



September 26, 2023

**Via Email:** [lpektor@ashleydevelopment.com](mailto:lpektor@ashleydevelopment.com)

River Pointe Logistics Center, LLC  
c/o Louis Pektor III  
559 Main Street, Suite 300  
Bethlehem, PA 18018-5862

Re: Notice of Draft Individual NPDES Permit – Intent to Issue  
Notice of Technical Deficiencies  
River Pointe Logistics Center  
NPDES Permit Application No. PAD480178  
CTY.: #31-22-1-63  
Upper Mount Bethel Township, Northampton County

Dear Applicant:

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.

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### Technical Deficiencies

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1. Original Deficiency #1.a has not been resolved: *“For clarity consider overlaying map sheet page reference/ match lines on the overall stage plan drawings, i.e., ES-4, ES-10, ES-19, ES-27.”*
  - a. **The resubmission letter dated April 6, 2023 indicated the Overall Plans have been updated with an overlaying map sheet page references/match lines, which could not be located; please revise.**
2. Original Deficiency #5.d.xiii has not been resolved: *“Lot 6 (Stage 1.4) Steps 12 & 13 reference Subsurface Detention Basin which should include site-specific designation, and should be labeled on sheet ES-26; please revise.”*
  - a. **Construction Sequence has been updated to reference Underground Detention Basin 6, put the BMP is not labeled on sheet ES-31; please revise.**
3. Original Deficiency #5.d.xiv has not been resolved: *“Stages 1.3 & 1.4, Lot 8 Steps 4, 5, and 6 reference striping topsoil for entire area of this stage and installing Sediment Basin 8/9, which should be broken down into additional steps to ensure disturbed areas drain towards basin. At these steps approximately half of the site is not draining to the basin; consider installation of collector channel or other contouring to direct runoff from work areas to Sediment Basin”*
  - a. **Step 6 appears to clear, grub, and stockpile topsoil before bypass, CFS, and sediment basin are installed; please remove/ relocate as needed.**
4. Original Deficiency #6.c.ii has not been resolved: *“Standard Worksheet #8, Rock Filter 361 associated with Swale 2 could not be located on plan drawing ES-17, but RF #360 is identified; please revise as needed”*
  - a. **Swale 2 could not be located on worksheet, and Plan drawing shows RF360 for Swale 2A; RF361 could not be located; please revise/ clarify as needed.**
5. Original Deficiency #6.d.ii has not been resolved: *“E&S Worksheet #11, Minimum Required Freeboard should be 0.5 feet or ¼ Total Channel Depth, i.e., 0.75 for 3-foot channels, 1.0 for 4-foot channels, etc.; please revise and recalculate as needed, i.e., Swales 1C, 2B, 2A, etc.”*
  - a. **Minimum Required Freeboard for Swales 1C and 2B do not appear to have been corrected; please revise worksheet.**
6. Original Deficiency #6.d.vii has not been resolved: *“E&S Worksheet #11, Swale 7, Flow Depth plus Minimum Required Freeboard exceeds proposed Total Depth in both lined and vegetated conditions; please revise”*
  - a. **Flow Depth plus Freeboard still exceeds Total Depth for lined condition; please revise.**
7. Original Deficiency #6.e.iii has not been resolved: *“A spot check revealed that the emergency spillway protective lining types specified on the worksheets are not consistent with lining types specified on the detail sheets”.*
  - a. **Liner type on sheet ES-42 for Basins #2B and #6, reference P300, which is inconsistent with worksheet calculations and detail sheet; please revise.**
8. Original Deficiency #6.e.iv has not been resolved: *“The water surface elevation noted for calculations of Principal Spillway Discharge Capacity on Worksheet #17 are not consistent*

*with elevations provided elsewhere for Sediment Basin #1 and perhaps others. Review all water surface elevations for riser and barrel flow calculations for consistency”*

