

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *

IN RE: NORTHPOINT DEVELOPMENT NPDES PERMIT
APPLICATION

ORIGINAL

* * * * *

BEFORE: COLLEEN CONNOLLY, Community Relations
Coordinator

Carl Deluca, Acting Program Manager

Bob Jevin, Permit Chief

Dion Campbell, District Manager

Daniel Ahn, District Engineer

HEARING: Wednesday, February 2, 2022

6:05 p.m.

LOCATION: Webex

WITNESSES: Lou Pektor, Bob Jevin, Derek Walcott, ,
Charles Cole, Frances Visicaro, Howard Klein, Sharon
Duffield, Samantha Burns, Kenneth Kristl

Reporter: Kayla Maria Keating

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ALSO PRESENT:

- Jim Horwath
- Kara Deutsch
- Michael Sodl
- Patricia Shoup
- Anthony Salamone
- Jeff Ward
- John Kosco
- Martha Posner
- Kayla Shellenhamer
- Cori Eckman
- Marc Kaplin
- Kathy Vossough
- Tara Zrinski
- Sarah Bursky
- Laura Walcott
- David Clunie

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NONE OFFERED

P R O C E E D I N G S

MS. CONNOLLY: Good evening, my name is Colleen Connolly. I'm the Community Relations Coordinator for the Pennsylvania Department of Environmental Protection's Northeast Regional Office in Wilkes-Barre, which also covers the Lehigh Valley, and the moderator for tonight's virtual public hearing.

I want to start off by saying this meeting is being transcribed by a stenographer from Sargent's Court Reporting. Tonight we're here to take testimony regarding an application by New Demi Road, LLC for a National Pollutant Discharge and Eliminations Systems Permit, otherwise known as NPDES permit relating to construction of a 420,000 square-foot warehouse at 303 Demi Road in Upper Mount Bethel, Northampton County.

New Demi, LLC has applied for an NPDES construction stormwater permit which covers erosion and sediment control and post-construction stormwater management related to construction of the project under State Regulations Chapter 102.

The Demi Road warehouse project is part of a larger project planned by RiverPoint, LLC,

1 to eventually construct an 800-acre logistics center
2 at the same site. A permit application for the
3 logistics center project has not yet been received
4 by the Department submitted by New Demi Road.
5 However, testimony at tonight's virtual public
6 hearing will be accepted for both the warehouse
7 project and the logistics center. Note that the
8 logistic center project will be subjected to public
9 notice and participation when the application is
10 received by the Department and deemed complete by
11 the Department.

12 I want to thank everyone for logging
13 on tonight to our virtual public hearing. Part of
14 the process of our work here at DEP is to hear from
15 the public, especially projects concerning this one
16 with such public interest. Tonight we are here to
17 take testimony regarding the warehouse and the
18 logistics center project in Upper Mount Bethel.

19 We have several DEP staffers on the
20 virtual public hearing tonight. I want to introduce
21 them. Carl DeLuca, he's our Acting Program Manager
22 in DEP's Waterways and Wetlands Program. And Bob
23 Jevin, Department's Chief in our Waterways and
24 Wetlands Program here at DEP. That's the DEP
25 program reviewing the permit application. We also

1 have Dion Campbell, the District Manager of the
2 Northampton County Conservation District, and Dan
3 Ahn, the District Engineer for the County
4 Conservation District. Both the DEP Waterways and
5 Wetlands Program and the Northampton County
6 Conservation District are reviewing the NPDES permit
7 application for the Department and working in
8 conjunction with each other to review that permit.

9 We also have several representatives
10 from the New Demi Road, LLC company and the
11 developer of the project. The people from Ashley
12 Development Corporation are Lou Pektor and John
13 Kelly.

14 We have a couple ground rules we'd
15 like to go over for tonight before we begin, and I
16 will review them. Tonight - all public hearings are
17 being transcribed by a stenographer and become part
18 of the official public record relevant to this
19 specific topic. Due to the nature of these formal
20 proceedings, the DEP staff will not be able to
21 answer questions or address questions tonight about
22 the proposed action during the hearing. We will
23 only be taking testimony.

24 Organizations are asked to designate
25 one commenter to present on its behalf. Time must

1 not be shared or relinquished to others, people who
2 have chosen to participate and speak.

3 All participants in tonight's virtual
4 public hearing will be muted until it is their time
5 to provide public comments. Commenters will be
6 called upon and unmuted by our Facilitator, Darek
7 Jagiela, in the order in which they are registered
8 to speak. I will call upon the people to speak,
9 Darek will unmute you.

