



August 10, 2022

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

Re: Technical Deficiency Letter
Rutter's Huntingdon Store #93
NPDES Permit Application No. PAC310027
Smithfield Township, Huntingdon County

Dear Mr. Hershey:

The Department of Environmental Protection (DEP) and the Huntingdon County Conservation District (District) have reviewed the above referenced NOI and has identified the technical deficiencies listed below. 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 deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

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 procedures in the review and processing of this permit application.

Technical Deficiencies

E&S Plan [identified by the District unless otherwise noted]

1. Confirm that the PNDI covers the offsite improvement area as well. It is difficult to verify if the buffer area of the search receipt encompasses the water and sewer line. Rerun the PNDI, if needed, to ensure all areas of earth disturbance are included. [25 Pa. Code §102.6(a)(2)]
2. The E&S Plan Developer signature listed on Page 7 of the E&S Module 1 should match with the listed E&S Plan Developer information. [25 Pa. Code §102.6(a)(1)]
3. Step 4 of the BMP Sequence of Installation & Removal on Plan Sheet ESP4 refers to the Bedford County Conservation District. Revise as appropriate. [25 Pa. Code §102.4(b)(5)(vii)]

4. Stage 1 of the Construction Sequence on Plan Sheet ESP4 refers to pipe installation and construction of fill slopes prior to installation of the Rock Construction Entrance (RCE). Clarify how the fill will be placed without accessing the site, how the site will be accessed to install the perimeter E&S BMPs, and what E&S BMPs will be in place in the downslope area of the fill for the entrance. *[25 Pa. Code §102.4 (b)(5)(vii)]*
5. The Concrete Washout BMP shown on the plan drawings is located less than 50 feet from stormwater inlets. Identify a suitable location for the Concrete Washout on the plan drawings not located within 50 feet of storm drains, open ditches, or surface waters. *[25 Pa. Code §102.4 (b)(5)(ix)]*
6. A minimum 8-foot setback distance from the toe of slope to the Compost Filter Sock (CFS) perimeter control should be provided; refer to the Frequently Asked Questions (FAQ) - Erosion and Sediment Control document, FAQ #29, available from the DEP's E&S Resources webpage. Perimeter control setbacks should allow for adequate ponding area during construction and access for routine maintenance. *[25 Pa. Code §102.4 (b)(5)(ix)]*
7. Revise the plan drawings to show the Compost Filter Sock (CFS) with the required upturned ends (45-degree angle) in the appropriate locations. The upturned ends should minimally extend 8-feet upslope and to the contour elevation which meets the thickness of the CFS (i.e., 32 inches above contour for 32-inch CFS). *[25 Pa. Code §102.4 (b)(5)(ix)]*
8. As shown, several Compost Filter Sock (CFS) overlap with proposed earth moving activities. Revise the plan drawings to provide sufficient space for equipment to operate between the CFS and all areas of proposed earth moving or otherwise indicate how the E&S BMP placement will be staged during the placement of fill. *[25 Pa. Code §102.4 (b)(5)(ix)]*
9. Provide a perimeter control below the topsoil stockpile area shown on the plan drawings. *[25 Pa. Code §102.4 (b)(5)(ix)]*
10. The anticipated velocity (V) shown on Standard E&S Worksheet 20 exceeds the maximum permissible velocity (V_{max}) for R-3 riprap size shown in Table 6.6 of the E&S Manual. For discharge velocities exceeding Maximum Allowable for Riprap, increase the stone size and/or provide a velocity reduction device. Be sure to use peak discharge rate for sizing riprap on Figure 9.3 rather than design rate. *[25 Pa. Code §102.4 (b)(5)(viii)]*
11. Verify the accuracy of the length and subsequent width calculations for each riprap apron using the appropriate peak discharge rates. As shown, the lengths of Riprap Aprons No. 1 & 2 do not meet the minimum requirements on Figure 9.3 for a 15-inch pipe diameter. *[25 Pa. Code §102.4 (b)(5)(viii)]*
12. The pipe slopes (ft/ft) shown on Worksheet 20, Riprap Apron Outlet Protection are reversed from the pipe slopes shown on the PCSM4 Pipe Profiles (Pipes 1 & 19). Revise as appropriate. *[25 Pa. Code §102.4 (b)(5)(viii)]*
13. Pipe Numbers 1 & 19 appear to be reversed on the specifications table included with the Riprap Apron Construction Detail on Plan Sheet ES3. Revise as appropriate. *[25 Pa. Code §102.4 (b)(5)(viii)]*