- a. **Please clarify elevations used for Principal Spillway as they still appear inconsistent with Worksheet #13.**
9. Original Deficiency #9.b has not been resolved: *“NPDES Application page 4 – Discharge points are defined as “engineered structures, drainage ways and areas of concentrated flow where runoff leaves a project site, except for areas of shallow concentrated flow that are controlled by perimeter BMPs.” Discharge points may be situated at or near surface waters or at another location, at or prior to the project site boundary. As such, the application materials should be revised to identify the distinct discharge points from the project site (i.e. EW #04C-01, Inlet #509, HW500, HW #08-C-219, MH351, MH302, HW1001, HW200, MH #02B-169, HW #6, Inlet #4, etc.). Please note that the current calculation structure (receiving surface waters) appears sufficient.”*
- a. **There are some additional discharge points not identified by the NPDES Application. DP-1C-I (sheet PC-18), HW200 (noted previously) and the concentrated discharge to 303 Demi Road are some examples. Please review the current proposal and ensure that all discharge points are labelled in plan view and listed in the NPDES Application.**
10. Original Deficiency #9.d.iii has not been resolved: *“The US Fish and Wildlife Service (USFWS) response to 724934\_Final\_2 appears to address the future buildout of the site (including Lot 7 which is not part of this permit application). However, the letter recommends relocating the currently proposed recreational trail outside of the 300’ buffer from Wetland 18 (which is proposed in this phase). Please clarify how the current proposal addresses the USFWS recommendations.”*
- a. **The proposed trail in question is still located within 300’ of Wetland 18 (ref: PCSM sheet PC-2). Please clarify how the current proposal addresses the USFWS recommendations.**
11. Original Deficiency #9.d.iv has not been resolved: *“PAFBC & USFWS response letters to PNDI 769233\_Final\_1 were not found in the submission. Please provide.”*
- a. **The most recent and complete PNDI receipt is 769233\_Final\_2, dated 4/5/2023. Any and all clearance letters from coordinating agencies should be for this PNDI receipt. Previous PNDI receipts and correspondence can be included for reference only but not for NPDES permit issuance. Please provide all response/clearance letters for 769233\_Final\_2 prior to permit issuance.**
12. Original Deficiency #9.f.ii has not been resolved: *“The driveway from the proposed development to 303 Demi Road does not have an associated stormwater conveyance system. Please clarify how this runoff will be conveyed safely to the receiving surface waters without a negative impact to downstream BMPs.”*
- a. **The comment has not been addressed as indicated in the response letter. The remaining concern is the impact of discharges on the 303 Demi Road conveyance system and BMPs. Please revise.**