10 When you are called upon, please state
11 your name, city, state and your affiliation, if any.
12 And that's for the record prior to presenting your
13 testimony. Please spell any names not generally
14 familiar, to assist the stenographer tonight.
15 Please speak up, so the stenographer can hear you.

16 Testimony tonight will be limited to
17 be between three and five minutes for each
18 commentator, which is noted in the Notice for the
19 hearing. Please note that written and spoken
20 comments of testimony are considered equal by the
21 Department of Environmental Protection. Any
22 demonstrations and screen sharing tonight by
23 commentators will not be permitted, only spoken
24 comments will be recorded - will be transcribed.

25 The only video demonstration tonight

1 are from the Department and Ashley Development
2 Corporation. If an individual provides
3 inappropriate or threatening commentary, a warning
4 will be issued by myself. If the behavior
5 continues, the commentator will be disconnected from
6 the WebEx and the virtual public hearing. Your mic
7 will be muted at the end of your designated time.
8 If you run out of time, you may want to submit
9 additional comments in writing. When you give your
10 comments, in your three to five minutes, I will be
11 giving you a 30-second warning to wrap up your
12 testimony, then I will be reminding you that your
13 time is up.

14 So again, I want to thank everyone for
15 coming out tonight and follow our agenda. We're
16 going to proceed now to the project overview that
17 will be given by Lou Pektor, from the Ashley
18 Development Corporation.

19 Darek, let Lou have the microphone,
20 and we can proceed.

21

22

LOU PEKTOR,

23

CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS

24

FOLLOWS:

25

1 MR. PEKTOR: Good evening. I
2 represent New Demi Road. I'm the owner of New Demi
3 Road as well. So Ashley Development is part of the
4 development and New Demi Road ownership is under our
5 control.

6 The site that we're discussing tonight
7 is a 60-plus-acre site that is zoned I-2. It's in
8 the I-2 Zoning District. And while the permitted
9 use is a warehouse, it's clearly not our
10 targeted-use development. We're targeting
11 industrial use to be determined. At the moment the
12 building does not have a tenant. While we are
13 talking to proposed tenants, it's - we have to
14 determine what the ultimate use will be.

15 Now, this project has been on the
16 drawing boards for quite some time. We've had a
17 series of preapplication meetings, starting in early
18 2000, and the last preop meeting was in December -
19 January 2021, which was then subsequently followed
20 by a formal application at CCB on February 10th of
21 2021.

22 So the application - formal
23 application process has been ongoing for over almost
24 12 months now. And a prior 12-month study and
25 determination period was done before we even filed

1 the application. So this thing has been under
2 review at many levels, township level, county level,
3 state level, for some period of time.

4 As I mentioned, the proposed building
5 is 420,000 square feet. While there were some prior
6 discussion of a smaller building, additional land
7 was added to the original footprint to get to the
8 proposed footprint that we have now. The site is at
9 the cul-de-sac of Demi Road. The site is located in
10 Upper Mountain, Bethlehem Township, and is at the
11 culmination of the cul-de-sac of Demi Road.

12 The intention is to get this site
13 developed as quickly as we can. While the site is
14 being proposed as one that it was serviced by
15 septic, our ultimate goal is to have this serviced
16 by sewer. So water will be provided by the
17 Department of Water Authority and the septic is the
18 current -.

19 The application process has been
20 submitted, but we would hope that we're successful
21 in providing sewer to this site, which increases the
22 range of users that we can target if we have
23 additional sewer capacity over the Bucknell septic
24 field. That's the basic fundamentals of what we've
25 applied for and what we submitted for.

1 FOLLOWS:

2

3 MR. JEVIN: Okay. Are you able to
4 advance to the next slide, Darek? Thank you.

5 All right. So I'm Bob Jevin. I am
6 the NPDES Permit Chief in the DEP Northeast Regional
7 Office for Waterways and Wetlands Program. So I
8 oversee the permit review process for our office.
9 And as Colleen mentioned, Carl DeLuca is our Acting
10 Program Manager, who's on the call as well. I just
11 wanted to briefly go over the review process on this
12 application so far to date as well as the remaining
13 - the remaining process.

14 So we had preapplication meetings,
15 which were held, you can see if you're able to see
16 the presentation here, I have the dates up there,
17 but they're held in March 2020, June, July, November
18 2020, and then again in January 2021, prior to the
19 submission. And these meetings were held with the
20 Applicant, the Conservation District, DEP and the
21 municipality present.

