



Mercer County Conservation District

24 Avalon Court, Suite 300

Phone: 724-662-2242

Mercer, PA 16137

Fax: 724-662-3905

www.mercercountycd.com

May 4, 2026

Craig Hibbard
Mercer Node Property, LLC
850 New Burton Road
Dover, DE 19904

Re: Incompleteness Letter
Mercer Node Development
NPDES Individual Permit Application No. PAD430004
City of Sharon, Mercer County

Dear Mr. Hibbard:

The Mercer County Conservation District (District) has reviewed the above referenced application for an Individual NPDES Permit coverage and has determined that it is incomplete. The list below specifies the items that must be included in the resubmittal of your application and/or the submission of additional information. The *Pennsylvania Erosion and Sediment Pollution Control Program Manual* (E&S Manual) and the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) include information that may aid you in responding to some of the items listed below. The items are based on applicable laws and regulations, and the guidance sets forth the DEP's preferred means of satisfying the applicable regulatory requirements.

Please note that pursuant to 25 Pa. Code § 102.6(c)(2), this information must be received within 60 calendar days by **July 3, 2026** or the District may consider the application withdrawn.

Items for Resubmittal or Submission of Additional Information

1. Please submit proof of coordination with PHMC. (Refer to General Information Form, page 7, coordination information). §102.6(a)(1)
2. Application page 1, please provide NAICS code. §102.6(a)(1)
3. Application page 4, please complete the compliance history section. §102.6(a)(1)

E-Mail: ntrivelli@mercercountypa.gov

www.mercercountycd.com

4. Application page 4, item #20 indicates the project site is currently or was previously enrolled in DEP's Act 2 program, item #21 indicates that Act 2 cleanup standards have not been met. Please provide Act 2 release of liability letter. §102.6(a)(1)
5. Application page 4, please answer item #26. §102.6(a)(1)
6. Application page 5 item #3, please check yes that ABACT BMPs/SCMs will be used to manage stormwater discharges during and following construction. ABACT BMPs/SCMs are required for this project due to contaminated soils at the project site. §102.6(a)(1) and §102.4(b)(5)(ii)
7. Application page 5 item #4, please check yes or no. §102.6(a)(1)
8. Application page 5 item #4 indicates there will not be an increase in volume to the sewer system, the notifications of proposed stormwater discharges to MS4s and CSSs for Ch 102 permits form indicates an increase in volume to the sewer system. Please verify that Discharge Point 002 is the correct discharge point on the notifications of proposed stormwater discharges to MS4s and CSSs for Ch 102 permits form. Please revise or clarify accordingly. §102.6(a)(1)
9. General Information Form page 6, please answer item #4. §102.6(a)(1)
10. General Information Form page 10, item #16.0.2 indicates that a water supply letter of approval is attached to the application. Aqua connection response letter, connection requirements, paragraph 1 states that the letter is not an approval of the connection. Please provide a water supply letter of approval. §102.6(a)(1)
11. General Information Form page 11, item #20.0 is checked "No". Since the proposed project site has known contaminated soils, please revise or clarify. §102.6(a)(1)
12. Submit Erosion Potential (EP) analysis forms for each discharge point expected to receive concentrated flows during and following construction. (Refer to NPDES Individual Permit Application Instructions page 9). §102.4(c)
13. Vegetative Stabilization and associated BMPs: it is stated on page 3 of the post-construction stormwater management summary that any planting is prohibited due to the impervious cap per the COA. Please remove vegetative stabilization and erosion control blanket BMP use proposals from the application. Please refer to construction sequence item #16, BMP maintenance notes #2 & #6, Phase II & III C904 item E and Module 1 page 5 items #12 & #13. ESCP and PCSM plan sets. §102.6(a)(1), §102.4(b)(5)(ix) and §102.8(f)(9)
14. Module 1 page 5, please uncheck item #16. §102.6(a)(1)
15. Module 1 page 5, item #17 indicates that construction dewatering is expected for this project. If this project is proposing to use pumped water filter bags, please indicate on Module 1 page 3 and provide BMP detail in ESPC drawings. Please ensure that ABACT requirements are met as well as consistency with guidance provided in site specific PCM plan, environmental covenant and COA. §102.6(a)(1), §102.4(b)(5)(ii) and §102.4(b)(5)(ix)

