Center/Warehouse project, Blue Ridge Real Estate, Lot #2, Rte 940/Francis Walter Dam Road.

The Department of Environmental Protection's mission statement is to protect Pennsylvania's air, land, and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of Pennsylvania Constitution).

Over the last 2 years, there have been at least 5 DEP hearings in surrounding townships concerning NPDES permitting for this type of threating development to our environment and communities. Despite the pressure you must be under to expedite all these permits, please scrutinized them and consider the overall effect to our Pocono area.

The addition of this Truck Terminal will result in over 2.2 million $ft.^2$ of warehouse space in Kidder Township along route 940 and will result in an estimated 3,400 vehicles per day. One existing TT is located 0.3 miles from the Francis E. Walter Dam entrance road. This third TT is only 800 feet from the High-Quality Black Creek, named one of the best trout streams in PA. These TT's will have a detrimental impact on multiple watersheds, including Black Creek and the Lehigh River.

In 2023, the American Rivers association named the Lehigh River as one of the 10 most endangered rivers in the U.S., because of the explosive growth in the past few years of warehoused that rim the watershed. This type of development will also adversely affect the entire Pocono watershed, air quality, lives of residents and cannot be viewed in isolation.

Are we doomed to repeat the mistakes of the Lehigh Valley and then react to the damage we have caused? When we allow for the pervasive and unchecked development of warehouses, we are choosing corporate profits and convenient consumption over healthy communities and a healthy environment.

In closing, considering all the comments and testimony you have received and will hear this evening from engineers, environmental attorney's, environmental organizations and concerned citizens along with the American Rivers review of the Lehigh River and how it is tied to this area. I'm certain there is enough evidence NOT to approve the final NPDES permit, PAD130044. If you do approve, you must require ongoing water quality monitoring to ensure that the existing quality of the receiving streams is maintained.

Response:

The technical deficiencies identified by the Carbon County Conservation District and DEP were addressed by the applicant in the subsequent resubmissions. The District and DEP reviewed the resubmissions and determined they satisfied the regulations and requirements of 25 Pa. Code Chapter 102 and other applicable laws, rules, and regulations.

PROJECT/REGULATORY EVALUATION

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Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

WOODLAND BERM AND SMALL RUNOFF EVENTS

A Supplemental PCSM Report has been developed to specifically address concerns about small

storm runoff events. The Supplemental Report demonstrates that lesser storms will be treated via the BMPs onsite, even when the infiltration berms are receiving little to no runoff. This is the result of directing 95% of proposed impervious coverage towards a treatment BMP.

Commenter #23:

Colleen, the DEP meeting was excellent and I believe there were many reasons that permit should be rejected. Who am I? My name is Bill Hudak. I am a board member of the Lehigh River Stocking Association. I'm retired and enjoy the great outdoors here in NEPA. I grew up in the Lehigh Valley but left there to live in Albrightsville for 27 years. For the last 7 years I've called Andreas home.
I believe we've reached a tipping point on these warehouses and once they are built there's no going back! The chemicals in the runoff will wipe out the Black Creek and carry on into the great fishery of the Lehigh River. The river is in the best condition in my lifetime and I would love to see it stay that way!
Noise, lower property values and wear and tear on the roadways are undeniable facts that will happen. I can only speak for the 500 plus members of the LRSA when I say "The Department of Environmental Protection has the words environmental protection in its name, please protect these vulnerable waterways! Thank you.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

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municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

Commenter #24:

I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661.

Despite Encroachment on the Black Creek High Quality Stream and related watershed water quality, Commercial Developments Have Come to Kidder Township.

Over 30% of Pennsylvania's waterways are polluted and degraded. However, while there are pockets of clean, pristine creeks and streams, they are few. Only 2% of Pennsylvania's waterways are healthy enough to receive the DEP's special designation of Exceptional Value.

These are the cleanest, healthiest streams in the state. They have intact and abundant ecosystems and contain pure water. 80% of them can be found in the mountain, wetlands, and forests of the Poconos. These streams also bring about $3 billion in economic benefits to the region, according to a report released by the Our Pocono Waters campaign (Donna Kohut, Our Pocono Waters Campaign Manager).

According to an industry white paper, warehouse developers are looking to northeastern Pennsylvania to expand their empire for a few reasons - decrease in unionization of workers, lower wages, low taxes, and the land is cheap and abundant. While all of that is good for profit, it is very bad for the communities and the environment. Recent plans brought in front of municipalities demonstrate a willingness to build along Exceptional Value streams, which if done poorly, could permanently reduce water quality, threaten wildlife, and increase flooding.

The prevalence of warehouses reduces land values. Folks that live in the Poconos tend to have long-term ties to the region. For some, their house and property is their single source of wealth. It's been passed down through their family. But when a warehouse or distribution center abuts the property line, land value suddenly drops.

Local government officials in the Lehigh Valley and the Poconos realize that land use laws and zoning codes need to change to put an end to this expansion. The Municipal Planning Code was originally established to protect the health, safety, and character of communities. Every municipality must allow for every "use" included in the MPC. However, developers are taking advantage of the term "warehouse". When the term was initially included, distribution centers that take up one million square feet of land and boasted 800 daily truck trips were inconceivable. But because the term is included in the zoning codes, the use must be allowed. That's why municipal leaders are calling on state legislators to take action and change the codes.

When we allow for the pervasive and unchecked development of warehouses, we are choosing corporate profits and convenient consumption over healthy communities and a healthy environment.

Warehouse developers looking to northeastern Pennsylvania to expand their empire are doing so only for profit. It is very bad for the communities and the environment. Recent plans brought in

front of municipalities demonstrate a willingness to build along Exceptional Value streams, which if done poorly, could permanently reduce water quality, threaten wildlife, and increase flooding.

Thank you for the opportunity to submit these comments to the DEP.

Response:

PROJECT/REGULATORY EVALUATION

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The Department does not have the authority to assess the demand for warehouses.

Commenter #25:

My name is Bronne Bruzgo. I grew up in Carbon County and spent an enormous amount of my time in Kidder Township. I am now a homeowner in Kidder Township.

First, I would like to thank you for holding the public meeting in Jim Thorpe and hearing/listening to everyone's concerns regarding the third proposed warehouse along route 940 in Kidder Township. I would like to share my concern as well.

In my earlier days I was fortunate to be able to fish and catch/release wild/native brook trout in the Black Creek. That experience is second to none when fishing Pennsylvania's Class A trout streams. Naturally, I passed on this experience to my son as well. My concern is that route 940 crosses over a tributary to the Black Creek and the tire chemical 6PPD-quinone, proven to negatively impact/kill fish, released from the thousands of truck tires that will cross over this tributary daily will significantly kill and impact the reproduction of these wild trout. I currently have five grandsons age 5 and under. Here are my two oldest honing their fishing skills on a small pond. (pictures included in email).

It is my hope that I will be able to introduce all my grandsons to the experience of fishing wild brook trout on Black Creek. We cannot afford to lose anymore of these high-quality streams and fish as they are far and few between. I urge DEP to consider denying the permit for the proposed truck terminal located along route 940.

Again, I thank you for listening to everyone's concerns as well as mine.

Response:

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

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Commenter #26:

I am Robert M Cohen, MD. I bought my home in Split Rock in 1962 - 55 Lake Drive - as a second home to get away from the city way of life periodically. My Philadelphia and Split Rock addresses are above in my letterhead, as well as my Philadelphia phone number and my email address.
Since buy my Split Rock home, I have raised four children there including having them participate in water and snow skiing, swimming, hiking, etc. My Split Rock home has been a MAJOR part of my existence - and that of my wife and children. I wanted my children to be at home with nature as well at the City. I certainly did NOT buy the home to find myself in another industrial area. I bought it to be able to spend time with nature and all its benefits.

Truck warehouses are NOT part of what should be found in a rural, mountain area. Quite frankly, I am shocked to find out one warehouse has already been built on Rte 940 and a second is currently being built. I would ask you to do all you can to stop this type of commercialization from progressing any further. I certainly have no problem with warehouses being built in Wilkes Barre or Scranton or any other city. I DO have a problem with ANY type of commercialization being built in what is supposed to be mountainous countryside - other than basic human services we all need to live.

Thank you.

Response:

PROJECT/REGULATORY EVALUATION
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The Department does not have the authority to assess the demand for warehouses.

Commenter #27:

Citizens for Pennsylvania's Future ("PennFuture") submits these comments on the application of Blue Ridge Real Estate ("Applicant") for an NPDES Individual Permit for Discharge of Stormwater Associated with Construction Activities (PAD130044) ("Application") PennFuture is concerned about material inadequacies and omissions in the Application and urges the Department to take these comments into consideration and deny the requested NPDES permit.

PennFuture is a membership-based, non-profit, environmental organization that strives to protect our air, water, and land, and to empower citizens to build sustainable communities for future generations. A main focus of PennFuture's work is to improve and protect water resources and water quality across Pennsylvania, through public outreach and education, advocacy, and litigation, with particular emphasis on the Delaware River Basin.

PennFuture appreciates the Department's consideration of these comments and hopes they are helpful as the Department continues its review of the Application. Black Creek (HQ), which the Project would discharge to, is among the highest quality waters in the Commonwealth and is entitled under the law to the highest protections. The Department must prevent impacts that will degrade this special protection water.

I. ERRORS IN APPLICANT'S PCSM WORKSHEET INDICATE THAT VOLUME REQUIREMENTS WILL NOT BE MET

Applicant is not entitled to permit approval because material errors in its PCSM Spreadsheet indicate that the requirements of Chapter 102 will not be satisfied.

However, Applicant's PCSM Spreadsheet indicates that Applicant improperly claimed volume management credits for runoff from undisturbed areas and applied them to the runoff volume to be managed from the disturbed area. This has resulted in the illusion that Applicant had met the volume management requirement when, in fact, it has not.