22 Beyond that, the application was
23 received by the Conservation District on February
24 10th, 2021. I should note for anyone unaware, the
25 County Conservation Districts in Pennsylvania work

1 by delegation of the State on our behalf. They
2 assist us in the review of these NPDES permit
3 applications. So their reviews are a joint effort
4 between Conservation District staff as well as
5 Department staff.

6 So the County Conservation District
7 sent an incompleteness letter back on March 15th,
8 2021. Resubmission from the Applicant was received
9 on May 13th, 2021, and that resubmission was
10 ultimately found complete. The technical review
11 began after that point, June 10th, 2021. So our
12 review process is broken into two major components.
13 There's the completeness review and the technical
14 review. So the completeness review occurs upfront,
15 make sure the fees are correct, and the - generally
16 then all the application materials necessary for
17 review are present. So that was the initial part of
18 the review. After that point, the application's
19 deemed to be complete.

20 Like I said, June 10th, 2021. And at
21 that time is when it went into the people, again,
22 for public notice. We did receive public comments
23 during that time, as well as the request for a
24 public hearing, obviously. That's why we're here
25 tonight.

1 The technical deficiency letter from
2 the first technical review was sent by DEP on
3 September 30th, 2021. And attached to that document
4 was all of the public comments we had received
5 during the initial public comment period. And in
6 November - November 1st, 2021 we received a
7 resubmission from the Applicant to both address our
8 technical deficiencies, as well as public comments
9 that were received at that time. And those
10 documents are all available as part of the public
11 record.

12 After that point, a second technical
13 review began and continues to be underway.
14 Remaining technical deficiencies to be addressed
15 will be sent to the Applicant shortly after - after
16 this meeting, followed by any additional public
17 comments received. As Colleen mentioned, we will be
18 taking verbal comments tonight, of course, through
19 the public hearing, but then there is an additional
20 public comment period for written comments to be
21 sent to Colleen by February 16th. And we'll get to
22 that at the end. We have another slide when we get
23 there.

24 The Applicant will then resubmit to
25 address the technical deficiencies from the

1 Department, along with any relevant public comments
2 received tonight or through the written comments in
3 relation to the 303 Demi Road Project.

4 As was mentioned in Colleen's
5 introduction, we are accepting comments on both the
6 303 Demi Road Project, which is an application - the
7 application that's currently under review, as well
8 as the conceptual plan, at this point, for the River
9 Pointe Logistics Center. This is the larger site.
10 And our reason for doing that is because some of the
11 public comments we received, we received on this
12 project noted that larger project nearby in the
13 area. And our - our policy is to allow us to
14 consider comments on adjacent properties that - in a
15 public hearing, if and when it makes sense.

16 So the Applicant will be required to
17 address in writing any comments at this time that
18 are in relation to the 303 Demi Road Project, and
19 then we will keep record of the public comments for
20 the River Pointe Logistics Center, which should be
21 addressed as part of their submission for that
22 project. And as Colleen mentioned, again, that
23 project will be subject to the normal regulations of
24 any application. So it will go through the same
25 type of process with a completeness review and a

1 technical review. And it will be published as an
2 application following - when the application is
3 deemed complete.

4 So at that time it'll have another
5 public comment period, and - if there's anything
6 additional that comes up. So that's really just
7 being pulled into this meeting now as an opportunity
8 for additional public participation, but the primary
9 goal of this meeting was to hear and address
10 comments on the 303 Demi Road application we have
11 in-house right now.

12 DEP and the Conservation District
13 will, again, review that resubmission and their
14 response to the public comments. We'll prepare and
15 finalize a comment response document fact sheets,
16 which are the - essentially our record of decision,
17 they're now referred to as fact sheets, and
18 ultimately a permit decision based on our regulatory
19 requirements on everything received to date.

20 As far as the larger River Pointe
21 Logistics Center, it's obviously still in the
22 preapplication stage. Nothing has been submitted to
23 us yet. We do have a public - a preapplication
24 meeting, just a technical meeting, coming up later
25 this month with the Applicant and their designer

1 with our technical staff, to further discuss that
2 project.

3 And I believe that's it. The other
4 slide I have is for Colleen at the end, with what to
5 do with written comments.

6 MS. CONNOLLY: That's correct, Bob.
7 We'll put that slide up at the end of the hearing,
8 let you know what to do with your written public
9 comments.

10 Okay. That concludes our
11 presentations for this virtual public hearing.
12 We're going to go to our list of public commenters
13 tonight.

