

Comments to PA DEP  
RENEWAL, MAJOR AMENDMENT

NEW 303 Demi Road LLC Stormwater Discharge NPDES Permit

PAD480132 A-1

To Whom it May Concern:

Yesterday July 21· 2021, I attended the Upper Mount Bethel Township Planning Commission meeting where for the FIRST time the public had a chance to see the plans for 303 Demi Rd LLC. During the review of the plan by the townships engineer Mr. Justin Coyle mentioned he was pleased to see the developer has now added an oil/water separator coming off the truck parking areas to which Mr. Frank Kline ( planning commissioner) commented “but what about the bio-fuels that are now being used more and more by the trucking industry. They are more water soluble and the proposed oil/water separator may not be up to the task”. Furthermore Mr. Kline was concerned that this supposedly clean water effluent downstream of the oil/water separator dumped into the bog turtle habitat.

Thank you for your time.

Sincerely,

Richard Wilford-Hunt  
2012 Shady Lane  
Mt. Bethel, PA 18343  
610-599-1063

***Response: During Vertek’s design meeting on September 24, 2021 (at UMBT) with Mr. Justin Coyle (Township Engineer) and Mr. Edward Nelson (Township Manager), the oil/water separator within the truck court was discussed along with additional means to “filter” the stormwater (during rain events) from the projects truck court area.***

***In order to provide an additional means of filtering the stormwater from the truck court and address the concerns of the planning commission and township engineer, Vertek added the Old Castle FloGard Plus Catch Basin inserts to inlets I-1 thru I-6 within the truck court. The Old Castle FloGard Plus Catch Basin inserts provides for removal of 80% TSS (total suspended solids) and 70-80% Oil and Grease removal. Previously, these structures did not contain a filtering device.***

***Vertek also added a second ADS oil/water separator downstream of the truck court Underground Stormwater Basin #1C and before inlet I-17. This second ADS oil/water separator is in addition to the original ADS oil/water separator proposed after inlet I-6 and upslope of the Underground Stormwater Basin #1C. This second ADS oil/water separator adds a means of redundancy to the filtering of the stormwater from the truck court. The ADS oil/water separator provides for removal of 60% TSS (total suspended solids) and per the manufacturer’s representative it is blanket approved under Section 6.6.4 of the PADEP BMP Manual at a rate of 60% TSS, 50% TP (total phosphates), and 20% TN (total nitrates).***

*In addition to the Old Castle FloGard Plus Catch Basin inserts within inlets I-1 thru I-6 and the second ADS oil/water separator downstream of the truck court Underground Stormwater Basin #1C, we also specified a snout within inlet I-25. This snout was added at the recommendation of the township engineer as another means to filter the stormwater before it is discharged through the level spreaders and to the Unnamed Tributary to the Delaware.*

*Keep in mind, all of the above noted systems require maintenance and in most cases the manufacturer recommends, at a minimum, annual or bi-annual scheduling of maintenance. The operation and maintenance of all project specific BMP's are covered by the PCSM plans and The Instrument for the Declaration of Restrictions and Covenants, which are recorded documents that run with the land/project in perpetuity. These documents legally obligate the landowner to perform the noted maintenance operations listed thereon.*

[Cole, Charles Arlington](#)  
[Jevin, Robert](#)  
[Daniel Ahn](#)  
**Cc:** Comment for PAD480132 A-1  
**Subject:** Tuesday, July 20, 2021 2:31:34 PM  
**Date:** [NPDES Comments to PA DEP for 303 Demi.docx](#)  
**Attachments:**

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Robert,

Please consider these attached comments related to the application for a permit to discharge stormwater for the 303 Demi Road.

Charles A. Cole

Comments to PA DEP  
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NEW (303) Demi Road Stormwater Discharge NPDES Permit  
PAD480132 A-1

Charles A. Cole, PhD, PE, 7/20/21

The development of this property at this scale is a major mistake in UMBT. The only reason that you are looking at this Permit Application is because of what Concerned Citizens of UMBT feel is an illegal arrangement between the Township Supervisors and the Developer, RPL. A Text Amendment (TA) changing our Zoning allowed the developer to even attempt “shoe-horning” into an unsuitable location a 420,000 square foot warehouse. The passage of the TA is now being litigated. By the Township’s old zoning ordinance, the building would not be allowed. Only because of the TA allowing construction on slopes greater than 15 %, now approaching 25% and reducing setback from wetlands containing bog turtles have they been able to place an oversized building. The site is not a place where a large building should be put. Plans show there are three stormwater retention features needed to handle the runoff, and two are underground because of lack of surface area for placement. Added to that is limestone underlying the adjacent area which may develop channels with introduction of the stormwater. And I am guessing that there will be shallow groundwater moving around and below the facility which will compromise building footers and roads.

