Pennsylvania
Department of
Environmental Protection

July 7, 2026

Via Email: chibbard@bitfarms.com

Carbon Node East Development, LLC
c/o Craig Hibbard
4 Dennison Rd
Nesquehoning, PA 18240-2242

Re: Notice of Draft Individual NPDES Permit – Intent to Issue
Notice of Technical Deficiencies
Carbon Node East Development
NPDES Permit Application No. PAD130057
Nesquehoning Borough, Carbon County

Dear Mr. Hibbard:

The Department of Environmental Protection (DEP) has prepared the enclosed **draft** Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities ("Draft Individual NPDES Permit") for your review and comment.

Also enclosed is a copy of a public notice that, in accordance with DEP regulations at 25 Pa. Code § 92a.82(b), you are required to post near the entrance to your premises and, if the facility or discharge location is remote from these premises, at the entrance to the facility (project site) or at the discharge location. These postings shall remain for 30 days.

DEP will publish notice of the draft permit in the *Pennsylvania Bulletin* in the near future. You may provide written comments on the draft permit up to 30 days following publication of this notice. Following the 30-day public comment period (which may be extended by 15 days at DEP's discretion), DEP will consider any comments received and make a decision on whether to issue a final permit.

Please be advised that your application contains technical deficiencies that must be corrected prior to DEP taking final action on your application. The technical deficiencies void the permit decision guarantee and any agreements that have been made regarding the timeline for the permit application review. DEP will continue to follow the permit review process in the review and processing of this permit application.

Technical Deficiencies

1) **Existing topographic features of the project site and immediate surrounding area §102.4(b)(5)(i).**
   A) As proposed, there are multiple existing culverts that will receive discharge from the proposed E&S and SCM facilities. However, locations and sizes of the existing pipes

under Industrial Road are not provided on the E&S plan drawings. Please make sure locations and sizes of all existing drainage structures in the project area along Industrial Road are included on the plan drawings.

2) Characteristics of proposed earth disturbance activities and NPDES boundary §102.4(b)(5)(iii).

A) The plan drawings as submitted does not include a labeled NPDES permit boundary line. Please revise the plan drawings and legend to include the NPDES boundary.

B) The installation of perimeter controls is one of the early stages of construction however the locations of the perimeter controls are in some cases in thick vegetation and will need temporary access cleared to install these perimeter bmp's. It is recommended to include guidance for temporary access to install the perimeter controls. A temporary access construction detail should be provided with potential additional E&S controls and maintenance recommendations if wet conditions pose an issue for bmp installation (examples: use of water bars, use of wood mats, etc.)

C) The location for all proposed stormwater piping is shown on the E&S plan drawings, however the type of pipe and sizes are not shown on the E&S plan drawings. Has an evaluation or assessment of the current condition of the existing culvert pipes taken place to ensure they can handle discharges from the project? Please clarify.

3) Narrative description of the location and type of perimeter and on-site BMP's §102.4(b)(5)(vi).

A) As per question #5 of Module #1, there are only 5 rip rap aprons listed, however there appears to be more than that shown on the plan drawings. Also, there were a few additional locations where it would be recommended to add a rock apron outlet. Please make sure all temporary and permanent rock apron outlets are included in question #5 of module #1.

4) Sequence of Construction §102.4(b)(5)(vii).

A) Module #1 states the use of a compost filter sock trap but it does not state in the construction sequence when this trap is to be installed. Please revise the sequence to include when the installation of this BMP should take place.

B) The construction sequence in either phase does not list the installation of the proposed baffle systems for each basin. Please revise.

5) Sequence of Construction (continued) §102.4(b)(5)(vii).

A) In multiple instances, in the construction sequence, the installation of certain BMP's are unclear as well as how and when the site transitions between Phase's A and B. It is recommended to add more detail and additional steps the proposed construction sequence to better clarify the overall scope of construction and BMP installation for the project.

6) Plan Drawings - Temporary/Permanent Swales §102.4(b)(5)(ix).

A) As per the design calculations for temporary channel T-4E, the spreadsheet states that its drainage area is 5.52 acres. However, as per the drainage map provided for phase A the drainage area is 5.98 acres. Please review the calculations for this channel to verify if the design information is correct.

7) Plan Drawings - Sediment Basins §102.4(b)(5)(ix).

A) In multiple locations the same sediment basins are labeled differently on different plan sheets and in the design spreadsheets in the application. Example: Sediment Basin 4E is labeled as such in the design calculations and on Sheet C900. However, it is labeled as 4C on plan sheet #914. Please review and revise the labeling for all proposed sediment basins to ensure that all information and labeling matches for all plan sets as well as the design spreadsheets.