16. Module 1 page 5, please provide information for item #18. The project site contains contaminated soils which have the potential to cause pollution during earth disturbance. This information should meet ABACT requirements as well as be consistent with guidance provided in site specific PCM plan, environmental covenant and COA. §102.6(a)(1) and §102.4(b)(5)(ii)
17. Rock construction entrances on ESCP drawings for Phases I, II & III do not meet ABACT requirements. Please revise. §102.6(a)(1), §102.4(b)(5)(ii) and §102.4(b)(5)(ix)
18. ESCP drawings show use of concrete washout stations. Please revise Module 1 page 3. §102.4(b)(5)(ix)
19. Please submit a map showing the current extent of on-site soil contamination. Environmental Covenant, Attachment B, Exhibit C-2 is dated 07/24/2009. §102.4(b)(5)(ii)
20. Please submit a map showing the current extent of on-site groundwater contamination, including pollutant concentrations and sampling locations. Environmental Covenant, Attachment B, Exhibit C-1 is dated 04/30/2014. §102.4(b)(5)(ii)
21. ESCP Phases I, II & III drawing temporary control measure items (A) – (I) should meet ABACT requirements as well as be consistent with guidance provided in site specific PCM plan, environmental covenant and COA. §102.4(b)(5)(ii)
22. ESCP drawing BMP maintenance notes should state that inspections must be performed by a Qualified Visual Site Inspector or someone who is either a Certified Professional Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment and Storm Water Inspector (CESSWI). §102.6(a)(1)
23. ESCP Phase I, II & III drawings: Recommend including statement providing direction for site contractors and other appropriate parties to reference on-site PCM plan for site-specific guidance, procedures, and responsibilities. §102.4(b)(5)(ii)
24. Please provide specification for retaining wall to be built on the west side of phase II and III on ESCP and PCSM plans. §102.4(b)(5)(iii); §102.8(f)(3)
25. PCSM plans lack sufficient information for construction. Underground detention system refers to contractor and engineer on record approval shop drawings that indicate size, location of inlet/outlet pipe types, invert elevation and size of openings. Please provide additional specifications to the drawing to show how this system will tie into other PCSM structures. §102.8(f)(9)
26. PCSM Plans lack sufficient information on the connections to the existing storm sewer system, and these connections appear to be outside the LOD. Please address the connections to existing municipal storm sewer system. §102.8(f)(9)
27. Please include plan revision date on ESCP and PCSM plans. §102.4(b)(5)(ix) and §102.8(f)(9)

Additional Advisory Comments:

1. Please provide USFWS PNDI clearance letter. Please note that permit coverage may not be approved until clearance letters are received. §102.6(a)(2)
2. Application page 4, item #22 indicates Act 537 sewage planning approval is needed for this project. Please provide Act 537 planning approval letter if available. Please note that although an NPDES Individual Permit can be approved without this letter, earth disturbance may not commence without it. §102.6(a)(1)
3. General Information Form page 11, items #21.0 – 24.0 have been checked “Yes”. Please note that a Storage Tank Site Specific Installation Permit may be needed for this project.
4. Scope of work in the project hazard assessment form and safety plan appears to focus on core boring and sampling activities. It is recommended site construction and post-construction care be included in the Site-Specific Health and Safety Plan (Section 14 of PCM). It is recommended that ESCP and PCSM drawings provide direction for site contractors and other appropriate parties to reference H&SP in the on-site PCM plan for this information.

As stipulated in 25 Pa. Code § 102.6(c)(2) of DEP’s Chapter 102 rules and regulations (regarding complete applications), information requested by this office must be received within sixty (60) calendar days from the date of this letter, or the District may consider the application to be withdrawn by the applicant and no further action will be taken. Fees are not refunded when an application is withdrawn.

Conservation districts may charge additional fees in accordance with section 9(13) of the Conservation District Law (3 P.S. § 857(13)). You may be billed directly by the conservation district for additional plan reviews. (See 25 Pa. Code § 102.6(b)(3)).

If you have questions about the information contained in this letter, please contact Nick Trivelli by e-mail at ntrivelli@mercercountypa.gov or by telephone at 724-662-2242 and refer to Application No. PAD430004.

Sincerely,



Jay Russell

District Manager

Mercer County Conservation District

cc: Michael E. Archer, Civil & Environmental Consultants, Inc.
Karl Gross, PA DEP Northwest Regional Office
City of Sharon

bcc: File