13. Original Deficiency #9.f.iii has not been resolved: *“NPDES application page 4 indicates that Discharge Point 4 (DP004) will discharge via an MS4 system. The associated non-surface waters box should be checked.”*
- a. **Please revise the entries on NPDES Application page 4 to address the remaining inconsistencies between the receiving waters names and the non-surface waters checkboxes (i.e. DP-1B-1 to -4 non-surface waters checkboxes should be checked, DP-4D-1 should be unchecked, etc.).**
14. Original Deficiency #10.d has not been resolved: *“A “walking trail in a 30’ easement” is proposed throughout the site (ref: plan legend & plan view). The trail is not contained within the NPDES/LOD boundaries, crosses several watercourses & wetlands not labelled as stream crossings, within the 300’ bog turtle buffer of Wetland 18, and a construction detail (along with associated cover type) has not been provided. Please review and clarify/revise the E&S and PCSM plan drawings as necessary.”*
- a. **The comment has not been addressed as indicated in the response letter. If the feature is not proposed, please remove it from all application materials. Please revise.**
15. Original Deficiency #11.a has not been resolved: *“Given the scale of the current development and the potential need for additional impervious during the tenant fit-out phase, please consider incorporating additional impervious allotment in the post-development condition of this application. This “reserve” allotment could be included as a separate line item in the DEP Spreadsheet and a table could be provided on the PCSM plan drawings to be recorded.”*
- a. **The comment has not been addressed as indicated in the response letter. Please clarify/revise.**
16. Original Deficiency #12.b has not been resolved: *“There are a number of locations where proposed features lie outside the current limits of disturbance (LOD) and NPDES boundaries. Please revise the boundaries and/or proposed features as necessary to ensure adequate permit coverage (i.e. storm sewer run from inlet 08-110 to headwall #08-100, outfall #08-C-219, south side grading on Lot 8, swale 2B on Lot 6, sanitary force main extension from 303 Demi Road, etc.).”*
- a. **The comment has not been addressed as indicated in the response letter (i.e. spray fields on PCSM sheet PC-5, etc.). Please revise.**
17. Original Deficiency #12.d.ii has not been resolved: *“Basin maintenance access” is provided for all at-grade basins (ref: plan legend & plan view). Please provide a construction detail along with associated cover type (i.e. stabilized gravel?).”*
- a. **The comment has not been addressed as indicated in the response letter (i.e. construction detail, associated cover type, etc.). Please revise.**
18. Original Deficiency #12.d.iii has not been resolved: *“There are overland utilities extensions (i.e. SR0611 on sheet PC-11, sanitary force main on sheet PC-12 & PC-13, etc.) and the Lot 8 borrow area/grading whose final cover type are not adequately identified.”*
- a. **The comment has not been addressed as indicated in the response letter (i.e. overland utilities extensions on PCSM sheet PC-12, etc.). Please revise.**

19. Original Deficiency #12.d.v has not been resolved: *“A wastewater treatment plant is proposed on the southern end of the project. Please revise the PCSM plan drawings and narrative to identify the impervious coverage allotted for this area. Of particular concern are the features marked “future”.”*
- a. **The comment has not been addressed as indicated in the response letter (i.e. future wastewater treatment plant features and how the PCSM design accommodates those improvements, etc.). Please revise.**
20. Original Deficiency #12.i.ii has not been resolved: *“The underground detention details should be revised to provide sufficient detail for review and construction (i.e. overall system dimensions, system layout, pipe run direction, headers, etc.).”*
- a. **The comment has not been fully addressed as the requested information could not be located for certain BMPs (i.e. Basin 6, etc.). Please provide.**
  - b. **PCSM BMP Manual Appendix C recommends that infiltration areas be level (1% or less). Infiltration Bed 2B.1 proposes a 2.5% bottom slope. The bed should be revised with a flatter slope or a “stepped” bottom.**
21. Original Deficiency #12.j has not been resolved: *“Please revise the at-grade basin construction details to include (or at least make reference to) the proposed seeding & stabilization specifications.”*
- a. **The seed mixture identified on sheet PC-20 (ERNMX #180 ref: Detention Basin Detail) is inconsistent with the Permanent Seeding Notes on sheet PC-19. Please revise.**
22. Original Deficiency #12.l has not been resolved: *“The Basin 4C emergency spillway elevation should be revised for consistent between the plan drawings (566.50) and the pond report (567.00).”*
- a. **Please revise the emergency spillway elevation/length for consistency between the plan drawings, pond reports and supporting spillway calculations (i.e. Basins 2, 2C, 4C, 8C, 8/9, etc.).**
23. Original Deficiency #12.m has not been resolved: *“Please revise the PCSM plan drawings to identify the plan location of the proposed water quality inlets/inserts. The construction detail summary table on sheet PC-21 is acknowledged.”*
- a. **Certain structures referenced in the construction detail summary table could not be located in plan view (i.e. O6-A-600, etc.). Please revise.**
24. Original Deficiency #12.o has not been resolved: *“There are at least two spray irrigation areas (2.1 & 2.2) where proposed grading infringes on the infiltration areas. Please revise either the proposed grading or the infiltration design as necessary.”*
- a. **The comment has not been fully addressed by the resubmission (i.e. spray irrigation areas 1.3, 5.1 on sheet PC-9, etc.). Please revise.**
  - b. **As it relates to the above, some of the grading within/adjoining spray irrigation area 1.3 on sheet PC-3 does not “tie” out (i.e. 304 contour, etc.). Please revise.**
25. Original Deficiency #12.p has not been resolved: *“Please clarify the winter operation of the runoff capture/reuse systems and associated stormwater basins. The spray irrigation plans specify a winter program but the associated details were not found (i.e. irrigation line burial*