14 Darek, if you're ready. I'm going to
15 call on our first person. That will be Laura
16 Walcott.

17 ---

18 LAURA WALCOTT,
19 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
20 FOLLOWS:

21 ---

22 MS. WALCOTT: No comment.

23 MS. CONNOLLY: You don't wish to
24 comment? Okay. No problem.

25 MS. WALCOTT: Hello.

1 Demi Road, and what's going to be some type of
2 Industrial Park. And I know with things like that
3 come with lots of services that need to be brought
4 into the Township to run this type of thing, like
5 fire, police, ambulance and all that. I'm just
6 concerned with who would be covering the bill for
7 that. Will it be the homeowners?

8 MS. CONNOLLY: Again, sir, we won't be
9 answering questions. Okay? Just keep going. Go
10 ahead.

11 MR. WALCOTT: That's my question. I
12 just wanted to know who will be responsible for the
13 tax bill and all the things that are needed to run
14 this site. Will it be, homeowners or how would that
15 go?

16 MS. CONNOLLY: Okay.
17 Thank you, sir. Anything else you
18 want to add? Any other comment?

19 MR. WALCOTT: So this is one project.
20 I think I heard that there's two projects going on?

21 MS. CONNOLLY: Keep going, sir.

22 MR. WALCOTT: Okay. What's the other
23 project?

24 MS. CONNOLLY: I can't answer
25 questions, sir, because we're only opening up a door

1 here, sir, it's just another logistics center. But
2 just keep going with your testimony, sir, please.

3 MR. WALCOTT: So, that's all I wanted
4 to know, what the second project was, so that was
5 the question, also on River Road. That's my
6 question. No testimony, just this question.

7 MS. CONNOLLY: Okay.

8 We won't be answering questions
9 tonight, though. Thank you, sir. Thank you.

10 All right. Our next speaker tonight
11 will be Samantha Burns. Samantha?

12 ---

13 SAMANTHA BURNS,
14 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
15 FOLLOWS:

16 ---

17 MS. BURNS: Hello?

18 MS. CONNOLLY: Hello? Yeah, we can
19 hear you. Go ahead, Samantha.

20 MS. BURNS: Hi. Can you put me down a
21 little bit further on the list? I'm looking for
22 something I can't get a hold of right this second.

23 MS. CONNOLLY: Okay.

24 MS. BURNS: Thank you.

25 MS. CONNOLLY: Our next speaker will

1 be Charles Cole.

2 Charles Cole?

3 MR. COLE: Can you hear me?

4 MS. CONNOLLY: Yes, we can, Mr. Cole.

5 Go ahead.

6 ---

7 CHARLES COLE,

8 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
9 FOLLOWS:

10 ---

11 MR. COLE: Okay. Thank you very much.

12 Good evening and thank you for hosting this public
13 hearing on the stormwater permit application. I'm a
14 resident of the Township here, also a PhD in
15 Environmental Sciences and a P.E. in environmental
16 engineering. And have been around these projects of
17 similar things for a number of years and seen them.

18 This 303 Demi Project is just a small
19 part of a massive development. And this permit
20 involves just 420,000 square foot versus the
21 build-out of six million square foot. Therefore,
22 it's difficult to evaluate each part without seeing
23 the interaction with the other parts. So I laud you
24 for getting comments on the whole thing at this time
25 as well.

1 The stormwater runoff originating
2 uphill is going to impact the quantity and quality
3 of what comes from 303 Demi Road. Here's a proposal
4 which we're trying to evaluate for the issuance of
5 an NPDES Stormwater Permit for something that, in my
6 opinion, should not be happening. This wooded piece
7 of property had been relatively undisturbed for a
8 couple hundred years. There are farm fields above
9 it and wetlands below it, with endangered species in
10 the wetlands. It's a steep and narrow site running
11 along the contours of the land. Previous owners
12 looked at how it might be developed and concluded of
13 building of one or two acres was appropriate.

14 Now because the Township's Tax
15 Amendment Rollback, zoning requirements for steep
16 slopes and setback from wetlands we're looking at a
17 large building shoehorn onto this property. And
18 DEP, EPA and so forth, DRBC are the ones that are
19 left trying to do what the Township should have done
20 in terms of control. It's going to have major
21 deleterious impact on the environment.