The Department's PCSM Spreadsheet, which is used to determine whether an applicant has satisfied rate, volume, and water quality standards, is designed to account for only the disturbed area of the site.[1] Therefore, only runoff from disturbed areas is considered in the volume calculations, even if the total runoff volume routed to an applicant's BMPs includes runoff from undisturbed areas of the site being routed to the BMPs. For this reason, the total runoff volume for which Applicant can claim volume credit cannot exceed the total runoff volume from the disturbed area. This is because there is no credit available under 25 Pa. Code § 102.8(g) for the management of stormwater outside the disturbed area.[2]

According to the Post-Construction Conditions table on Applicant's Volume Management Worksheet (which appropriately includes only the 46.3 acres of disturbed area on the site), the total post-construction runoff volume from the disturbed area is 325,975 cf.[3] In Applicant's Volume Credits Table, the total runoff volume routed to the BMPs for which Applicant claims volume credit is 365,829 cf, nearly 40,000 cf more than the total runoff from the disturbed area. This cannot be. Applicant cannot claim credit for managing runoff beyond that which comes from the disturbed area.

To make matters worse, Applicant's Water Quality Worksheet indicates that the disturbed area of the site includes 7.12 acres of undetained area, generating 35,725 cf of runoff that that will not be routed to the BMPs. If this runoff is not routed to the BMPs, it cannot not be included in the total volume routed to the BMPs for purposes of calculating volume credits. This means the total possible volume for which Applicant can claim infiltration or evapotranspiration credit is 290,250 cf (325,975 cf total runoff from disturbed areas less the 35,725 cf that is not routed to the BMPs). Yet, somehow, Applicant is claiming credit for managing more than 75,500 cf in excess of this amount and applying that credit to the volume to be managed from the disturbed areas.

A significant part of the additional runoff volume for which Applicant claims credit appears to be that which is routed to Applicant's infiltration berms and retentive grading (BMP 9) (see PCSM Report p. 40). These berms largely occur upslope of the proposed development and capture runoff from outside the disturbed area, according to Applicant's PCSM plans. Because these berms capture runoff from outside the disturbed area, the volume routed to them cannot be used to obtain infiltration credit against the volume to be managed from inside the disturbed area. Furthermore, not only is the volume routed to these BMPs improperly included in the volume credit calculations, it is also suspiciously high given that the drainage area tributary to the berms is apparently only 0.10 acres according to the table. It is unclear why this 0.1 acre drainage area should generate 46,869 cf of runoff when, for example, the 16.15-acre drainage area tributary to BMP 1, an area over 160 times greater than the drainage area tributary to BMP 9, results in 166,922 cf of runoff, which is only 3.5 times the runoff volume supposedly routed to BMP 9.[4] The infiltration area of BMP 9 also appears to be greater than that indicated by the dimensions of the berms provided on page 40 of Applicant's PCSM report.

The consequence of these errors is that Applicant has inappropriately claimed an infiltration credit of 46,869 cf for BMP 9's management of runoff from outside the disturbed area and applied that credit to the runoff volume to be managed from inside the disturbed area. Applicant also claims additional credit for runoff from undisturbed areas that is being routed to other BMPs, as evidenced by the fact that removal of the 46,869 cf routed to BMP 9 does not fully account for the discrepancy between what Applicant claims is the total post-construction runoff volume in the Post-Construction Conditions table and what it claims to be routed to the BMPs in the Volume Credits table. Again, this cannot be done. If even just the credit for BMP 9 is removed, as it should be, Applicant is unable to satisfy the volume management requirement. The volume credits for the remaining BMPs (132,785 cf) fall 44,576 cf short of what is required to manage the net change in runoff volume from the disturbed area (177,361 cf). Reduction of the credits for other BMPs to reflect accurate volumes would only increase the deficit. The application should be denied on this basis.

II. APPLICANT SHOULD NOT BE PERMITTED TO CLAIM WATER QUALITY CREDIT FOR STREET SWEEPING

Applicant claims substantial water quality credit for "street sweeping of impervious areas." In order for to claim this credit, an applicant must develop a street sweeping program consistent with the Department's BMP Manual.[5] There is no evidence Applicant has done so. Applicant claims 85% reductions in TSS and TP and a 50% reduction in NO3 as a result of street sweeping.[6] While consistent with the pollutant removal efficiency percentage suggested by the Department's BMP Manual these high values appear to reflect a best-case scenario, with sweeping occurring at least weekly using specialized equipment. In fact, it is unclear why the Department allows applicants to claim such high pollutant removal efficiency for any street sweeping, as none of the multiple studies cited by the Department in its Stormwater BMP manual showed pollutant removal efficiencies anywhere near these values.

For Applicant's proposed street sweeping to achieve the high pollution reduction values claimed, Applicant must develop a rigorous street sweeping program, performing sweeping of all 12 acres of paved area on the site at least once weekly using a dry vacuum sweeper for optimal results. For this to be effective, Applicant also must ensure that the parking areas are free of vehicles during sweeping. Applicant has not provided any information about how it intends to guarantee that a street sweeping program of this nature will take place throughout the life of the proposed facility, especially given that Applicant is not the intended end user of the facility. Rather, the occupant of the facility is unknown and will likely change over time.

Given these concerns, it is inappropriate for Applicant to claim water quality credit for street sweeping, particularly when Applicant relies heavily on that credit to meet water quality standards. In the absence of any information regarding the street sweeping program to be employed at the facility and how it will be enforced, the Department should not allow Applicant to claim water quality credit for this activity. Because Applicant cannot meet the water quality standards without street sweeping, the Department should deny the Application for failure to comply with water quality standards. At a minimum, if the NPDES permit is granted, the Department must provide direction regarding the required street sweeping program and condition permit approval upon compliance with those requirements.

III. OTHER DEFICIENCES IN APPLICANT'S PCSM SPREADSHEET

In addition to the issues identified above, there appear to be several other errors or unexplained entries in Applicant's PCSM Spreadsheet that indicate that Applicant has not, in fact, satisfied Chapter 102's requirements.

The first apparent error is that the PCSM Spreadsheet identifies only one Post-Construction Discharge Point. DEP's PCSM Spreadsheet Instructions indicate that there should be a separate discharge point for each engineered structure, drainageway, and area of concentrated flow where runoff leaves a project site, except for areas of shallow concentrated flow that are controlled by perimeter BMPs during construction. The PCSM Plans and PCSM Report (pp. 309–314) indicate that there are at least two discharge points from the project site, one at each of two culverts under Walter Dam Road.

In addition, on the Volume Management sheet, Applicant claims that the pre-construction conditions include 0.56 acres of "Impervious Areas: Industrial," generating 5,972 cf of runoff volume. However, the Application indicates that the existing condition of the site is 100% wooded. It is unclear where this supposed existing impervious area is located. The runoff volume from this supposed impervious area is significantly higher than it would be if the area were correctly classified as wooded. Even if the wooded area were located in soil group D, the resultant runoff would be only 2,420 cf, less than half of the runoff from an impervious surface of the same area. The difference is even greater if the forested area is located in more pervious soils. The result of inappropriately designating this area as impervious in the pre-construction condition is that the the pre-construction runoff volume is artificially inflated and, consequently, the change in volume to be managed is artificially lessened. This is significant because, even if Applicant's infiltration and evapotranspiration credits are correctly calculated, those credits are barely sufficient to manage the net change in runoff volume. If the net change in volume to manage were increased by a mere 2,293 cf, as it would be if the 0.56 acres of "impervious" area were properly classified as forested, Applicant would no longer meet the volume requirements. This requires denial of the permit, especially in light of the other errors identified above.

THE APPLICATION LACKS SUFFICIENT INFORMATION TO ENABLE THE DEPARTMENT TO ENSURE ANTIDEGRADATION REQUIREMENTS ARE MET.

Applicant must demonstrate compliance with antidegradation requirements in addition to Chapter 102 E&S requirements.

Any person who proposes a point source discharge to an HQ water must demonstrate that the discharge will comply with the antidegradation regulations found in Chapter 93 of the Department's regulations, 25 Pa. Code §§ 93.4a–93.4d.[12] These antidegradation regulations are in addition to the other permitting program regulations found in Chapter 102. The rest of Chapter 102 "is about BMPs which are 'activities, facilities, measures, or procedures' aimed at controlling erosion and sedimentation." The antidegradation requirements are about "a detailed and specific preferential hierarchical process and procedure aimed at arriving at an outcome which will prevent degradation by all physical, chemical, biological parameters." "[T]he antidegradation regulations, applying as they do to preserving and protecting existing uses, cover more than do the Chapter 102 erosion and sedimentation regulations."

Chapter 93 and Chapter 102 outline "a very specific and particular process and procedure" which an applicant proposing a discharge to an HQ water "must follow in making certain affirmative demonstrations to the Department as a prerequisite to the Department's granting of a permit." This includes demonstrating that the nondischarge alternatives have been analyzed, that discharge is permitted only where cost-effective, environmentally sound nondischarge alternatives

are not feasible, and that the proposed discharge will "maintain and protect the existing quality of receiving surface waters" unless a social and economic justification for the degradation is provided. The Environmental Hearing Board ("EHB") has repeatedly counseled that "compliance with the laws against degradation means more than simply engaging in some exercise using labels such as 'antidegradation,' 'nondischarge alternatives,' and 'ABACT.'" It is "ultimately not about checking off boxes on form." The overriding requirement "is that the water quality of HQ and EV waters 'shall be maintained and protected.'"
The Project falls within the ambit of the antidegradation requirements, yet, as detailed below, the Department has not required, and Applicant has not made, the affirmative demonstrations required by Chapter 102 and Chapter 93.

Applicant has not demonstrated that cost-effective, environmentally sound nondischarge alternative(s) are not available.