This site will require an excessive amount of disturbance to place a ten-acre warehouse in a wooded area on steep slopes bordered by an important wetland. Even constructing the facility requires clearcutting which violates our Township tree harvest ordinance. Both the construction phase, which may require blasting and the post construction phase, will have their own set of problems. Erosion control during construction at this cramped site will be a major problem. I cannot think of many worse places in the Township to attempt to build a ten-

acre warehouse. If it were not for the land being zoned for industry, one would not attempt such an ill-conceived project.

The developer has stated that they will sell the site as soon as possible, so the new owner will be tasked with long-term maintenance of SWM. This then brings to the new owner, spill containment problems which are directed to infiltration chambers under buildings. The Township in future is also possibly left with management of MS4 stormwater management requirements.

***Response: The above comments are opinion and general in nature. The proposed development will be required to satisfy all applicable erosion and sedimentation controls and stormwater management regulations. Moreover, the challenge to the zoning amendment has been dismissed and the proposed development has obtained preliminary approval from the Township.***

**From:** [Mark Mezger](#)  
**To:** [Jevin, Robert](#)  
**Cc:** [Daniel Ahn](#)  
**Subject:** Public Comment for PA Bulletin, NPDES Permit Application for 303 Demi Road Stormwater Discharge Permit  
**Date:** Wednesday, July 21, 2021 9:24:36 PM  
**Attachments:** [NPDES Comments to PA DEP for 303 Demi.pdf](#)

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Messrs, Jevin and Ahn,

I would like to have the attached comment posted in the PA Bulletin in regard to the subject permit.  
Thanks

Mark J. Mezger

UMBT Concerned Citizen

Comments to PA DEP  
RENEWAL, MAJOR AMENDMENT

NEW (303) Demi Road Stormwater Discharge NPDES Permit

PAD480132 A-1

It is not clear why the developer has submitted an application for an NPDES Permit. First, the Land Use Plan for this project has been submitted and withdrawn two times before the Mt Bethel Planning Commission. Care must be taken to ensure that the NPDES permit application corresponds to the correct land use plan. Second, the building's size is 420,000 square feet and 45' high and can only be built if the law suit brought against the Upper Mount Bethel Supervisors to Repeal the text amendment is decided in favor of the Supervisors. Lastly, the building is too big for the plot of ground that they want to put it on and the Lehigh Valley Planning Commission has reviewed the plans and noted several deficiencies that must be corrected. Any decisions or tax payer monies to be expended on processing this application should be held in obedience until such time as this law suit is decided and appeals are settled. To move forward now may mean the process has to be repeated. What a waste of people's time and taxpayer's dollars. As a sworn steward of the taxpayer's dollars, I would advise the PA DEP to exercise prudence and wait.

Mark J. Mezger  
114 Scenic Ct.  
Mt. Bethel, PA 18343

***Response: The developer is proposing to modify the NPDES Permit because of changes to the proposed development plan. The remaining comments are opinion and beyond the scope of the pending NPDES permit application. The proposed development will be required to satisfy all applicable erosion and sedimentation controls and stormwater management regulations. Moreover, the challenge to the zoning amendment has been dismissed and the proposed development has obtained preliminary approval from the Township.***

[sharon.duffield.rojevin@pa.gov](mailto:sharon.duffield.rojevin@pa.gov); [Daniel Ahn](#)

**Subject:** Public Comment, NPDES Permit Application for 303 Demi Road Stormwater Discharge Permit **Date:**

Thursday, July 22, 2021 10:55:58 PM

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Comment to PA DEP requesting consideration

RENEWAL, MAJOR AMENDMENT

NEW 303 Demi Road Storm water Discharge NPDES Permit PAD480132 A-1

Dear Mr. Jevin and Mr. Ahn,

As a resident who lives in UMBT I have learned through a recent Twp meeting that a developer wants to build a, now, expanded 420,000 square foot warehouse upon land that was not zoned for a building of this size and scope at this location. Only via a text amendment, which is already being challenged in court, has the likes of this building been approached and, therefore, the permit application been submitted. This building location is on steep slopes over 15% and now closing on 25%. The developer is attempting to compromise a location which borders the Delaware River in an area the locals know well for the wooded area, slopes and bordering area containing bog turtles (which, now, the developer wants the set back reduced for). The amount of runoff that will be generated after clear cutting this land, paving, and covering with a huge structure not meant to be built on such land and the slopes which will have to be reconfigured and large amounts of dirt and rock moved and blasting involved will not be insubstantial. There are going to be three storm water retention areas needed to handle the runoff and there is not even room to fit them all above ground. We have seen, first hand, what limestone erosion can do having watched the continued problems along Route 33 and we know this lurks below the surface of this area as well.