22 Farmers of yesteryear use land
23 conducive to cultivation and building, and they
24 stayed away from steep slopes and wetlands. If you
25 look at an aerial photo of this site, see if you

1 don't agree with me. It's a buffer between the
2 fields above that could be built on and the wetland
3 below. The RPL site was logged in the past two
4 years for RPL. A logging permit application has
5 requirements, which weren't met.

6 E & S plan was a few words. It was a
7 joke and the manager passed it off as a few decaying
8 trees being cut, while truckloads of timber were all
9 about this site. There's an ordinance in our
10 township which prohibits clear cutting of forested
11 areas. What are we doing on this steep hill site of
12 a forest? What do you think is going to happen when
13 they put in 20 acres of impervious surface?

14 Reviewers should not approve a
15 building of this size and this parcel because of the
16 major impact on stormwater runoff. Stormwater
17 coming from the site where this impervious area
18 occurs, according to stormwater management rights,
19 is supposed to have runoff characteristics similar
20 to that of preconstruction. Practices which mimic
21 the natural hydrology of the site should be
22 utilized, being infrastructure and things such as
23 green roofs. How will a subsurface groundwater
24 movement be accommodated?

25 Stormwater runoff must meet the

1 highest quality standards because of the wetlands
2 and the special protection water of the Delaware
3 River. I believe that because of the impervious
4 areas vehicle traffic, water qualities can be
5 radically changed. What about road salt,
6 anti-skid, oil, antifreeze, tire abrasion, and
7 encroachment into the wetlands. It's going to
8 impact the endangered species, in my opinion. One
9 closes in, in natural areas, species can't navigate
10 around it. The RVC and the DEP look at the impacts
11 in the Delaware.

12 There must also be a post-construction
13 stormwater management plan filed before the project
14 is approved. This is especially important, because
15 the developer intends to sell the sites as soon as
16 possible.

17 MS. CONNOLLY: Thirty (30) seconds.

18 MR. COLE: Beg your pardon?

19 MS. CONNOLLY: You have 30 seconds,
20 sir.

21 MR. COLE: Bonding is needed. So a
22 proposal for 4,000 gallon per day onsite. You don't
23 have an updated 537 -.

24 MS. CONNOLLY: I don't know if we lost
25 Mr. Cole.

1 Mr. Cole, are you still with us?

2 MR. COLE: I am. Can you hear me?

3 Hello?

4 MS. CONNOLLY: Yes, sir. We can hear
5 you. I'll give you an extra 20 seconds.

6 MR. COLE: Okay.

7 And in conclusion, we're now
8 considering stormwater impact for building a 420,000
9 square foot, where it was 300,000, and before that
10 85,000. Why not tell the developer it's too big for
11 the site? Put in a two-acre building.

12 UMBT Township Engineer stated that
13 this was a very difficult site in which to build,
14 but our Planning Commission has prodding on work
15 with the developer to see that this happens. And
16 it's something that, in my opinion, shouldn't
17 happen.

18 Thank you, ma'am.

19 MS. CONNOLLY: Okay. Thank you, Mr.
20 Cole.

21 Our next speaker is Frances Visicario
22 (sic).

23 MS. VISICARO: This is Frances.

24 MS. CONNOLLY: Hi, Frances. Go ahead.

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HOWARD KLEIN,

CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
FOLLOWS:

MR. KLEIN: Okay. The LBDC discourages any land development, but supports the need to do the infrastructure first. Why don't they just do the infrastructure first? Why can't they follow the recommendations of the LBDC, which is a very well-respected group that's been in Northampton County Lehigh Valley for years? It's also my understanding that this project would necessitate doing some explosive work, explosions, to create the necessary land profile to build.

Before any of this is done or permits given, a full communication needs to be done with Air Liquide, a manufacturing plant that produces highly purified individual industrial gases, which are toxic and very flammable. Has anybody reached out to Air Liquide and tell them about this? How about their concerns about explosions in their neighborhood? Air Liquide is located on the left-hand side. And as you enter Demi Road, there was a recent incident at the plant, which could have

1 been a real disaster. The Portland water - people
2 on Portland - the water had to be boiled in order
3 for them to use it. Also the results of the
4 explosions, how does this affect the stormwater
5 runoffs?

6 Lastly, trying to stifle the vote of
7 two of our most recent members of the Board of
8 Supervisors with the threat of being sued by RPL is
9 despicable. Be careful, because they, RPL, if they
10 don't get their way, maybe they're going to try to
11 sue the DEP. Thank you for your time.

