



Pennsylvania
**Department of
Environmental Protection**

September 10, 2026

VIA EMAIL: chibbard@keelinfra.com

Craig Hibbard
Mercer Node Properties LLC
850 New Burton Road
Dover, DE 19904-5785

Re: Notice of Draft Individual NPDES Permit – Intent to Issue
Notice of Technical Deficiencies
Mercer Node Properties, LLC
Mercer Node Development
Auth ID 1567561, Application No. PAD430004
Sharon City, Mercer County

Craig 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. Sediment barrier 26B is indicated as having a 12-inch diameter on ESCP drawings and calculations worksheet. Sediment barrier 26B is listed as having an 18-inch diameter in the table provided on ESCP sheet C906. Please revise. §102.4(b)(5)(viii) & §102.4(b)(5)(ix)

2. ESCP Phase I; Alternative Compost Filter Sock J-hook design specifications and detail have not been included for Sock Number 8A, 11A, 12A, 13A, and 16A. Please revise compost filter sock table to include specific socks that will be configured using the j-hook design and provide approved details for installation and maintenance. §102.4(b)(5)(ix)
3. Please clarify how Stage 2 erosion control/potential off-site discharge is achieved when the construction sequence directs to temporarily remove E&S sediment barriers during utilities installation/active earth disturbance. Proposed utilities, post-demolition, are located at same location as E&S controls. It is recommended to expand project LOD to create proper allowance for BMP functionality and maintenance, as necessary, rather than creating additional steps and having an overlap of project utilities and BMPs. Specific BMPs in question are Phase II, Stage II, compost filter socks 27B, 28B and 29B. §102.4(b)(5)(vi)
4. Recommend specifying impermeable membrane installation and proposed areas in the construction sequence since this is critical to final site stabilization. §102.4(b)(5)(vii)
5. Since there is no E&S Standard Worksheet #21 for vegetative stabilization specific to this project, it is recommended providing specifications for final site stabilization impervious medias. §102.4(b)(5)(ix)
6. Please remove the mention of Mercer County Conservation District in construction sequence item #12, as the Mercer County Conservation District is not the approving authority for temporary BMP removal. §102.22(a)(1)
7. Please include plan revision date on ESCP plan set. §102.4(b)(5)(ix)

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 10, 2026, or DEP may consider the application to be withdrawn.**

Your response must be submitted to DEP and the Mercer Conservation District using the same method of submission as was used for the original application.

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 application and then submit a new application for the same project, previously paid disturbed acreage fess will be reapplied to the new 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 any questions, please contact Amy Bauman at 814.332.6931 or at ambauman@pa.gov and refer to Application No. PAD430004, 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,



Karl M. Gross, P.E.

Permits Chief

Waterways and Wetlands Program

Enclosures

cc: Michael Archer, Civil & Environmental Consultants, Inc. marcher@cecinc.com
Mercer County Conservation District