Applicant and the Department have not analyzed alternative sites or site layouts.
The first step of both the Chapter 93 and the Chapter 102 antidegradation regulations is evaluation of nondischarge alternatives to the proposed discharge. This is a "threshold step" of the analysis, and nondischarge alternatives must be considered, regardless of the degree of degradation. Only if an applicant has demonstrated that an environmentally-sound, cost-effective, nondischarge alternative is not available is a discharge to an EV or HQ water permitted.

Given the importance of the nondischarge alternatives analysis, the Department has issued detailed guidance on this requirement in its Water Quality Antidegradation Implementation Guidance ("Antidegradation Manual"). The Antidegradation Manual makes clear that one important component of the nondischarge alternatives analysis is review of the chosen location for the proposed project and the extent and location of improvements on site. The Antidegradation Manual states that "project siting is an important component of nondischarge alternatives analysis" that "must be addressed by the project sponsor early in the process."[25] It goes on to advise permit writers that, "[t]o this end, the following questions must be answered by the project sponsor to ensure that the HQ or EV water is the only suitable location for the proposed project or activity:

What are the requirements for locating this project/activity? Infrastructure, utilities, transportation, raw materials, work force, other.
Is this watershed or specific stream segment the only location that offers these requirements? Were other sites considered?[26]

Similarly, the Department's draft Pennsylvania Post-Construction Stormwater Management Manual ("PCSM Manual") advises that "at a minimum," nondischarge alternatives analysis requires applicants to consider "whether the project or discharge could be located elsewhere," "whether the site can be configured as to result in no discharge to the special protection surface water," and "whether specific measures can be taken to eliminate planned impervious surfaces."[27]
Neither the Application nor the Department's draft permit demonstrate adequate consideration of alternative sites or configurations. In Module 3, Applicant indicates

that alternative location, configuration, and location of discharge were considered, but does not provide any information about any other locations, configurations, and discharge locations considered or how they compare to the final design of the Project. Thus, it cannot be said that Applicant performed an adequate nondischarge alternatives analysis, and the application must be denied.

2. Applicant and the Department have not analyzed the cost-effectiveness of the proposed stormwater facilities compared to alternatives.

The Antidegradation Manual also sets forth a detailed process by which applicants and permit writers are to evaluate whether nondischarge alternatives are cost-effective and environmentally sound and therefore must be used.[28] For this analysis, "economic criteria are needed both to guide an applicant in the preparation of information relative to the evaluation of nondischarge alternatives and to guide DEP in making its determinations."[29]

The information Applicant supplied in Module 3 is insufficient to demonstrate that Applicant and the Department have truly considered and analyzed the cost-effectiveness of nondischarge alternatives. Applicant failed to provide any information relating to the absolute cost of providing nondischarge alternatives (e.g. reducing the amount of impervious surface on site or choosing an alternative location), the cost of these alternatives relative to the alternatives chosen, or anything else that might make nondischarge alternatives impractical or environmentally unsound. In the absence of this information, it cannot be said that Applicant has demonstrated the non-availability of a cost-effective nondischarge alternative.

Applicant has not demonstrated that the existing water quality of Black Creek will be maintained and protected.

To ensure existing water quality will be maintained, The Department must have information about the existing quality of the receiving water and the parameters that are known or suspected to be present in the discharge.

Even if Applicant has demonstrated the unavailability of cost-effective, environmentally sound nondischarge alternatives and employed ABACT, the antidegradation regulations contain a third requirement: An applicant must demonstrate that the discharge will maintain and protect the existing physical, biological and chemical qualities of receiving surface waters. This showing is required "in all cases" and obligates an applicant to "undertake a certain process and make certain showings as a prerequisite to the Department's granting of an NPDES permit."[31] By the same token, "the Department is obligated to see to it that the applicant has done so before it may grant a permit."

It is important to note that the use of ABACT, a technology-based limitation, is not a substitute for ensuring that water quality-based limitations are met. In the words of the Antidegradation Manual, "[M]eeting ABACT may not justify approval of a request to discharge to HQ or EV waters. Additional antidegradation tests must also be applied and met."

According to the Antidegradation Manual, "The assessment of whether or not a point source discharge together with any nonpoint sources will affect water quality is directly related to the technical and scientific ability to discern whether a change in stream quality will take place as a result of the discharge." This requires two sets of data: The Department must have information

about the existing quality of the receiving water and the parameters that are known or suspected to be present in the discharge, as well as the expected concentrations of these pollutants, based on the specifics of the proposed development. This information is necessary for the Department to determine whether existing water quality will be maintained.

2. The Application lacks sufficient information to demonstrate that the receiving waters' existing water quality will be maintained.

Applicant has provided no information about the existing water quality or pollutant parameters known or suspected to be present in the proposed discharge from the Project beyond total suspended solids, nitrogen, and phosphorus. Given the nature of the Project, diesel and other pollutants commonly associated with heavy truck traffic and parking areas are of particular concern. The fact that Applicant has provided no information about the materials expected to be stored in the warehouses on the Property adds an additional layer of concern based on the industry and types of chemical and pollution loads that may be stored, present, or used on the site.
Moreover, given the region's cold climate and the vehicle-intense use of the Property, it can reasonably be expected that significant amounts of road salt may be used. If introduced into the water system, road salt increases salinity and chloride and causes oxygen depletion in the receiving body of water. Chloride upticks also can negatively affect sensitive aquatic macroinvertebrate life while also increasing salinity in shallow groundwater. This, in turn can impact stream baseflow salinity. Chloride is listed among the parameters to be addressed in a Chapter 93 antidegradation analysis, yet the Application does not address whether salt will be discharged to the special protection waters on the Property or whether the chloride level will be affected. Neither does the Application address the potential use of herbicides/pesticides on site.

PennFuture also notes the likelihood that runoff from the Project's vast impervious surface will contain polycyclic aromatic hydrocarbons (PAHs), a class of contaminants found in coat-tar sealed pavement that may be carcinogenic, mutagenic, teratogenic and/or toxic to aquatic organisms. In addition, the NPDES permit, if granted, will cover discharges related to firefighting activities. Firefighting foam is a major environmentally contaminating source of per- and poly- fluoroalkyl substances (PFAS). These chemicals are known pollutants and feature fluorine- carbon bonds that make them virtually indestructible, earning them the name "forever chemicals." PFAS exposure may be linked to multiple health issues, including cancer and reproductive and developmental effects, even at low levels of exposure, leading the Environmental Protection Agency (EPA) to recently announce rulemaking to limit PFAS in drinking water.

Although neither PAHs nor PFAS are expressly addressed by the Department's antidegradation regulations, these regulations recognize that not all possible pollutants are listed. For unlisted pollutants, the general criterion is that these may not be inimical or injurious to the existing or designated water uses or to human, animal, plant or aquatic life. The Department must use the best available scientific information to develop a criterion for these substances. PennFuture contends that the presence of PAHs and/or PFAS in the discharge from the Project would be inimical and injurious to Black Creek and downstream waters if not properly mitigated.

However, because Applicant has failed to provide any information about the likely presence of PAHs and PFAS in the proposed discharge to these waters, the Department cannot fulfill its obligation to ensure that no injury will result from the introduction of these chemicals.
In summary, Applicant has not provided information sufficient to establish that discharges from the Project to Black Creek will satisfy the antidegradation requirements of Chapter 93 and Chapter 102. Therefore, the Department must deny the requested NPDES permit.

VII. CONCLUSION

For the above reasons, the Department should deny Applicant's request for an NPDES permit for the Project. If the Application is not denied, the Department should condition approval upon ongoing water quality monitoring to ensure that the existing quality of the receiving waters is maintained. Thank you for your time and consideration.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

Response to 27.I IN REGUARDS TO POTENTIAL ERRORS IN APPLICANT'S PCSM WORKSHEET:

The PA BMP Manual permits volume credits within both disturbed and undisturbed portions of the site (not off-site water), ie. volume credits are provided for undisturbed areas, such as nonstructural BMPs. In accordance with Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002) (PA BMP Manual) BMP 6.4.10, additional volume management credit was applied for areas outside of disturbance utilizing woodland infiltration berms since they can "… be installed within existing wooded areas for additional stormwater management. Berms in wooded areas can even improve the health of existing vegetation, through enhanced groundwater recharge." Due to limited ability to infiltrate across the site, infiltration berms were used to meet volume reduction targets as opposed to a managed release concept (MRC). All standard structural and non-structural BMPs need to be evaluated and maximized to the extent practicable before considering managing the volume though MRC. No rate or water quality reductions from BMPs outside of the disturbed area are applied to the project. The approach of utilizing BMPs inside and outside of the disturbed area to reduce stormwater volume to the maximum extent practicable is consistent with the PA BMP Manual Chapter 3 and 25 Pa. Code §102.8(g).

Regarding the PCSM Spreadsheet, the use of a low drainage area in the volume credit section for the infiltration berms outside of the disturbance was done as follows: the use of an area near zero applies zero pollutant reductions to the project, which is as conservative approach as can be used in this regard since the berms will in fact reduce pollutants. As shown in the water quality section of the spreadsheet, zero pollutant reduction is applied by the berms.

The PCSM Spreadsheet input for the infiltration berms was 0.1 acres for the purpose of the spreadsheet only since the spreadsheet does not allow the full acreage of undisturbed areas to be input; however, Chapter 102 does not exclude undisturbed site area from calculations. Further, the utilization of a drainage area of 0.1 acres results in zero (0) credit in total suspended solids and nutrient reduction per the Spreadsheet. This is a conservative approach, as even undisturbed wooded areas will have sediment and nutrient laden runoff to the berms. The berms will infiltrate the runoff and capture sediment and nutrients from these areas and have a significant beneficial impact on water quality, although this is not stated in the PCSM Spreadsheet. The infiltration berms in undisturbed areas are therefore only credited for reducing the volume of runoff as indicated in the Spreadsheet. Appendix H of the PCSM Report contains the total drainage areas to all 12 infiltration berms combined, along with the cumulative volume credit. These calculations demonstrate consistency with the input into the PCSM Spreadsheet, other than the total acreage, as explained above.