12 MS. CONNOLLY: Mr. Klein, I want to
13 remind you just to stick to your testimony, thank
14 you, regarding the permit.

15 MR. KLEIN: Okay. I'm done.

16 MS. CONNOLLY: Thank you.

17 Okay. All right. Our next speaker is
18 going to be Sharon Duffield.

19 Sharon?

20 ---

21 SHARON DUFFIELD,
22 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
23 FOLLOWS:

24 ---

25 MS. DUFFIELD: Hello. I'm here.

1 Sharon Duffield, Mount Bethel, Pennsylvania. I'm a
2 resident. As you all know, UMBT is part of the
3 Delaware River Watershed and our close neighbors are
4 part of the Chesapeake Bay watershed. We know with
5 the Chesapeake Bay area, has faced, due to
6 stormwater runoff. Researchers show that industrial
7 buildings, such as warehouses, likely pose a larger
8 threat to stormwater quality than any other
9 development.

10 To substantiate, this is not merely my
11 opinion or conjecture. I want to site the study
12 entitled, The Effects of Land Use Characteristics on
13 Urban Stormwater Quality and Watershed Pollutant
14 Loads, published in 2021 by Virginia Polytechnic and
15 State University in the Journal, Science of the
16 Total Environment. A copy of this study will be
17 forwarded.

18 This study was done to fill a gap in
19 runoff quality data by studying six catchments, each
20 dominated by a single land use. It found total
21 suspended solids (EMCs) in percentage measure runoff
22 volume, from industrial land uses, such as
23 warehousing, was significantly greater than other
24 land uses. And there were positive correlations
25 between total nitrogen concentrations and

1 imperviousness and between total phosphorus and turf
2 coverage.

3 The Demi Road, 420,000 square-foot
4 warehouse has now expanded in size and scope from
5 the original proposal, sits on steep slopes above
6 the Delaware River. Such a large development can
7 result in higher runoff and nutrient loadings
8 transported to downstream receiving waterbodies
9 polluting our river. This land will be cut of
10 forest and greenery covering it.

11 A Polytechnic study revealed that a
12 fully built-out industrial development of this
13 massive size alters watershed characteristics by
14 transforming green areas into impervious surfaces
15 can affect small creatures of the stream with
16 stormwater conveyance pipes and channels, all of
17 which increase runoff volume. Runoff increases
18 sediments from industrial lands, and high total
19 suspended solids may be caused by high truck
20 traffic.

21 This development will host thousands
22 of trucks per day when built out. The highest total
23 nitrogen EMCs in this study are related to
24 transportation and industrial uses. The study
25 stated elevated total nitrogen may stem from high

1 traffic density and higher atmospheric deposition,
2 as it is a transportation process for gases and
3 particles from the atmosphere to the ground and
4 aquatic surface.

5 The RPL building has expanded to 800
6 acres they will be covering. And the newest
7 addition of over a dozen massive buildings still
8 need to be built on the very edge of the Delaware
9 River, just 200 plus feet away. The topography of
10 this land contains steep slopes, as well as ravines,
11 currently houses forests, green marsh, farmland and
12 wildlife, like offspringing eagles. A Bog turtle
13 habitat still exists, and is in a precarious
14 situation next to the Demi Road site.

15 We are blessed to have a very unique
16 area of Pennsylvania bordering the wild and scenic
17 Delaware River, Mt. Tammany, Mt. Minsi, and the Gap.

18 A warehouse proliferation we are
19 seeing in Pennsylvania is previously unheard of,
20 much less in such a rural unique
21 ecologically-important area. Buildings of this
22 massive size under roof, up to one million square
23 feet, a hundred feet tall, with a parking lot to
24 roadways are multiplying, and cheap land to put them
25 on is disappearing. The profit potential for such a

1 huge park must be quite large to be looking at this
2 site.

3 Most of us are not scientists, but
4 have common sense to know that the risks to the
5 schools, river, wildlife, overall ecology, and
6 ultimately the watershed that serve many are high.
7 Massive warehouses, and thousands of trucks will
8 affect the air and water.

9 We are hopeful that you will consider
10 carefully everything involved in this comprehensive
11 massive project in order to protect the many special
12 resources at stake. Likely the developers and
13 attorneys will emphatically say they will abide by
14 all DEP requirements with the best intentions. We
15 would hope, however, when they purchase this land,
16 they said they would abide by our existing zoning,
17 and that has morphed into variances of what is now
18 advertised as the largest industrial development on
19 the Eastern Seaboard.