The amount of trucks that will be traversing this once wooded land, now being paved and built upon with a huge warehouse structure, and the numerous vehicles and trucks being parked and loading and unloading will be leaving behind further contaminants that will enter the runoff. The stream and river border this sloped land and with the new biofuels being used the risk and challenges to our Wild and Scenic Delaware River due to the runoff are even further expanded.

We know what the Chesapeake Bay area has faced. Further, research has shown that industrial buildings, such as warehouses, likely pose a larger threat to storm water quality than any other development. A new study done by Virginia Tech shows very current evidence of that problem. A research team monitored storm water for one year at six catchments in Virginia Beach, each of which was dominated by a single land use: an industrial area with immense rooftops and large

asphalt areas, suburban landscapes, commercial center, highway strip, park, low and high density housing zones. Of the areas the industry-dominated area had the highest concentration of nitrate and large amounts of sediment in its storm water. This study was just published in June of this year. Vulnerable species can be destroyed in our streams and our river and the hydrology affected and changed.

I am hoping PADEP will deeply consider the impact of what is being requested. Our state is under tremendous environmental pressure and we count on such review to protect our most precious water supply, our Wild & Scenic designated river in the heart of the Delaware Water Gap and our valued environment. The rapid sprawl of massive warehouses needs to be very critically and carefully assessed before the areas of our State bordering our rivers and water supplies are tragically affected.

Thank you for your time and attention.

Sharon Duffield 554 Potomac St Mount Bethel, PA 18343

***Response: The above comments are opinion and general in nature. The proposed development will be required to satisfy all applicable erosion and sedimentation controls and stormwater management regulations. Moreover, the challenge to the zoning amendment has been dismissed and the proposed development has obtained preliminary approval from the Township.***

**From:** [Cori Eckman](#)  
**To:** [rojevin@pa.gov](mailto:rojevin@pa.gov)  
**Cc:** [Daniel Ahn](#)  
**Subject:** PAD480132 A-1  
**Date:** Thursday, July 22, 2021 1:05:33 PM

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Gentlemen,

I am writing to express my deepest concerns with the newly proposed 303 Demi Road Stormwater Discharge NPDES Permit PAD480132 A-1.

I am a lifelong resident of Upper Mt. Bethel Township and grew up fishing the streams and enjoying the Delaware River that lines this project. The breadth and scope of this project in our rural community based on the Text Amendment that permits such a huge overdevelopment of the property must be viewed as destructive to flora, fauna and humans living in the region.

Primary issues, as I presume you are aware, include the reduction of setbacks as well as permission to build on significantly deeper slopes than our original zoning permits. Not only does there need to be strict oversight of the development of this magnitude, but the overall disturbance to the region is a threat to the area.

I am in no way an engineer of any kind, but I do know that rivers are dependent on their surrounding lands (teh watershed) for a consistent supply of clean water. Altering a watershed does many things; one of the most significant is to alter the way stormwater soaks into the ground or flows to the local river, in this case, the Delaware. I do not believe that the developer has the community's best interests at the forefront in terms of their stormwater management and unprecedented flooding as well as contaminating our local waters (and wells) with pollutants that they cannot even guesstimate on, will damage the entirety of our small, rural community.

I am also deeply concerned with the consequences of the loss of groundwater recharge, reduced base flows in streams and lower water quality.

I beg of the DEP to look carefully and consider NOT granting the applicant's permit for this project.

Sincerely,

Courtney Eckman  
1108 Potomac St  
Mt. Bethel Pa 18343

***Response: The above comments are opinion and general in nature. The proposed development will be required to satisfy all applicable erosion and sedimentation controls and stormwater management regulations. Moreover, the challenge to the zoning amendment has been dismissed and the proposed development has obtained preliminary approval from the Township.***