Response to 27.II STREET SWEEPING

The frequency of street sweeping is monthly (12 times per year) as shown on Sheet 22 of the PCSM plan set. The increased frequency (compared to 2 times per year) will improve the sediment and nutrient reduction amounts. The BMP Manual indicates that the effectiveness of the street sweeping is highly dependent on several factors, including the type of street sweeper, the amount of wash-on material onto the impervious areas, the type and frequency of traffic, the frequency and intensity of rainfall, etc. The manual summarizes that the higher the pollutant

load, the greater the potential effectiveness of street sweeping. A lower vehicular use site with less pollutant loading would not have as high effectiveness for street sweeping. In this case, the reduced pollutant removal effectiveness combined with the reduced pollutant loading would result in an overall net reduction in post-construction pollutants. Since many variables affect pollutant loading and subsequent pollutant removal by street sweeping, the BMP for this site incorporates certain mandatory, controllable variables by requiring that sweeping be conducted monthly using a mechanical vacuum. The calculations for the street sweeping credits are attached to the PCSM Spreadsheet and are contained in Appendix G of the PCSM Report. Also note, per the PCSM Spreadsheet, street sweeping is not necessary to meet the TSS requirement. It is only utilized to meet TP and TN requirements. As demonstrated, rain gardens, detention basins, and street sweeping significantly reduce nutrients beyond the minimum required. The sediment and nutrient reduction provided by the infiltration berms, vegetated swales, check dams, landscaping, and reforestation are not credited by the spreadsheet. This provides a conservative approach to water quality. The street sweeping, along with other BMP maintenance items, are guaranteed to take place throughout the life of the project through the recording of an Instrument for the Declaration of Restrictions and Covenants required by the NPDES Permit. This also includes recording of the PCSM Plans with maintenance requirements and a property owner notification in the event that the property is sold.

Response to 27.III PCSM Spreadsheet

The existing impervious area included in the predevelopment site analysis (0.56 acres) is the area within the state highway that is to be disturbed. Areas along the highway where shoulders will be widened are proposed to be disturbed and are therefore required to be part of the stormwater analysis. The BMPs listed within one spreadsheet demonstrate that the volume and water quality targets are met across the site in the drainage area to the Black Creek, consistent with Chapter 102.

ANTIDEGRADATION ANALYSIS

Erosion and Sediment Control (E&S) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate, and water quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites which contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which is proposed to be preserved in the project design.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and

limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing environmental impact by preserving natural resources. The alternate configuration allows for increased size of above ground basins to conservatively control runoff during construction. The basins will be constructed earlier in the construction sequence so that when impervious areas are constructed, the additional runoff will be directed to the basins to address runoff volume, rate, and water quality.

The E&S plan also includes a specific sequence of construction that limits extent/duration of disturbance to the minimum necessary to construct the improvements.
An alternative location of discharge was utilized by specifically directing discharges to existing drainage paths.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Antidegradation best available combination of technologies (ABACT) erosion and sediment control (E&S) best management practices (BMPs) that have been incorporated into the project to provide antidegradation compliance for E&S during construction include the following:

- Sediment Basin with Skimmer - The sediment basin has been designed with a skimmer, with a length to width ratio greater than or equal to 4:1, and a detention time of 4-7 days to increase the efficiency of the sediment basin by allowing more opportunity for suspended solids to fall out of the solution.
- Immediate Stabilization - Upon temporary cessation of earth disturbance activity for more than four days, the project site will be immediately stabilized with temporary seeding and mulching.
- Vegetative Conveyance - The stormwater conveyance system includes channels that will be lined with permanent vegetation, rock, geotextile, or other non-erosive materials to help prevent erosion. Where permanent vegetation is specified, temporary matting will be installed to prevent erosion until vegetation is established.

Post-Construction Stormwater Management (PCSM) Plan
Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm following earth disturbance activities.
An alternate location was utilized by using this site as opposed to other nearby industrial sites that contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which has been preserved.
An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing negative environmental impact by preserving natural

resources. The detention basins, along with rain gardens and infiltration berms, will implement the infiltration non-discharge alternative by reducing runoff volume and rate to less than predevelopment levels and improve water quality when compared to predevelopment conditions.
Low impact development was utilized by only developing the minimum area necessary, while leaving a large area of the site wooded that could have been developed with additional trailer parking areas and building expansion. An alternative location of discharge was utilized by directing discharges to existing drainage patterns.
Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.
Water reuse was not utilized as there is no need for water on site other than drinking water.

ABACT PSCM BMP's that have been incorporated into the project to provide antidegradation compliance following earth disturbance activities include the following:

- Dry Extended Detention Basins - Dry extended detention basins will be utilized to temporarily store and attenuate stormwater runoff and provide pollutant treatment through settling and evapotranspiration.
- Rain Gardens - Stormwater runoff will be directed to several rain gardens. The rain gardens will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering and converting sediments, nutrients, and other chemicals in the runoff.
- Infiltration Berms - Stormwater runoff will be directed to surface infiltration berms. The infiltration berms will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering, and conveying sediments, nutrients, and other chemicals in the runoff.
- Street Sweeping - Street sweeping removes larger debris and smaller particulate pollutants, preventing this material from clogging the stormwater management system and washing into receiving waterways.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum

hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

Commenter #28:

I am writing to provide my comments regarding the BRRE Lot #2 Draft Permit #PAD130044, the proposed warehouse on S.R. 940/Francis Walter Dam Rd., White Haven, PA 18661 and about the revival of the Supreme Court's Environmental Rights Amendment, and a case titled, "Pa. Envtl. Def. Found. v. Commonwealth, 161 A.3d 911 (Pa. 2017)". The PA Supreme Court's Revival of the Environmental Rights Amendment McNees Wallace & Nurick LLCClaudia ShankMay 8, 2018 analyzed:

Pennsylvania's Environmental Rights Amendment (the "ERA")
Explained by the Pennsylvania Supreme Court in Pennsylvania Environmental Defense Fund ("PEDF") v. Commonwealth, 161 A.3d 911 (Pa. 2017).
In PEDF, the Court ruled that the ERA grants citizens of the Commonwealth two distinct rights:
the right to clean air and pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment; and
the right of common ownership by the people, including future generations, of Pennsylvania's public natural resources.
The Court noted that the first right, which comes directly from the text of the ERA itself, "places a limitation on the state's power to act contrary to [the] right, and while the subject of the right may be amenable to regulation, any laws that unreasonably impair the right are unconstitutional."

Awarding a Final NPDES stormwater permit to BRRE Lot #2 will both revoke the right to clean air and pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment in Kidder Township. It will remove the right of common ownership by the people, including future generations, and of Pennsylvania's public natural resources. Please do not impair these rights for Kidder Township and surrounding areas.
Thank you for the opportunity to submit these comments to DEP.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

Commenter #29:

My name is Sarina Berlow and I'm from Palmerton, Pennsylvania, here in Carbon County. I'm here today to speak to you on the issue of the impervious surfaces proposed for BRRE Lot Number Two at the intersection of State Route 940 and Francis Walter Dam Road in Kidder Township, NPDES application number PAD130044. In 2023, the American Rivers Association named the Lehigh River as number seven on the list of endangered American rivers. Why? The river, our river has been endangered by the four square miles of warehouse construction added to

the watershed in 2023. More has been added since then. 18 million square feet of warehouse space was added in 2022 alone, according to the Lehigh Valley Planning Commission. That number does not include warehouse development on our Pocono plateau Again, according to the Lehigh Valley Planning Commission, warehouse development is outstripping all other types of development such as residential and commercial. This warehouse development trend can continues and has moved northward to the Poconos because we have relatively cheap land and non-union workforces. The rapid development of warehouses has not slowed and is far from over. Are we to allow this type of development to proceed on a project by project, township by township basis? This makes no sense. We need to consider the Lehigh River watershed in its entirety. We need to look at the cumulative impact of the development of warehouse after warehouse and what that does to our Lehigh River and to the streams and wetlands that are necessary for a healthy river. The current approach, which is to allow development of vast areas of impervious surface, and then require the developer to control the estimated runoff from these impervious surfaces without regard to what other large impervious surfaces have already been developed, this plan is not working. The only organization that can provide a cumulative outlook and protect the Lehigh River watershed as a whole is you folks, the Department of - Pennsylvania Department of Environmental Protection. Boroughs and townships are not equipped to take a wide view of the environmental impact of millions of square feet of asphalt and massive impervious roof space. Your department is the trustee of our environment and we look to you. I urge your department to make a different - to take a different approach to this development. Require NPDES permit applicant proposing to add large areas of impervious surfaces to submit a cumulative impact statement. Make the developer consider the impact on the watershed. Consider limiting the square footage of impervious surfaces that can be added by any one project, either as a hard limit per project or as a percentage of land parcel surface. Form a partnership with the Delaware River Basin Commission and join forces to work on a watershed-wide basis. Determine how many more square feet is - of this development can be absorbed without killing our river and make a long term plan for this. A parking lot could have strips of pervious plantings and still be functional. There is no reason every parking lot must be asphalt. There are pervious options like this. There are solutions, but developers will need to be pushed to find those alternative solutions. Yes, I know that NPDES rules are guided by the federal rules developed by the Environmental Protection Agency. And I know of no other agency in any other state that is looking at watershed protection rather than runoff control. But Pennsylvania could lead the way. Your department is full of environmental experts who know this is what should be done. Please find a way to do it. Find a way to protect the Lehigh before it's too late. I thank you very much.