*depth below frost line, discharge line detailing, etc.). The impacts of this system operation on the peak rate analysis should be addressed by the PCSM narrative and offsite discharge analysis. §102.8(f)(10)”*

- a. **The winter valves and winter discharge lines could not be located on the spray irrigation plan drawings (i.e. pump station construction details, plan view, etc.). Please revise.**
26. Original Deficiency #12.q has not been resolved: *“The O&M information for the at-grade detention basins and spray irrigation areas should be updated to provide a mowing schedule that support the proposed vegetative cover.”*
- a. **Instead of “as required”, the O&M information should be revised to specify a time period or the conditions which would prompt maintenance activities to occur.**
27. Original Deficiency #13.a.i has not been resolved: *“Appendix C of the PCSM Manual recommends the geometric mean be utilized to determinate the average infiltration rate following multiple tests. Please revise and clarify/revise as necessary.”*
- a. **Per the engineer’s response letter, additional infiltration tests and test pits have been performed. Please revise the PCSM plan drawings to depict all testing locations within BMP areas (ref: spray irrigation area 5.1, etc.). It is noted that the testing location plans within the GTA Stormwater Infiltration Report depict all testing locations.**
  - b. **While GTA performed additional infiltration testing, some of the tests were not utilized for design. For example, Module 2 indicates that BMP 14 utilizes TP-93, TP-94, INF-133 & INF-137 are utilized for BMP design but the GTA Stormwater Infiltration Report and PCSM sheet PC-19 list INF-133 to 137. In order to support the design of infiltration BMPs, sufficient calculations should be provided in the PCSM Narrative to correlate the field testing rates to the BMP design infiltration rates. These supporting calculations should indicate which infiltration tests will be utilized and the calculated geometric mean of those tests. Please revise.**
28. Original Deficiency #14.a has not been resolved: *“While no PCSM BMPs are proposed for the Site Restoration within DP002, the critical stages of implementation should specify an inspection after construction is completed. The inspection should include, but is not limited to, ensuring that all disturbed areas have been restored and stabilized to match pre-development conditions. Please revise the E&S & PCSM plan drawings and Module 2 as necessary.”*
- a. **The requested revision was found on sheet PC-19, but not on Module 2 page 1. Please revise.**
29. Original Deficiency #14.b has not been resolved: *“Due to its use as the primary volume control structural BMP, the critical stages of PCSM BMP implementation should be revised to specify oversight for the spray irrigation system activation.”*
- a. **The requested revision was found on sheet PC-19, but not on Module 2 page 1. Please revise.**

