



November 21, 2022

Mr. Eric Hershey
M&G Realty, Inc.
2295 Susquehanna Trail, Suite C
York, PA 17404-9601

Re: Notification of Elevated Review Letter
Rutter's Huntingdon Store #93
NPDES Permit Application No. PAC310027
Smithfield Township, Huntingdon County

Dear Mr. Hershey:

On March 21, 2022 the Huntingdon County Conservation District (District) determined the above-referenced NOI to be complete. On August 10, 2022, the Department of Environmental Protection (DEP) notified you by letter that this NOI contained technical deficiencies and included a list of the required/deficient information.

The District and the DEP have reviewed your response submission received on September 12, 2022 and determined that your NOI still contains technical deficiencies. Pursuant to DEP's Permit Review Process and Permit Decision Guarantee Policy (Document # 021-2100-001), your NOI has entered the Elevated Review process.

The following is a list of the remaining technical deficiencies with your application:

1. Technical Deficiency 20 from DEP's Technical Deficiency Letter dated August 10, 2022 has **not been adequately addressed: Provide conveyance calculations to verify that the pipe sizes and inlets were designed appropriately for the 10-year through 100-year flows to each stormwater facility to provide the designed rate control. [25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]**

The DEP acknowledges the response that the pipes have been analyzed for the 100-year/24-hour storm. Provide a demonstration that the inlets have the capacity to allow the stormwater from the 100-year/24-hour to flow into the pipes.

2. Technical Deficiency 36 from DEP's Technical Deficiency Letter dated August 10, 2022 has not been adequately addressed: **Several BMPs are in close proximity with differing floor elevations. Clarify how captured stormwater will be prevented from migrating and leaching into a neighboring BMP, potentially overloading the downslope BMP and circumventing the designed management. [25 Pa. Code §102.8(f)(6)]**

The DEP acknowledges the response; however, the response does not address the larger concern of along the length of the BMPs in close proximity. Clarify what will prevent stormwater from migrating between BMPs 5 and 6 and between BMPs 3 and 4. In addition, given the utility lines that are shown between the referenced BMPs, clarify how stormwater will be prevented from migrating along the backfill material of the water and sewer lines.

3. Technical Deficiency 39 from DEP's Technical Deficiency Letter dated August 10, 2022 has not been adequately addressed: **Wetlands are a surface water. The proposed earth disturbance activities redirect the existing surface stormwater sheet flows to discrete point source discharges to the receiving surface water, in addition to redirecting stormwater that would have otherwise percolated into the ground. Provide an analysis demonstrating that the stormwater rate, volume, and water quality are maintained in a manner that mimics pre-construction hydrology, both surface and subsurface and will maintain the existing use functions and values of the wetlands. The analysis should account for the construction activities (cuts, fills, and compaction) immediately adjacent to the wetlands. The DEP notes that multiple points along the wetland may need analyzed to demonstrate all areas of the wetland will be maintained. [25 Pa Code §102.8(b)(1), §102.8(g)(2)(iv) and §102.8(g)(3)(iii)]**

The DEP acknowledges the response; however, the response is speculative with no additional documentation referenced or provided supporting the assertions. No additional points were analyzed to demonstrate rate control, volume management, and water quality would be maintained to all areas of the wetland nor was a discussion regarding construction activities (cuts, fills, and compaction) immediately adjacent to the wetlands provided. The DEP notes that the retaining wall should be considered in the discussion of the construction activities. Provide additional, site specific testing and/or documentation supporting the conclusion that the wetland will not be negatively impacted by the earth disturbance activities.

4. The PCSM Plans have water quality filters at nine (9) stormwater inlets. Twelve (12) inlets that collect stormwater runoff from the parking areas and large trucks and other vehicular traffic have no water quality filters. Clarify how the inlets were chosen to have a water quality insert installed and how overall water quality compliance is achieved when the subsurface facilities will receive a mix of filtered and unfiltered stormwater. [25 Pa. Code §102.8(f)(6) and §102.8(g)(2)]
5. Clarify how the basins will achieve the infiltration volume shown on the PCSM spreadsheets when, as shown in the PCSM plans, the primary orifice is located at the same elevation as the basin floor. Revise the plans and supporting calculations, as needed. [25 Pa. Code §102.8(g)(2) and §102.8(g)(4)]

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 15 business days from the date of this letter, on or before December 13, 2022 or the DEP may deny the NOI.

Please submit 2 copies of the revised information to the District at 10605 Raystown Road, Suite A, Huntingdon, 16652, and an electronic copy to the DEP via the DEP's OnBase system (<https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx>). For ease of review, the DEP requests a single upload with multiple files versus a single upload with one large document. Use the following OnBase form codes:

Form Name/NO. – Chapter 102 General NPDES Permit (PAG-02)
Resubmittal - No

Please be advised that if your response does not satisfy the technical deficiencies, in general your NOI 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 NOI is denied, there is no recovery of fees available; however, if you voluntarily withdraw the NOI and then submit a new NOI for the same project, previously paid disturbed acreage fees will be reapplied to the new NOI.

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 the 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 questions about the information contained in this letter, please contact Mr. Matthew Zeigler by e-mail at matzeigler@pa.gov or by telephone at 717.705.4738 and refer to Application No. PAC310027.

Sincerely,

Nathan Phillips, P.E.
Permits Section Chief
Southcentral Regional Office

cc: Huntingdon County Conservation District
 Benjamin Piper, Keller Engineers, Inc.