Response:

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District (“Army

Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

RIPARIAN BUFFERS

There are no streams onsite, so a riparian stream buffer could not be implemented on site.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2 year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

Commenter #30:

Blue Ridge Real Estate is seeking an individual national pollutant discharge elimination system permit, the NPDES. If approved, the permit would allow for a discharge from construction activities into an unknown tributary to the Black Creek. Black Creek is considered a high quality freshwater migratory fishes waterway. The water travels across boundaries into aquifers, lakes,

streams, wetlands, wells across the state. It impacts us all.
In a nutshell, I am against the approval of this permit based on the Environmental Rights Amendment found in the Pennsylvania State Constitution. I point to the ERA because approval of this proposed permit would impact and infringe on our rights under this portion of the State Constitution. The right to clean air and pure water, and to the preservation of natural, scenic, historic, and aesthetic values of the environment and the right of common ownership by the people, including future generations of Pennsylvania's public natural resources.
Awarding a final NPDES storm water permit to BRRE Lot Number Two will revoke our rights under the ERA in Kidder Township and well beyond to the citizens of Carbon County, current and future. Kidder Township residents are already reporting the negative impacts on the environment, their communities, personal property, and lifestyles from the warehouses currently built in the area. They are concerned these detrimental impacts will expand with the continued growth of warehouses in the area.
Their concerns and statements expressed in various forums carry much weight and evidence against the awarding of a final NPDES permit. Many here tonight have spoken and will speak about their experiences, such as pollution of high quality and exceptional value waterways, ponding in yards, flooded basements, concern about contamination to their wells, impervious surfaces which are a leading cause of degradation to our waterways, and others, such as roadways not suitable for truck traffic, impacts on the aesthetic and tourist value of the area, residents both permanent and seasonal losing their quality of life. Listen to what we are saying. Please do not grant this permit and protect our rights under the ERA. Any actions that are contrary to our granted rights are unconstitutional. PA DEP must not act contrary to our rights under the ERA and has a duty to protect those rights and us. Thank you for the opportunity to speak tonight.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

Commenter #31:

I am a resident and Borough Councilman in Whitehaven. Our neighbors have addressed concerns about the environmental impact that more warehouses will cause in the area of northern Carbon County. And I share their concerns. This project will have a large impact beyond those that live in close proximity to the proposed site. The watershed of the Black Creek and Lehigh River are renowned as high quality streams and rivers that have become destinations for fishermen and outdoor adventure. Many communities in the greater area have capitalized economically on the proximity to such desirable amenities through jobs, tourism, and an increase in residences.
The continual development of large scale warehouses, the addition of massive areas of non-permeable surfaces, and the increase of large commercial vehicles will be detrimental to the many residents and businesses that rely on these clean waters for their livelihoods and well-being.
Furthermore, I have concerns about the ability of our local and state roads within the area to handle the massive increase in commercial vehicles. The scale of these warehouses will more than likely require additional construction and improvements being made to our roads and bridges, which may also worsen the environmental impact. A future that is filled with more and more trucks, more and more traffic, and more and more warehouses is not the future that we need in our area of such great natural beauty.
Kidder Township has already felt the impact with one of these warehouses already opened that resulted in over 70 acres of forest land cleared and a quadrupling of the impervious surfaces in this area. This one warehouse alone brings the
area dangerously close to the threshold that will damage the fish and wildlife in this watershed. While this loss will result in irreversible watershed damage, it may also impact the recreation, tourism, and economy once afforded by these wonderful natural resources in Kidder Township and the surrounding communities. Thank you.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after

the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.

- Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #32:

Hello everyone, my name is Matt MacConnell. I'm the Chairman of the Lehigh Valley Sierra Club, which has a part of its areas up here in Carbon County, Monroe County, Northampton and Lehigh. I'm also on the board of the Lehigh River Stocking Association. We've been stocking trout since ‘91 in the Lehigh River.
I am a volunteer. I'm not here in a professional capacity other than my experience has been as the water quality guy for these organizations. I've been monitoring water quality in the Lehigh for 20 - well, 15 years at least. And annually, we do tributary surveys all the way from Saucon Creek in Bethlehem to Nesquehoning Creek in Jim Thorpe. We've done a lot of work in Buck Creek, Mountain Creek, but we haven't - I've done a little work in Black Creek with the mine drainage from Quakake tunnel.
So they asked me - the organizations asked me to come and speak to the water quality effects and so I just have some remarks here. The destruction of wooded areas in the vicinity of surface water streams can cause water quality damage. The problem becomes more acute when the surface water is high quality waterways, which are effectively rare in the Commonwealth. Warehouses or truck terminals are very large footprint facilities that will create very large areas of impervious surface, will cause substantial runoff during storm events. This magnified storm runoff will do damage to the stream and pollutants from the warehouse and roadways will also impair stream quality.
Warehouses or truck terminals are not needed in the Poconos. We have already suffered enough damage in Allentown. I live in Orefield, Pennsylvania, just west of Allentown.
The increased nitrogen dioxide emissions from the truck increases our rates of asthma and other cardio diseases. The truck traffic disrupts our community, our commuting time, safety conditions, general quality of life. The Pocono areas to the north should be protected from the same fate and the surface waters that will be impacted by the warehouses need to be avoided.
With business conditions and Amazon going up and down, there's not certainty that if warehouses are built, they're going to be used for their intended purpose. It depends on business conditions. And there are cases where warehouses have been built and just left vacant or repurposed. This is a double insult to the public. We sacrificed the forest and the water quality and other life quality aspects to have a warehouse
that's not adding any economic value.
The number of jobs per acre is too small to add any value to the community's economy with one job per 100 acres. This is not enough to justify the damage to the environment by the removal of the large tract of forest and resulting storm
water.
The Lehigh River Stocking Association strongly opposes this project as it will impair a headwater stream that is critical to the health of downstream waterways such as the Lehigh. This will in turn negatively impact the quality of the Fishes downstream.
The Lehigh Valley Sierra Club also opposes this construction as well. And we also speak for the Pennsylvania Chapter of the Sierra Club. The air quality and water quality impacts of this

construction will be significant and unacceptable.
Retaining the healthy forest and buffer areas around surface waters, particularly around the high quality cold water fishery areas, is a very high priority of our club. We do not believe it is necessary to sacrifice this large acreage of
healthy natural habitat where there's already an overabundance of warehouses in eastern Pennsylvania. Thank you.

Response:

STREAMS AND WETLANDS
The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

RIPARIAN BUFFERS
There are no streams onsite, so a riparian stream buffer could not be implemented on site.

WATER QUALITY
Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of

three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the

site, in addition to exceeding the required reduction in runoff volume in the 2 year post development condition when compared to the predevelopment condition, will minimize any thermal impacts from the project.

Commenter #33:

My name is Roy Christman and I live in Towamensing Township in Carbon County. The poet, Gary Snyder, has suggested that our politics and government policies would make much more sense if we organized our jurisdictions by watersheds instead of by arbitrarily drawn lines. Thus, Kidder Township might be Black Creek watershed. Instead of Carbon, Northampton and Lehigh Counties, we might have Lehigh River County. Instead of Pennsylvania with its great northern, western, and southern border, the eastern portion might be the Commonwealth of the Delaware River. I have a map of it.
So it would include part of New York where some of the reservoirs are that feed New York City, it would include a good section of eastern Pennsylvania and western New Jersey and almost all of Delaware. And that makes sense to me. This method of drawing political boundaries would emphasize our interconnectedness and our ties to the natural world. We would realize that what we do in a small watershed affects downriver people and downriver environment.
This method would also draw attention to the cumulative effect of environmental degradation. Let's say that under current rules, Kidder Township is a source of pollution for the Delaware watershed. Let's say that total - in the total watershed, and only considering Kidder Township, that degradation is negligible. However, if Mahoning, Lowhill, Washington, Forks, East Allen and Lehigh, and more townships add their toxic runoff, the cumulative effect will be disastrous. If government agencies think in terms of the aggregate effect of pollutants on the watershed, the conclusions will likely be quite1 different than for a single jurisdiction.
Pollutants from truck terminals can be mitigated. I'm realistic enough to know that they won't be eliminated, but the runoff from the terminals, either already built or planned in Kidder Township, should not be channeled or dumped into area creeks. From the evidence that is available, that is what's happening.
The current NPDES standards are deficient and need improvement. The impact on the watershed must be considered. Thank you.

Response:

WATER QUALITY
Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP)

and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

Commenter #34:

My name is Carolyn Lange, I live myself in Saylorsburg, but I am speaking on behalf of the Aquashicola Pohopoco Watershed Conservancy, which is based in Kresgeville, Pennsylvania. And on behalf of the members of the Board of Directors of APWC, we wish to submit the following concerns regarding the Blue Ridge Real Estate Lot Number Two.
The Black Creek watershed and Tobyhanna Creek provide critical habitat for many species of plants and animals, including some threatened and endangered ones. Lot two site wetlands A is a polystyrene emergent shrub/scrub wetland. It is part of the Black Creek watershed, a tributary to the Lehigh River.
The Pennsylvania Code, Title 25, Chapter 93 water quality standards assigns streams within this section of the Lehigh River watershed, a water quality designation of high quality cold water fishery - migratory fishery. Also, the Pennsylvania Fish and Boat Commission lists Black Creek as a stream section that supports natural reproduction of trout. Streams and wetlands with this designation must be protected unless there is a compelling social or economic justification for their degradation.
We have not seen evidence of this. Mere profit, motive, or greed are not appropriate