14. The Unnamed Tributary to the Juniata River is part of the Chesapeake Bay watershed. Therefore, to meet the conditions of the General NPDES Permit, E&S BMPs are to be ABACT. Revise the details to show and specify ABACT E&S BMPs. [25 Pa. Code §102.4(b)(6)]
15. Sheet ES4, Stage 4, 'PCSM BMP Construction' of the Construction Sequence is listed out of order in relation to Stage 2, 'Site Earthwork'. Stage 4 stage also includes erroneous references (e.g., rain gardens, vegetated swales, soil planting medium) not specific to the proposed plans. Revise the construction sequence to be project and site specific and include the PCSM BMP construction in the appropriate sequence. [25 Pa. Code §102.8(f)(7)]

PCSM Plan [identified by the DEP unless otherwise noted]

PCSM Module 2

16. Item 6 indicates the potential for pyritic shale to be uncovered in the area of the fuel storage tanks. Include the excavation in this area as a critical stage in which the design professional or their designee will be onsite to observe and provide direction should pyritic shale be uncovered. [25 Pa. Code §102.8(k)]
17. Provide a Module 2 that is signed by the design professional. [25 Pa. Code §102.6(a)(1)]
18. The PCSM BMP IDs listed on pages 1, 6, & 7 of Module 2 do not match with the appropriate Discharge Points as shown on the PCSM plan drawings. Revise as needed for consistency. [25 Pa. Code §102.6(a)(1)]

PCSM Report

19. The Volume Calculations in the PCSM Report for POI 2 show an existing impervious area. Twenty (20) percent of the existing impervious shall be considered meadow in good condition. Revise the demonstration to clearly show this has been provided within the PCSM volume management calculations. [25 Pa. Code §102.8(f)(8) and §102.8(g)(2)(ii)]
20. 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)]
21. The provided information on the PCSM Volume Management Worksheet indicates that the 'actual infiltration period' for BMP 3 Infiltration Bed would exceed 72 hours. If the BMP is not dewatered in the recommended 72 hours, clarify how the BMP will manage the stormwater from potential storm event. [25 Pa. Code §102.8(g)(2)]
22. Include the storage volume for BMP 6 Infiltration Bed on the PCSM Volume Management Worksheet or otherwise provide clarification as to why the storage volume is not shown. [25 Pa. Code §102.8(f)(8)]

23. The infiltration test pits in the Geotechnical Report show that Test Pit 7 ended testing at El. 663.0 with no bedrock refusal. The floor elevation for the infiltration bed near Test Pit 7 is also El. 663.00. The BMP Manual recommends a minimum 2-foot separation from the bedrock, seasonal high-water table, or other limiting zone. Provide additional testing to verify the recommended separation or otherwise clarify how the information provided adequately characterizes the location. *[25 Pa. Code §102.8(f)(2) and §102.8(g)(5)]*
24. PCSM Spreadsheet, DP002, Volume Tab – the total acres shown in the pre-development conditions (4.76 acres) exceeds the total earth disturbance acres shown in the General Tab (4.61 acres). Clarify and revise as appropriate. *[25 Pa. Code §102.8(g)(4)]*