**New Deficiencies as a result of the revisions to the Submission:**

1. **Construction Sequence 1.2., Step 23 (on sheet ES-10) references installation of permanent liner, which appears to conflict with the installation of proposed baffles; please provide/ revise baffle detail(s) where applicable, i.e., Basin 3-C, etc.**
2. **Lot 8 Construction Sequence (Stage 1.3) Step 7 references installation of clean water diversion sock; please clarify if both Basin 8/9 and Basin 8E diversion sock are installed at this time. Revise Step 13 reference for diversion sock installation as needed for consistency.**
3. **Lot 8 Construction Sequence (Stage 1.3) Step 8 appears to repeat Step 3 for installation of additional CFS; please remove.**
4. **Lot 8 Construction Sequence (Stage 1.3) Step 9 references installation of Basin 8E OCS, but not the basin itself; reference to Basin 8E couldn't be found; please clarify/ revise as needed.**
5. **Lot 8 Construction Sequence (Stage 1.3) Steps 9 & 14, 15 & 16, and/or 11 & 16 appear to conflict; please revise sequence as needed for clarity.**
6. **Swale 9 calculations on Worksheet #11 appear to show two variations of permanent stabilization; please revise/ clarify.**
7. **The PCSM and E&S Plans should be separate. As such, please revise the PCSM plan drawings to remove all temporary E&S Plan features (i.e. rock filters 380 & 381 and stockpile on plan sheet PC-18, etc.). §102.8(d)**
8. **Please review and revise the PCSM plan drawings to ensure that all storm sewers and appurtenances are depicted (i.e. outfall from OCS #8-20 on plan sheet PC-18, etc.). §102.8(f)(9)**
9. **The offsite discharge flow path map in PCSM Narrative Appendix I is illegible. Please revise. §102.8(f)(9)**
10. **The outlet control structure details are inconsistent with the provided peak rate pond reports. Please revise the PCSM plan drawings for consistency (i.e. Basin 3C, 2, 8/9, 1, etc.). §102.8(f)(6)**
11. **For clarity, please provide a detailed plan view sheet (60' scale) for all disturbed areas (i.e. western most sewage disposal area, etc.). §102.8(f)(9)**
12. **Stormwater Infiltration Testing reports – It appears that at least two rounds of infiltration testing were performed to design the BMPs. Please provide complete copies of both reports. Consider removing all GTA testing reports from PCSM Narrative D but as standalone documents instead. §102.8(g)(1)**
13. **Please revise the infiltration testing summary tables on plan sheet PC-19 to include all utilized test results. §102.8(g)(1)**
14. **Module 2, Infiltration Information – All spray irrigation zones have utilized the average infiltration rate rather than the infiltration rate for design (with factor of safety). Please review and clarify/revise. Infiltration BMPs should be designed with minimum factor of safety of 2.0. §102.8(g)(1), §102.8(g)(2)**

15. **Spray irrigation area 5.1 proposes grading within the application area due to limiting zones within a small section. Since this is an infiltration area and is the only zone which proposes grading, please provide a construction sequence for this area (similar to an infiltration basin sequence). §102.8(f)(6)**

**16. KRISTL COMMENT #3 (commentor #14)**

**17. CONSULTATION WITH NPS RE: WILD AND SCENIC RIVERS ACT (commentor #11)**

18. **Resubmission fee should be submitted to the District with the revised plans and narratives for review (per Section VIII, Northampton County Conservation District Erosion and Sediment Pollution Control Plan Review Fee Schedule). §102.6(b)(3)**

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 October 26, 2023, or DEP may consider the application to be withdrawn.**

Please submit a complete set of revised information to the District electronically, using Northampton County Conservation District's submittal procedures which can be found on our website. Contact the District for any questions regarding resubmittal procedures. It is not necessary to provide hard copies of plan submittals.

**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 fees 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 PCSM questions about your application, please contact Daniel Ahn by e-mail at [dahn@lehighconservation.org](mailto:dahn@lehighconservation.org) or by telephone at 610.391.9583 x2997 or if you have E&S questions about your application, please contact Jonathan Fox by e-mail at [jmfox@norcopa.gov](mailto:jmfox@norcopa.gov), or by telephone at 610.829.6277 and refer to Application No. PAD480178, to discuss your questions or to schedule a meeting. You must attempt to schedule any meeting within the 30 calendar days allotted for your reply.



Sincerely,

*Robert Jevin*

Robert J. Jevin III, P.E.  
Environmental Group Manager  
Waterways & Wetlands Program

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Enclosures: Draft Individual NPDES Permit  
Fact Sheet  
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