justifications. Two huge truck terminals are either planned or already exist in this area. The one being debated here is a 420,000 square feet and involves over 46 acres of earth disturbance. The creeks and wetlands are being fragmented and diminished due to clear cutting many acres of forested lands and the alarming increase in impervious surfaces of parking lots and roofs.
All of this disrupts natural drainage patterns. And storm water runoff is a direct result of rainfall not being able to soak into the pervious earth surface. This water now needs to be managed by man-made controls such as detention ponds, et
cetera. Science and past experience have shown us that these best management practices will never replace forested areas in protecting water quality. Residents with property adjacent to the Blue Ridge number one are already reporting ponding in their yards and flooding in their basements, suggesting insufficient storm water management of Blue Ridge 1. Residents with property adjacent to Blue Ridge number 2 expect similar effects. And those with wells may end up with contamination in their water supply. Storm water runoff from impervious surfaces is now recognized as a leading cause of impairment to our shared water resources.
Storm water runoff from hot roofs in macadam will result in the thermal degradation of adjacent wetlands and streams. Add to that the list of pollutants that it will carry, including, but not limited to, petroleum hydrocarbons, heavy metals,
fluids from vehicles such as oil, transmission or brake fluids, carcinogens such as PFAS chemicals and dioxins, plus corrosive deicing salts and the sediments resulting from earth disturbance.
This is a recipe for not only the degradation of water quality, but the resulting negative impacts on the ecosystems and food chains that currently exist in this area. High quality and exceptional value waters and wetlands are a precious and valuable resource which will be lost forever if they are not protected for us and for future generations.
I checked Kidder's own website and Kidder Township states it is a nice place to live, work, and play. When you enter Kidder Township, you are entering the front door of the Poconos. The website promotes the forest, state parks, state game lands, resorts, and recreational opportunities in the area. Visitors come for these activities and opportunities. None of these will benefit from the proliferation of giant distribution centers.
While the focus of this hearing is the NPDES permit, we feel that the economic impact to nearby residents, such as decreased property values and possible well contamination, and the businesses relying on tourists and visitors, needs to be acknowledged.
In conclusion, APWC members strongly urge the DEP deny the proposed permit. We urge DEP to protect Pennsylvania's precious natural resource from harmful degradation, and we thank you for the opportunity to express our concerns on this important matter.

Response:

STREAMS AND WETLANDS

The project area does not contain any onsite streams. The project area drains to the Black Creek, which is classified as a High-Quality, Cold-Water Fishes according to 25 Pa. Code Chapter 93, Water Quality Standards. Black Creek is also designated as a Naturally Reproducing Trout stream.

There is one onsite depressional wetland that is 0.02 acres in size and is considered palustrine emergent/shrub scrub. The U.S. Army Corps. of Engineers, Philadelphia District ("Army Corps") performed a site visit on April 22, 2024 and provided a Jurisdictional Determination

Memo. In the Memo, the Army Corps identified the onsite wetland as non-jurisdictional; not meeting the definition of WOTUS (Waters of the United States). The applicant proposed in the permit application that the wetland be undisturbed. The applicant also proposed no grading within 35 feet of the wetland, and the nearest impervious surface is over 120 feet away from the wetland and is located downslope of the wetland.

Through the application and review of the NPDES Permit Application, the applicant and the Department evaluated impacts to offsite streams in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law.

The approved plans include Best Management Practices to protect the onsite wetland and downstream waters, including Infiltration Berm #3.

ENDANGERED SPECIES

Applicants are required to provide to the Department proof of consultation with the Pennsylvania Natural Heritage Program ("PNHP") regarding the presence of a State or Federal threatened or endangered species on the project site. Consultation occurs with the PA Game Commission ("PGC"), the PA Department of Conservation and Natural Resources ("DCNR"), the PA Fish and Boat Commission, and the U.S. Fish and Wildlife Service ("USFWS"). Applicants are required to address and resolve potential conflicts with threatened and endangered species prior to issuance of the NPDES Permit.

The Pennsylvania Natural Diversity Inventory ("PNDI") yielded an "Avoidance Measure" issued by the USFWS within the project area, involving conducting tree cutting, disturbance, inundation, and prescribed burning from October 1 to March 31. DCNR has identified no impact with a conservation measure, which is to buffer the wetland habitat.

The project has been designed in a way that preserves the wetland, including adding a buffer around the wetland. In addition, the requirements from the USFWS have been added to the plan.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

THERMAL IMPACTS

Pennsylvania Code Title 25, Chapter 102 requires the identification of potential thermal impacts to surface waters of the Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.

Multiple design features and BMPs have been incorporated to avoid potential thermal impacts from the proposed change in land use. The BMPs were designed to reduce volume of runoff, improve water quality, and minimize thermal impacts by treating the first flush of runoff. The approach involves preserving as much of the existing wooded areas as possible, and supplementing runoff infiltration in these areas with infiltration berms. This further detains the first flush of runoff in wooded areas to reduce temperature of runoff prior to reaching onsite BMPs. The E&S and PCSM plans have been designed to restore disturbed areas with vegetation, landscaping, and saplings. This will also reduce runoff temperatures before reaching onsite BMPs. The onsite BMPs that will reduce thermal warming of runoff include vegetated swales with check dams, seven rain gardens, and two detention basins designed for evapotranspiration. Employing several types of structural and nonstructural BMPs across the site, in addition to exceeding the required reduction in runoff volume in the 2 year post development condition when compared to the predevelopment condition, will minimize any

thermal impacts from the project.

Commenter #35:

I'm here to read a statement from Faith Zerbe, She is a biologist with the Delaware Riverkeepers Network. This is her statement.
We are appealing to the DEP to refuse the storm water permit to protect the environment in Kidder Township, Carbon County. Despite encroachment on the Black Creek high quality stream and related watershed water quality, commercial developments have come to Kidder Township. Over 30 percent of Pennsylvania's waterways are polluted and degradated. However, while there are pockets of clean, pristine creeks and streams, they are few. Only two percent of Pennsylvania's waterways are healthy enough to receive the DEP's special designation of exceptional value. These are the cleanest, healthiest streams in the state. They have intact and abundant ecosystems and contain pure water. Eighty (80) percent of them can be found in the mountain, wetlands, and forests of the Poconos. These streams also bring 3 billion in economic benefits to the region.
According to an industry white paper, warehouse developers are looking to northeastern Pennsylvania to expand their empire for a few reasons. Decrease in unionization of workers, lower wages, low taxes, and the land is cheap and abundant. While all of that is good for profit, it is very bad for the communities and the environment.
Recent plans brought in front of the municipalities demonstrate a willingness to build along exceptional value and high quality streams, which, if done poorly, could permanently reduce water quality, threaten wildlife, and increase flooding.
The prevalence of warehouses reduces land values. Folks that live in the Poconos tend to have long term ties to the region. For some, their houses and property is a single source of wealth. it's been passed down through their family. But when a warehouse or distribution center abuts the property line, land value suddenly drops.
Local government officials in the Lehigh Valley and the Poconos realize that the land-use laws and zoning codes need to change to put an end to the expansion. The Municipal Planning Code was originally established to protect the health, safety, and character of communities. Every municipality must allow for every use included in the MPC.
However, developers are taking advantage of the term warehouse. When the term was initially included, distribution centers that take up one million square feet of land and boasting 800 truck trips were inconceivable. But because the term is included in the zoning codes, the use must be allowed. When we allow for the pervasive and unchecked development of warehouses, we are choosing corporate profits and convenient consumption of a healthy communities and a healthy environment.
I would just like to say, as Lisa Buchholz, you know, when the gentleman said about the peeper frogs - it's funny, a lot of us probably didn't nearly know half of what we talked about tonight. And you mentioned about the peep frogs. I learned about the - that the frogs are an indicator species. And if that is something that, you know, maybe, like he said, it could be nothing but it could be something also. And I think we need to pump the brakes. This is too much development, too quick, and we could be going down a very slippery slope. I petition to the PA DEP to please do your due diligence to protect the community, the wildlife, the environment, and our watershed. Thank you very much for your time.

Response:

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues**.**

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

TSS and TP pollutants are particulate in nature and include sediment, metals, organic particles, and litter. TN includes dissolved pollutants, including nitrate, ammonia, salts (including rock salt), organic chemicals, many pesticides, herbicides, and petroleum hydrocarbons (including diesel fuel).

PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and

volume.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

Commenter #36:

Good evening. Thank you for taking the time to hear our comments. My name is Emma Bast. I am an environmental attorney. I'm here tonight, though, as an individual. I live in Palmerton. I live here in Carbon County. And I respectfully submit some comments. I will have written comments and I will summarize them for you now.

On the application of Blue Ridge Real1 Estate for the NPDES individual permit, I am concerned about the material inadequacies and omissions in this permit, and I would urge the Department to deny the permit.

My comments will focus on the anti-deg requirements of Pennsylvania's Clean Streams Law. The anti-deg regulations are very clear. High quality streams that are classified as special protection waters in Pennsylvania may not be degraded without a serious justification.

That justification hasn't been provided here, and DEP has not only the authority, but also the obligation as both the enforcer and the carrying out of Pennsylvania's Clean Streams Law, as the federal - as the authorized agent for the Federal Clean Water Act, and as a trustee of Pennsylvania's environmental resources under Article 1, Section 27 of the Pennsylvania Constitution.

The Environmental Hearing Board, the Commonwealth Court, the Supreme Court have all been exceedingly clear that the old standard of just looking at an application, of just looking at it and using it as a checkbox is not enough. DEP must do a wholesome and fulsome review of these applications and it must act to maintain and preserve the natural1 resources and to make sure that the water quality is maintained of high quality and special protection streams.

The anti-deg requirements are simply not met here. Principally, the applicant has not demonstrated that cost effective, environmentally sound and non-discharge alternatives are not available. The applicant has not demonstrated that the existing water quality will be maintained and protected. The applicant has not provided enough information to demonstrate that the receiving water's high quality streams will be maintained.

There isn't - there simply isn't the information. And the procedure that DEP requires has not been followed. The demonstrations that require - are required in order to demonstrate that any kind of BMPs will be sufficient haven't been followed and DEP must act to do that. It has the

obligation, it has the authority. And I would urge you to exercise that authority here. I will refer you to my written comments for more details. Thank you very much for your consideration and time this evening. We appreciate you being here and listening to all of us.