B) As submitted, there are multiple inconsistencies with the labeling the skimmer in some of the basins on the proposed plan sheets. Example: on sheet C914, basin 4C (which is really 4E) does not show a skimmer on the outlet structure. It also occurs on sheet C10 for Sediment Basin 1B. Please review and revise all plan sheets that have basin outlet structures to make sure the location of all basin BMP's are labeled on the plan drawings.

C) During Phase A, temporary collector channel T-5E outlets very close to the outlet structure to Sediment Basin 5E and there is no baffle to lengthen the flow length. Is this correct? Please review all the flow length to width ratio's for all proposed basins to make sure the proper length of baffles are being proposed.

D) In multiple locations, the installation of proposed baffles are not shown on the plan drawings. Example: All baffles are shown on sheet C920 but not on any other plan sheets. Please revise all plan sheets to show the location of the proposed baffles.

E) For purposes of the review process and overall organization, it is recommended that all standard worksheets and proper construction details from the DEP E&S Manual be used to provide all design information for the proposed sediment basins.

F) Rock berms are proposed in Sediment Basin's 4B and 1F. Please include their installation in the construction sequence and clarify their purpose and construction dimensions on the plan drawings.

8) Plan Drawings - Sediment Traps §102.4(b)(5)(ix).

A) In multiple locations the same sediment traps are labeled differently on different plan sheets and in the design spreadsheets in the application. Example: Embankment Sediment Traps 2C and 3C are labeled as such in the design spreadsheets and on the Phase A plan sheets but they are listed as Traps 2B and 3B on the Phase B plans. Please revise the labeling for these sediment traps to ensure that all information, labeling and sequencing matches for all plan sets as well as the design spreadsheets.

B) For purposes of the review process and overall organization, it is recommended that all standard worksheets and proper construction details from the DEP E&S Manual be used to provide all design information for the proposed sediment traps.

9) Plan Drawings - Rock Apron Outlets §102.4(b)(5)(ix).

A) The rock apron outlets in several locations that discharge inside proposed basins and traps are shown being installed on the embankment slopes and not on the basin bottom. As per DEP recommendations, rock apron outlets should be installed on 0% grade. This recommendation is typically made to minimize the chance of scouring to occurring to the basin embankments and basin bottom. Please revise.

B) Since there are several different BMP's that will require the use of rip-rap, it is recommended to include a rip rap gradation chart to the plan drawings to ensure proper

rock sizing when installing these bmp's.

10) Plan Drawings - Skimmers and Dewatering Facility §102.4(b)(5)(ix).

A) As proposed, all the basins and traps are going to have skimmers installed to help filter out sediment from the basins. However, as per DEP recommendations for ABACT bmp's , the outlet structures should have a stone bed ring with a dewatering facility included to be the landing bed for the skimmer. It is recommended to include skimmer construction details #7-2 and #7-3 to show this stone landing bed. The locations of these beds should also be shown on the plan drawings in each basin / trap as well as in the E&S plan legend.

B) As submitted, Question #17 of Module #1 was not checked however, pump filter bags and other dewatering facilities are or will be proposed for the project. Please revise Module #1.

11) Plan Drawings - Temporary and Permanent Seeding §102.4(b)(5)(ix).

A) Seeding information was not provided in E&S plan drawings. It is recommended to include Standard Worksheet #21 for permanent and temporary stabilization to the E&S construction details sheets to provide additional information regarding site stabilization.

12) Plan Drawings - Access Roads §102.4(b)(5)(ix).

A) As per the construction sequence, access will be needed to install the perimeter E&S controls (siltron fence) and the proposed basins and traps. Temporary access road guidance and construction details should be provided on the plan drawings to depict how we are going to access the site in the early stages of construction while minimizing earth disturbance while the basins, traps and collector channels are under construction. Items like location, how the access will be stabilized, type of stabilization, typical road width, road crown, etc. should be included in this detail.

13) Plan Drawings - Retaining Walls §102.4(b)(5)(ix).

A) In multiple locations, there are proposed retaining walls incorporated in the construction of the building pads but I was unable to find construction details or dimensions for these walls. Please provide additional information for these walls as well as list there construction in the overall construction sequence.

14) Plan Drawings - Inlet Protection §102.4(b)(5)(ix).

A) The proposed inlet protection on the plan drawings shows details for a sediment filter bag or compost filter sock around the inlet. Upon review of the acceptable types of inlet protection in the DEP E&S manual or alternatives ABACT BMP list, I was not able find the use of compost filter sock as an acceptable form of inlet projection. Please remove this detail from the plan drawings and also provide drainage maps for all inlets to ensure that the inlet filter bags will function properly.

15) PNDI and Other Clearances §102.6(a)(2).

A) As noted previously during the administrative review of the application, the IPAC reporting tool questionnaire and clearance letters from the US Fish and Wildlife Service have not been submitted at this time. Please be advised these items need to be completed

and submitted to DEP prior to permit issuance. Once these items have been completed please submit a copy to the Carbon Conservation District.