20 MS. CONNOLLY: You have 30 seconds,
21 ma'am.

22 MS. DUFFIELD: And furthermore, who
23 will be overseeing this, is a question I have for
24 the developer and his attorneys, PA DEP or someone
25 else. These are all concerns. Thank you for your

1 time. We appreciate you giving us the opportunity.

2 MS. CONNOLLY: Thank you, Sharon. I
3 appreciate that. I'm going to go back to Samantha
4 Burns.

5 Samantha, if you think you're ready to
6 go, we'll unmute your microphone?

7 MS. BURNS: Okay.

8 MS. CONNOLLY: Thank you. Go ahead.

9 ---

10 SAMANTHA BURNS,
11 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
12 FOLLOWS:

13 ---

14 MS. BURNS: Hi, I'm a supervisor in
15 Lower Mount Bethel Township. And I'm going to
16 provide just some facts about the roadway that
17 connects Route 33 and Route 80, which is Front
18 Street. And over the last five years there has been
19 an increase in truck traffic on Front Street by 450
20 percent.

21 In 2015 we started to see the impacts
22 of Route 33 interchange entirely. So we did a
23 traffic study to confirm these observations. At
24 that time the average daily truck traffic on Front
25 Street was 294 trucks a day. In 2019 another study

1 was conducted, and the numbers increased by 89
2 percent, to the amount of 557 trucks per day.

3 Again, in 2020 we did an additional
4 study, revealing that in one year it had now climbed
5 over 147 percent, with the average now being 1,376
6 trucks a day. That roadway is only 25 feet wide, no
7 shoulders, and there are front doors eight feet from
8 the white line.

9 On June 2020 a photograph study was
10 done and it recorded 132 trucks travel Front Street
11 in 80 minutes. In Lower Mount Bethel Township there
12 is a large bridge on Route 611 that provides access
13 to Front Street that was built in 1926. Over a
14 thousand trucks a day are using this bridge. It's
15 physically crumbling, while the bridge inspection
16 reports about every two years state that the bridge
17 conditions are improving.

18 The residents of Lower Mount Bethel
19 Township are concerned, as is the Board of
20 Supervisors. If you ask many of the residents, they
21 will state that while they are at the light, on that
22 bridge, they do not stop their cars on top of the
23 bridge. They stay at the approach, especially when
24 there are several dump trucks or tractor-trailers
25 waiting for that light to change. They know the

1 obviously dangerous conditions that are apparent by
2 the piles of concrete on the deck of that bridge, as
3 well as underneath it. They are not willing to take
4 a chance at being stopped for fear of it falling.

5 These are just some instances. And we
6 realize what the truck traffic will be if there's
7 more warehouses put right at the Route 80 or even on
8 the Upper Mount Bethel. And we'd just like to make
9 that common knowledge. That's it.

10 MS. CONNOLLY: Okay. Thank you,
11 Samantha. I appreciate that.

12 Okay. Our next speaker will be David
13 Clunie, if I'm saying that correctly. David?

14 ---

15 DAVID CLUNIE,
16 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
17 FOLLOWS:

18 ---

19 MR. CLUNIE: Hi. You are. Thank you,
20 Colleen. I didn't actually plan to make a comment,
21 I only registered to listen. So I think I'm on this
22 list in error.

23 MS. CONNOLLY: Okay. If you want to
24 make a comment you can, if not, I'll move on.

25 MR. CLUNIE: No, I'm fine. You can

1 move on.

2 MS. CONNOLLY: Next one is Kenneth
3 Kristl.

4 Mr. Kristl?

5 MR. KRISTL: Can you hear me?

6 MS. CONNOLLY: We can hear you.

7 MR. KRISTL: All right. Good.

8 ---

9 KENNETH KRISTL,
10 CALLED TO TESTIFY IN THE FOLLOWING PROCEEDING, SAID AS
11 FOLLOWS:

12 ---

13 MR. KRISTL: Yes, my name is Kenneth
14 Kristl. I'm a professor of law. I'm the Director
15 of the Environmental and Natural Resources Law
16 Clinic at the Delaware Law School in Wilmington,
17 Delaware. And I am currently representing the
18 concerned citizens of Upper Mount Bethel Township,
19 in connection with this permitting activity. Given
20 that a short time frame for public comment, I'm not
21 going to engage much in the way of public comment,
22 but instead I intend to submit extensive written
23 comments by the February 16 deadline.