Response:

ANTIDEGRADATION ANALYSIS

Erosion and Sediment Control (E&S) Plan
Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate, and water quality for storm events up to and including the 2-year/24-hour storm during earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites which contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which is proposed to be preserved in the project design.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing environmental impact by preserving natural resources. The alternate configuration allows for increased size of above ground basins to conservatively control runoff during construction. The basins will be constructed earlier in the construction sequence so that when impervious areas are constructed, the additional runoff will be directed to the basins to address runoff volume, rate, and water quality.

The E&S plan also includes a specific sequence of construction that limits extent/duration of disturbance to the minimum necessary to construct the improvements.
An alternative location of discharge was utilized by specifically directing discharges to existing drainage paths.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Antidegradation best available combination of technologies (ABACT) erosion and sediment control (E&S) best management practices (BMPs) that have been incorporated into the project to provide antidegradation compliance for E&S during construction include the following:

- Sediment Basin with Skimmer - The sediment basin has been designed with a skimmer, with a length to width ratio greater than or equal to 4:1, and a detention time of 4-7 days to increase the efficiency of the sediment basin by allowing more opportunity for suspended solids to fall out of the solution.

- Immediate Stabilization - Upon temporary cessation of earth disturbance activity for more than four days, the project site will be immediately stabilized with temporary seeding and mulching.
- Vegetative Conveyance - The stormwater conveyance system includes channels that will be lined with permanent vegetation, rock, geotextile, or other non-erosive materials to help prevent erosion. Where permanent vegetation is specified, temporary matting will be installed to prevent erosion until vegetation is established.

Post-Construction Stormwater Management (PCSM) Plan

Non-discharge alternative measures have been taken to manage the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm following earth disturbance activities.

An alternate location was utilized by using this site as opposed to other nearby industrial sites that contain more sensitive natural resources such as streams and exceptional value wetlands. This site has few sensitive natural resources except for a very small pocket wetland, which has been preserved.

An alternate configuration of the site was used to minimize earthwork by orienting the project parallel to existing contours as opposed to perpendicular. Orienting the building parallel to contours reduces the development size; however, it also reduces environmental impact and limits disturbed area. The alternate configuration also preserves the existing wetland and the buffer around it, thereby reducing negative environmental impact by preserving natural resources. The detention basins, along with rain gardens and infiltration berms, will implement the infiltration non-discharge alternative by reducing runoff volume and rate to less than predevelopment levels and improve water quality when compared to predevelopment conditions.

Low impact development was utilized by only developing the minimum area necessary, while leaving a large area of the site wooded that could have been developed with additional trailer parking areas and building expansion. An alternative location of discharge was utilized by directing discharges to existing drainage patterns.

Riparian Buffers to streams were not utilized as a non-discharge alternative since there are no streams located on the site.

Water reuse was not utilized as there is no need for water on site other than drinking water.

ABACT PSCM BMP's that have been incorporated into the project to provide antidegradation compliance following earth disturbance activities include the following:

- Dry Extended Detention Basins - Dry extended detention basins will be utilized to temporarily store and attenuate stormwater runoff and provide pollutant treatment through settling and evapotranspiration.
- Rain Gardens - Stormwater runoff will be directed to several rain gardens. The rain gardens will temporarily store and infiltrate runoff and will increase water quality by trapping, filtering and converting sediments, nutrients, and other chemicals in the runoff.
- Infiltration Berms - Stormwater runoff will be directed to surface infiltration berms. The infiltration berms will temporarily store and infiltrate runoff and will increase water quality

by trapping, filtering, and conveying sediments, nutrients, and other chemicals in the runoff.

- Street Sweeping - Street sweeping removes larger debris and smaller particulate pollutants, preventing this material from clogging the stormwater management system and washing into receiving waterways.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

The Pennsylvania Stormwater BMP Manual (PADEP Doc. No. 363-0300-002), requires the applicant to evaluate the water quality impacts of their project through the evaluation of three (3) water quality parameters: Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

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PADEP has developed the Post-Construction Stormwater Management (PCSM) Spreadsheet in order for applicants to quantify the TSS, TP, and TN values prior to and after development of the site. The pollution values are based on the International Stormwater BMP database pollution concentration, size of the development, and types of land use. The PCSM Spreadsheet also calculates how the various PCSM BMPs reduce the TSS, TP, and TN values from the stormwater discharge from the site.

Applicants are required to meet or reduce the TSS, TP and TN values in the post-development condition as compared to the predevelopment condition through the use of PCSM BMPs. By meeting or reducing these values, the applicant satisfies the requirements in 25 Pa. Code § 102.8(g)(2).

The PCSM Spreadsheet prepared for the project indicates that the water quality requirements for the project are satisfied as a result of the pollution-reducing PCSM BMPs proposed for the project, including the following: 2 Evapotranspiration Detention Basins, 7 Rain Gardens, Street Sweeping, and 12 Woodland Infiltration Berms. Additionally, the minimum requirements of Chapter 102 are exceeded by several other BMPs that have not been included on the PCSM Spreadsheet, including Vegetated Swales with Check Dams, Landscaping, Restoration of Disturbed Areas with Native Species, and Minimizing Disturbance to Wooded Areas, which will improve water quality and reduce runoff rate and volume.

Commenter #37:

I'm a resident of Kidder Township also. And I've been a resident for many years. I like the way it is. And as we were said, it's been a wonderful community for vacation and environmentals. But what I'm talking about tonight is that the language in an NPDES general information land use application that says note, applicants should submit evidence of compliance with local comprehensive plans and zoning ordinances.
We know the only way the application for this truck terminal to be situated on Route 940, Francis Walter Dam, could comply with Kidder Township Ordinance was to be granted waivers related to the Kidder Township Ordinances. Also, in the environmental impact statement, we found a list of at least 18 failures to comply with Kidder Township ordinances, some of them being very serious.
Our community and residents will be exposed to significant pollution from thousands of trucks per day, emitting diesel exhaust fumes and noise. Roadway flooding is likely from inadequate storm water management and inadequate detention pond design.
The traffic impact study is severely outdated from 2019 and does not properly address the traffic changes in Kidder Township. Impacts to our law enforcement agencies and actions to reduce the burdens created by the project are required to be assessed, but this has not been done.
Also, impacts to community facilities and services such as roadways and water supply, and projected needs for additional facilities and services are required to be assessed. But were not.
Nearly 800 concerned residents signed our petition against approving the warehouse. And we are listing many reasons not to approve it. We would appreciate you listening to it and denying the final permit. Thank you.

Response:

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the

Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

WATER QUALITY

Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

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Commenter #38:

I'm the Mayor of East Side Borough, which is on - which borders Kidder Township on the west. And there was discussion about how property has been in families for a long period of time. My family has been in the Lehigh Valley since 1744. And the home that I'm in now has been in my family for 100 years.
So I have personally, and as the Mayor of East Side Borough, we have some concerns about the effects of these additional terminals to the area. Business is one. We have businesses in East Side Borough that are directly related to the nature of this area. We have – the Poconos are a major destination for visitors and tourists interested in getting away from urban areas and enjoying nature. We are - if you look at it, the people that come here are coming for camping, hiking, fishing, hunting, kayaking and so on. And these habitats are disappearing because of the increased number of these distribution centers and warehouses that are being built.
We also have a concern about quality of life because of the - we're in a rural area. Many of us get our water from wells. And the concern of the runoff, like was mentioned earlier with the hurricane that we had, Hurricane Debby, I was actually witnessing them pumping water out of one of those holding areas in distribution center number two that's being built during that storm. So if they're pumping that water out directly into our aquifer, what's being introduced to these areas? So we get multiple heavy storms every year. And we need to be aware that a lot of these retention ponds aren't necessarily sufficient to hold the water when we get these heavy rains. And then with the increased traffic, especially trucks, we have a hard enough time now with drivers not obeying traffic laws and keeping within speed limits. And the safety to our children and families in our area is going to be increased by the additional traffic in the area.
So we hope that your agency will keep that in mind when reviewing this, especially with all the other comments that were given here this evening that had a lot more detail than mine. Thank you for the time.

Response:

WATER QUALITY
Water quality requirements for PCSM BMPs are addressed in 25 Pa. Code § 102.8(g)(2), which states the following: "Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change for storms up to and including the 2-year/24- hour storm event when compared to preconstruction runoff volume and water quality…"

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  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access

- Construction of the medium volume driveway.
- Construction of eastbound 250’ auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

Commenter #39:

I'm speaking specifically to cumulative impacts and oversight and accountability. The Blue Ridge Real Estate Number Two will be the third truck distribution logistics facility built in a 2.2 mile distance on Route 940. The concerns of cumulative impact to Kidder Township are many. The cumulative impacts of these three facilities could be significant and have not been sufficiently addressed.

This facility, BRRE Number Two, will have 836 average truck trips to Route 940 daily, making the cumulative number of truck trips per day to be approximately 3500. This number of trucks and total weight of the trucks daily will significantly impact existing roads, on and off ramps, and bridges.

All may need modification and/or expansion before total capacity can be reached, meaning there may be gating factors to the total truck traffic that can be safely supported. There have already been issues last winter with trucks stuck and blocking traffic that were trying to go up the hill from the Turnpike to the 80/Route 940 currently-built logistics facility.

Of note is that this facility is currently operating at less than full capacity. The increased noise from this truck traffic alone has been significant. What will be the cumulative impact of the noise from up to 3500 trucks per day? And most significantly, we are greatly concerned for the environmental impact to the quality of our water and of the air in this area of Kidder Township. With the diesel exhaust from up to 3500 trucks per day obviously being significant, the cumulative impact from the three facilities could be way more than significant. In respect, specifically, to the water and the storm water management plan for this facility. We are very concerned for the cumulative impacts to the exceptional value Black Creek, named one of the ten best trout streams in PA, and to residential properties in the area when combined with the impacts already occurring from the currently operating facility, as discussed by others. And that's across the road from the proposed facility.