B) During the administrative review of the application, it was also noted that the Act 537 approval letter was also not included in the NPDES permit application. Please be advised all associated state permit authorizations will also need to be completed prior to the issuance of the NPDES permit. Please provide documentation for all other approvals for this project to the Carbon Conservation District when they are completed.

16) Permit Fees §102.6(b)(3).

A) As per the district's fee schedule, the service fee for the second technical review is based on it being 25% of the original fee. The service fee for the second technical review submittal is $4,926.25, payable to "Carbon Conservation District."

17) Minimize any increase in stormwater runoff volume §102.8(b)(3).

A) As a result of the proposed development, an increase in volume of +291,235 ft^3 will occur during the 2-year frequency storm event. This increase is intended to be managed via the planting of 4,011 new trees (a volume reduction of 39,136 ft^3), ET Credits within Detention Basins (a volume reduction of 4,405 ft^3), and a 309,102 ft^3 volume reduction via Managed Release Concept basins that are lined to prevent infiltration and/or groundwater seepage into the basin. Please note DEP's "Managed Release Concept" Guidance Document, which states: *"the applicant's licensed professional engineer has determined that it is not feasible to manage the required volume through infiltration and ET alone due to soil and/or geologic conditions or other environmental constraints on the project site. DEP intends for the use of MRC to be limited to sites where infiltration is extremely limited (i.e., very slow infiltration rate), not feasible (i.e., groundwater and/or regularly occurring seasonally high-water tables within one foot of the bottom of the BMP's soil media), or undesirable (e.g., sinkhole-prone areas or contaminated soils)."* The Department recommends the applicant explore other options to reduce stormwater volume in order to either avoid using the lined MRC basins entirely, reduce reliance upon the lined MRC basins to reduce volume, or to be used in conjunction with the lined MRC basins. This may include the following concepts:

i) Spray/Drip Irrigation in the area directly north and east of Dry Extended Detention Basin #1A, in the area directly east of Building "D," in the areas directly east and southwest of Dry Extended Detention Basin #1B, in the area directly south of MRC Basin #1D, in the area directly east of MRC Basin #1G, in the area directly east of MRC #4C, in the area labeled "Contractor Staging Area to be Restored to Existing Conditions," in the open area surrounding the large fill area labeled "Restored Contractor Staging Area" on Plan Sheet #C419, in the open area surrounding the large fill area on Plan Drawing C415, in the area directly south of Wetland W011, in the area directly south of Dry Extended Detention Basin #2C and #2B, and in the lawn areas surrounding the Underground Detention System 4D. §102.8(b)(3).

ii) Expanding the footprint of Dry Extended Detention Basin #1A to the west to obtain additional ET Credits. §102.8(b)(3).

iii) Expanding the footprint of Dry Extended Detention Basin #2C to the north to obtain additional ET Credits. §102.8(b)(3).

iv) A series of earthen check dams installed within the Vegetated Swales P-1, P-2, P-3,

and P-4. §102.8(b)(3).

v) Infiltration Berms placed on contour (at existing grade) in any areas that are intended to be lawn/meadow in PCSM conditions and are capable of capturing upslope areas. §102.8(b)(3).

18) The proposed BMP "Dry Extended Detention Basin" has several deficiencies §102.8(b)(3).

A) A total credit of 4,405 ft^3 has been listed for the five (5) Dry Extended Detention Basins. Please note the PCSM Spreadsheet Instructions, which state that: *"to qualify for ET credits, vegetation must include plug plantings with a mix of native woody, herbaceous, and grass species. Plug plantings should be spaced approximately 2-3 feet on center. Seed mixes may be used in addition to plug plantings but must not be the only form of vegetation planted to qualify for ET credit."* Please provide plug plantings within the footprint of each basin. §102.8(b)(3).

19) The proposed BMP "Re-Vegetate/Re-Forest Part II" has several deficiencies §102.8(b)(3).

A) A total of 4,011 trees (a volume reduction of 39,136 ft^3) have been proposed to be planted as part of this project. Please revise the PCSM plans to include a tree planting detail for both deciduous and evergreen trees depicting the height (minimum 6-ft), trunk caliper (minimum 2-in), staking details, and planting depth. For additional guidance regarding this BMP, please see the PA BMP Manual, Chapter #8, Page #24.

B) Please revise the PCSM plans to include maintenance notes indicating that the trees shall be protected for the life of the project (minimum 50 years) or until redevelopment occurs. For additional guidance regarding this BMP, please see the PA BMP Manual, Chapter #8, Page #24.

20) Maximize the protection of existing drainage features and existing vegetation §102.8(b)(5).