24 There are, I think, a couple of points
25 that are worth emphasizing here. One, is the nature

1 of this project. And especially the fact that there
2 is this, at present, amorphous large component to
3 what is being built. It makes it essential the DEP
4 consider broader impacts beyond simply what the
5 worksheets about the 303 Demi Road project may or
6 may not indicate, because there are impacts that are
7 going to be interacting with and multiplying as you
8 put more and more warehouses there. The written
9 comments will cover several regulatory concerns that
10 citizens have. And so I will leave it to those
11 written comments to get into detail on that.

12 Thank you very much.

13 MS. CONNOLLY: Okay, Mr. Kristl.

14 Thank you very much.

15 Next on the list, I know Gary told me
16 he's not, Mark Metzger? Is he on yet, Darek?
17 Metzger.

18 MR. JAGEILA: No. I do not see Mark
19 on the line.

20 MS. CONNOLLY: Okay. All right.
21 We'll wait.

22 Also the next person, Richard
23 Wilford-Hunt. I don't see - is he logged on yet?

24 MR. JAGIELA: Not from what I can
25 tell. I don't see that he's called in either.

1 MS. CONNOLLY: Okay. All right.

2 Last person - or the next person we
3 have is Sarah Bursky.

4 Sarah?

5 MS. BURSKY: Hi, everyone, good
6 evening. Sarah Bursky, with National Park Service
7 Wild and Scenic River. I also had only intended to
8 register tonight and not to get on the comment list,
9 but I do expect that the Wild and Scenic Council
10 will submit written commentary. So that's it for
11 now.

12 MS. CONNOLLY: Okay. Thank you very
13 much.

14 Last person we have is Karen Piper.
15 Darek, did Ms. Piper jump on yet?

16 MR. JAGIELA: No, I do not see her on
17 the line.

18 MS. CONNOLLY: Okay. We can accept
19 written comments from them as well.

20 That appears to be the end of our list
21 of people who registered to speak at the hearing,
22 and those who were accidentally put on the list and
23 given an opportunity to speak. So that concludes
24 our virtual public hearing tonight regarding the
25 NPDES Permit Application for the Bear Creek Demi

1 Road Warehouse Project and Logistics Center Project
2 in Northampton County.

3 Also we indicated before, written
4 comments which will hold the same weight as virtual
5 public comments, will be accepted by the Department
6 until 4:00 p.m. on Wednesday, February 16.

7 Darek, if you wanted to put up our
8 email addresses. There is the contact information.
9 As I indicated, written comments will be accepted
10 until four o'clock on February 16, 2022. You can
11 send them to myself, Colleen Connolly, the Community
12 Relations Coordinator at the address on the screen,
13 or to Bob Jevin, the Professional Engineer, the
14 Permits Chief for the Waterways and Wetlands
15 Program. His email address is also on the screen.

16 Darek, I just want to pause here for a
17 second and indicate that Richard has indicated he's
18 called in.

19 And Mr. Budahoust, if you're on the
20 line, please, I'm going to hold off on concluding
21 this public hearing. If you can hear us, Darek, if
22 we can get him on.

23 I just received an email from him that
24 he has called in.

25 MR. JAGIELA: Okay. Do you know what

1 number he's called in with, because the number he
2 provided is not the one I see here.

3 MS. CONNOLLY: Okay. Unfortunately, I
4 do not.

5 Mr. Budahoust, if you can hear us, if
6 you can email me your cellphone number. We want to
7 get you on before we conclude this hearing, as our
8 last speaker. Just let us know if you can email me
9 your cellphone number, that way we can ID you on the
10 WebEx, the virtual hearing.

11 I'm going to give this meeting a
12 temporary pause until I hear from Mr. Budahoust
13 about his cellphone, address. One more speaker
14 tonight. Because I know we have a number of people
15 who called in.

16 And Mr. Budahoust indicates he has no
17 comment. If you want to, Mr. Budahoust, again, you
18 can send in your written comments to me or Bob
19 Jevin. Our email addresses are on the screen. Mr.
20 Budahoust has indicated he does not wish to comment.

21 So I want to thank everyone for
22 logging on tonight for the virtual public hearing.
23 Thank you again. The DEP is interested in hearing
24 from you and we appreciate your public participation
25 in this very important meeting tonight. Everyone

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have a good night. Take care. Thank you.

* * * * *

HEARING CONCLUDED AT 6:49 P.M.

* * * * *

CERTIFICATE

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I hereby certify that the foregoing proceedings, hearing was held before Community Relations Coordinator Connolly, was reported by me on February 2, 2022 and that I, Kayla Marie Keating, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 10 day of March, 2022


Kayla Marie Keating,

Court Reporter

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