BRRE Two will be only 800 feet from the Black Creek and will be adding another 46.3 acres of impervious surface to the area. The testing done for the storm water management plan for this facility resulted in very low infiltration rates. There are multiple deficiencies and incorrect calculations to the storm water management plan as previously addressed tonight by others.

In addition, there were storm water management waivers from Kidder Township ordinances that were requested and granted, which in conjunction with the incorrect calculations, would significantly impact the integrity of the current storm water management plan.

Note that properties adjacent to the already operational facility on 940 report ponding in the yards and basement flooding only since that facility was built. This suggests an insufficient storm water management plan for that facility. By building number two with its incorrect calculations for the storm water management plan, can the residents there expect the same issues? And there are significant questions about the ability to convey storm water beneath Walter Dam Road.

We would ask that this permit be denied due to the multiple deficiencies and incorrect calculations.

Both of these facilities' storm water management plans, when looked at individually, have deficiencies, but we cannot view these issues in isolation from one another. We must look at the cumulative effects on the Black Creek, the wetlands, the roads and the residential properties in the area.
And who's watching the store? Where is the oversight and accountability? Our concerns here come from a right to know request regarding ordinance requirements on storm water facilities and management that have not been satisfied in Kidder Township. The requirements are that there is to be a Kidder Township Storm Water Maintenance Fund from each of the facilities to cover ten years of inspections of the storm water facilities. And that inspections of these facilities are to be done once a year. In regard to the existing facility that is currently up and running, there has been no payment to this fund. And more meaningfully, there have been no inspections to the storm water facility since this logistics facility was built. The same non-compliant, no fund, no inspection has occurred with the PNK five property which is currently under construction.
With the PNK five property, there was recently a failure of their trans-evaporation ponds which were overflowing. They pumped off the very reddish clay muddy water. Which ended up in the Tobyhanna River. My understanding is that they had not built the retention pond to the specifications in their own design.
It is absolutely mandatory that there is oversight and accountability with these logistics facilities. Without them, the possible issues could and would be highly detrimental to our wetland streams and way of life. Thank you.

Response:

CUMULATIVE IMPACTS:
DEP understands that some of the public comments related to cumulative impact are associated with the concern of environmental impacts from other existing development and/or speculative, future development. Sources of pollution and potential environmental impacts in Pennsylvania are comprehensively regulated under multiple environmental statutes and regulations administered by the Department, in addition to the Chapter 102 permit that is the subject of this public comment opportunity.

PROJECT/REGULATORY EVALUATION
The project has been evaluated in accordance with the Clean Streams Law, Chapter 93, Chapter 102 criteria to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater, Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27, and other applicable state law. An NPDES Permit for the Discharge of Stormwater Associated with the Construction Activities is issued after the Department determines that the application and supporting plans and documents including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan meet the regulations and requirements of 25 Pa. Code Chapter 102, and the Department and District have concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.

In order to satisfy these obligations, the Department coordinates with other state and local trustees, including the respective municipality. Kidder Township was provided, by the

applicant, a municipal notification of Planned Land Development for Chapter 102 permits in accordance with Acts 14, 67, 68 and 127 in October of 2023, to which the municipality had 30 days to provide a response; a response was received. The Department copied the municipality on all official correspondence of the review including completeness review letters, technical review letters, and the draft permit notification.

Issues pertaining to aesthetic considerations, traffic related concerns, post-construction pollution prevention, noise and air pollution, roadway infrastructure, property values, tourism, safety concerns, and impacts to adjacent properties are evaluated by the municipality's Zoning, Subdivision and Land Development Ordinances, and other municipal ordinances or by other agencies having jurisdiction over these issues.

The Department does not have the authority to assess the demand for warehouses.

TRAFFIC

Traffic safety and roadway infrastructure impacts are addressed by the owner of the roadway network, generally either the local municipality or the Pennsylvania Department of Transportation (PennDOT). The permittee is in the process of obtaining a Highway Occupancy Permit from PennDOT for this project.

Prior to submitting the Highway Occupancy Permit application to PennDOT, a Traffic Impact Assessment was prepared for the project, which was submitted to PennDOT and Kidder Township for review and approval.

The Traffic Impact Assessment evaluated the impacts of the project at the following intersections:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
- SR 0940 and Jack Frost Access Road/Mosey Wood Road

The following summary addresses each study intersection and the improvements that are proposed by the developer based on the review of the Traffic Impact Assessment by PennDOT and Kidder Township:

- SR 0940 and SR 0080 Ramps/PA Turnpike Ramps
  - No improvements required.
- SR 0940 and Jack Frost Access Road/Mosey Wood Road
  - No improvements required.
- SR 0940 and Lot 2 Access
  - Construction of the medium volume driveway.
  - Construction of eastbound 250' auxiliary left turn lane.

These improvements have been incorporated into the NPDES permit.

STORMWATER MANAGEMENT

The proposed development is subject to the stormwater management requirements outlined in the Kidder Township Stormwater Management Ordinance. In addition to complying with

the municipal ordinance, DEP determined the applicant also met the stormwater management requirements in Chapter 102. Peak rate control calculations were developed utilizing an industry accepted computer program to estimate peak runoff rates and sound engineering practices. The Department reviewed the calculations and confirmed the project meets the peak rate and volume requirements through the construction of the proposed post-construction stormwater management best management practices (PCSM BMP's) from the Pennsylvania BMP Manual (PADEP Doc. No. 363-0300-002).

The township-approved modifications or waivers of the municipal stormwater ordinance do not relieve applicants from complying with Chapter 102 requirements.

TABLE OF COMMENTERS

Commenter ID #	**Name and Address**	**Affiliation**
1	Phyllis Spencer 28 Trail Ridge Road Albrightsville, PA 18210	
2	Joseph Stanley Giannopoulos 1037 Hoven Rd Philadelphia, PA 19115 Stacey Beckmann 93 S. Lake Drive Lake Harmony, PA 18624 James A. Wells jwells@worldtravelinc.com Hayden Michenas 122hrelenc333@gmail.com Jeanne Applegate Jeannemappleg8@aol.com Scott Peterson 111 Estates Drive Lake Harmony, PA 18624 Achilleas C. Psillos Achilleas08@gmail.com David and Joann Moffat 56 Helen Way	

	White Haven, PA 18661 Mark F. Peterson PO Box 306 111 Estates Drive Lake Harmony, PA 18624-0306 Suzanne Cutshall 45 Tobyhanna Street Lake Harmony, PA Paul Spaventa 4 Linden Drive Lake Harmony, PA 18624	
3	Cleo Psillos 1059 Surrey Road Philadelphia, PA 19115 Fran Weiner 68 Beechwood Rd Lake Harmony, PA	
4	Sondra Wolferman 112 Buckhill Road Albrightsville, PA 18210	
5	Paul Lorigan Kathy Lorigan 45 Tobyhanna Street Lake Harmony, PA	
6	Brian Gettig 4150 Bear Creek Blvd Bear Creek Township, PA 18702 Paula Fall 4150 Bear Creek Blvd Bear Creek Township, PA 18702	
7	Michelle R. Stermer	
8	Alex Jackson, PhD Alexander.g.jackson@gmail.com	
9	Charles L. Cutshall 45 Tobyhanna St Lake Harmony PA Chuckcutshall3@gmail.com	

10	Linda Christman President 6495 Pohopoco Dr Lehighton, PA 18235	Save Carbon County
11	Letty D. Thall 2401 Pennsylvania Ave, Apt 12-A-4 Philadelphia, PA 19130	
12	Beth Hurley PO Box 338 Lake Harmony, PA 18624 Vicki Darrow 117 Shorthill Road Lake Harmony, PA 18624 Suzanne Cutshall 45 Tobyhanna Street Lake Harmony, PA	Love Kidder Township
13	**"deleted – duplicate commenter – added to commenter #8"**	
14	Anna Psllos Annoulis77@gmail.com	
15	Arnost & MaryAnn Castka 110 Timberlane Dr. Albrightsville, PA 18210 Paul Spaventa 4 Linden Drive Lake Harmony, PA 18624 Linda Mourar, PO Box 12, 118 Moseywood Rd Lake Harmony, PA 18624	
16	Aquashicola/Pohopoco Watershed Conservancy PO Box 360 Kresgeville, PA 18333	
17	Josh Perri 62 Squirrel Trail White Haven, PA 18661	
18	Michael Schirra 39 Stony Creek Rd Jim Thorpe, PA 18229	

19	Arthur Vomvas 34 Ski Jump Lake Harmony, PA 18624	
20	CR III & Rose Davis Rosedavis145@gmail.com	
21	David Hunter Dhunter756@gmail.com	
22	James Miller 3134 Sussex Dr Tobyhanna, PA 18466	
23	Bill Hudak 1060 Spring Road Andreas, PA 18211	Lehigh River Stocking Association
24 Also duplicated comment #3	Fran Weiner 68 Beechwood Rd Lake Harmony, PA	
25	Bronne Bruzgo	
26	Robert M. Cohen, M.D. 55 Lake Drive, Split Rock Lake Harmony, PA 18624 or 2401 Pennsylvania Ave, Apt 2A5 Philadelphia, PA 19130-3012 folkdoc@comcast.net	
27	Brigitte Meyer, Esq PennFuture meyer@pennfuture.org	
28	Melvin A Bach III w3sq@ptd.net	
29	Sarina Berlow	
30	Lucy Freck	
31	John Zugarek	
32	Matt MacConnell	
33	Roy Christman	
34	Carolyn Lange	
35	Lisa Buchholz	DELAWARE RIVERKEEPER
36	Emma Bast	PENNFUTURE
37	Pat Back	
38	Eric Siglin	

39	Linda Mourar	