A) On Page #434 in Appendix "G" of the PA E&S Manual and on Page #248 in Chapter #6 of the PA BMP Manual, the minimum recommended length of a Level Spreader is 13-LF for every 1.0 cfs of peak flow during the 100-year frequency storm event. On Page #244 in Chapter #6 of the PA BMP Manual, it states that: *"depending on the computed flow rate and available space, the designer may provide enough length of pipe to distribute the 100-year storm."* Given that there is adequate space on the project site, the level spreaders associated with Detention Basin #1A, MRC Basin #2B, MRC Basin #2C, MRC #3B, and Detention Basin #3C all appear to be undersized. The following comments apply:

i) Since the 100-year peak flow discharging from Level Spreader #1A is 1.77 cfs, a 24-LF level spreader is required (whereas a 20-LF level spreader is proposed). Please revise as per §102.8(b)(5).

ii) Since the 100-year peak flow discharging from Level Spreader #2B is 6.74 cfs, an 88-LF level spreader is required (whereas a 60-LF level spreader is proposed). Please revise as per §102.8(b)(5).

iii) Since the 100-year peak flow discharging from Level Spreader #2C is 0.52 cfs, a 7-LF level spreader is required (whereas a 5-LF level spreader is proposed). Please

revise as per §102.8(b)(5).

iv) Since the 100-year peak flow discharging from Level Spreader #3 is 11.61 cfs, a 150-LF level spreader is required (whereas a 100-LF level spreader is proposed). Please revise as per §102.8(b)(5).

B) On Plan Sheet C416, the line labeled "Proposed Discharge Point Flow Path" is missing from the drawing for the outfall associated with DP-18. Please provide as per §102.8(f)(9).

C) On Plan Sheet C414 and C418, the line labeled "Proposed Discharge Point Flow Path" is missing from the drawing for the outfall associated with HW-4 and HW-4E. Please provide as per §102.8(f)(9).

21) An identification of the location of surface waters of this Commonwealth, which may receive runoff within or from the project site and their classification under Chapter 93 (relating to water quality standards) §102.8(f)(5).

A) Please revise the PCSM plan drawings to better differentiate between wetlands that are considered "Exceptional Value" and wetlands that are considered "Other." For all instances in which EV Wetlands are being hydrologically impacted (via a direct post-development discharge of stormwater and/or post-development alterations to upslope drainage patterns), please provide a "Wetlands Functions and Values" report addressing these issues. This report should address how the hydrology of these EV wetlands will be altered (as per §102.8(f)(4)), how the water quality of the stormwater inflow will impact the wetlands (as per §102.8(b)(1)), how the peak rate of stormwater discharge will influence the wetlands (as per §102.8(b)(2)), and if the velocity of concentrated stormwater will cause accelerated erosion to occur within the wetlands (as per §102.8(b)(5)).

22) Predevelopment site characterization and assessment of soil and geology including appropriate infiltration and geotechnical studies that identify location and depths of test sites and methods used §102.8(g)(1).

A) Infiltration testing was conducted in a total of twenty-three (23) locations throughout the 201-acre project site. If additional PCSM BMP's (such as Spray/Drip Irrigation, Infiltration Berms, etc.) are proposed in order to reduce the project's reliance upon (lined) MRC Basins, the Department recommends additional infiltration testing to be conducted at the existing ground surface elevation. §102.8(g)(1).

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information **must be received within 30 calendar days from the date of this letter, on or before August 7th, 2026, or DEP may consider the application to be withdrawn**.

Please resubmit to the Carbon County Conservation District and to DEP. Please also coordinate with the conservation district on whether paper copies will be needed.

Please be advised that if your response does not satisfy the technical deficiencies, in general your application will proceed to an Elevated Review. If you do not believe the technical deficiencies can be fully addressed within the required timeframe, you should consider a voluntary withdrawal. If a permit application is denied, there is no recovery of fees available; however, if you voluntarily withdraw the NOI or application and then submit a new NOI or

application for the same project, previously paid disturbed acreage fess will be reapplied to the new NOI or application.

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

If you have questions about your application, please contact Justin Dresch by e-mail at jdresch@pa.gov or by telephone at 570.830.3040 and refer to Application No. PAD130057 to discuss your questions or to schedule a meeting. You must attempt to schedule any meeting within the thirty (30) calendar days allotted for your reply.

Sincerely,

Pamela R. Kania

Pamela R. Kania, P.E.
Environmental Program Manager
Waterways and Wetlands Program

cc: Civil & Environmental Consultants, Inc. (marcher@cecinc.com)
Carbon Conservation District (carbmgr@ptd.net)
Nesquehoning Borough (nesqboro@ptd.net)

Enclosures: Draft Individual NPDES Permit
Fact Sheet
Public Notice for Posting at Site