PCSM Plan

25. General PCSM planning and design shall be planned and conducted to minimize land clearing and grading on the smallest foot-print possible. Provide documentation supporting the need for the amount of parking and additional impervious access paths. *[25 Pa. Code §102.8(b)(6) and §102.8(f)(9)]*
26. Sheet PCSM3 of the PCSM Plan Sheets under the ‘Subsurface Infiltration Bed BMP Schedule’ has the 2-yr & 100-yr water surface elevations inconsistent with the post construction stormwater calculations in the PCSM Report. Revise as appropriate. *[25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]*
27. Sheet PCSM3 under the ‘Subsurface Infiltration Bed BMP Schedule’ and Sheet PCSM 4 under the ‘Outlet Structure Schedule’ are inconsistent with each schedule when comparing the pipe inverts upstream and downstream. Revise as appropriate. *[25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]*
28. Sheet PCSM3 under Construction Notes for Subsurface Infiltration Bed PCSM BMPs, Note 2 indicates to avoid compaction of the basin floor. The Geotechnical report indicates for fill material to be placed 8-inches deep and then compact to 95 percent. The constructed floor elevations for some of the infiltration beds will require fill material. Clarify how compaction will be avoided and the infiltration beds will properly function when the basin bottoms will be on fill. *[25 Pa. Code §102.8(f)(7) and §102.8(f)(9)]*
29. Sheet PCSM3 under Maintenance Notes- The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs. Provide a long-term operation and maintenance schedule, which includes inspection of the PCSM BMP(s), repair, replacement, or other routine maintenance of the PCSM BMP to ensure proper function and operation. *[25 Pa Code §102.8(f)(9), §102.8(f)(10), and §102.8(m)(1)]*
30. Sheet PCSM3, first column on the left, second paragraph under Maintenance Notes refers to Bedford County Conservation District. Revise to indicate Huntingdon. *[25 Pa. Code §102.8(f)(9)]*

31. Sheet PCSM4 of the PCSM Plan Sheets for ‘Storm Run 8 Profile’ shows a 15-inch pipe in the profile for Infiltration Area A. The Pond Report in the Hydraflow Hydrographs show a different outlet pipe size, length, and slope. Clarify and revise as appropriate. *[25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]*
32. Sheet PCSM4 of the PCSM Plan Sheets for ‘Outlet Structure Schedule’ for Pipe 4 shows a 15-inch pipe for BMP Area C. The Pond Report in the Hydraflow Hydrographs show a different outlet pipe size. Clarify and revise as appropriate. *[25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]*
33. Sheet PCSM4 of the PCSM Plan Sheets for ‘Storm Run 9 Profile’ shows a 15-inch pipe in the profile for Infiltration Area A. The Pond Report in the Hydraflow Hydrographs show a different length, and slope. Clarify and revise as appropriate. *[25 Pa. Code §102.8(f)(8) and §102.8(f)(9)]*
34. PCSM Plan Sheet shows the plans and details for the underground -Subsurface Infiltration Bed. Each subsurface infiltration bed has an outfall structure with an outlet pipe. The outlet pipes for permanent basins are to be set in a concrete cradle along with anti-seep collars. Revise the plan to include Standard Construction Details 7-6 and 7-17 shown in the E&S Manual or provide the alternative BMP and design standard demonstration. *[25 Pa. Code §102.8(f)(6), §102.11(a)(1), and §102.11(a)(2)]*
35. Provide inspection ports or inlets, within the infiltration BMPs, at appropriate intervals to allow access for inspection, evaluation, and to perform maintenance. *[25 Pa. Code §102.8(f)(10) and §102.11(a)(2)]*
36. 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)]*
37. Sheet PCSM 3 shows that Discharge Point 001 & 002 has a rock apron at each outlet pipe. Provide a construction detail, along with the associated riprap sizing calculations to demonstrate the rock apron is adequate to provide protection of erosive conditions to the surface water. *[25 Pa. Code §102.8(f)(6)]*
38. Provide a detail of the outlet for each subsurface infiltration bed. *[25 Pa. Code §102.8(f)(6)]*
39. 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)]*

40. Provide notes and plan details indicating and showing that any groundwater seep uncovered during the excavation and construction of the development will be directed to the nearest wetland to better ensure hydrology is maintained to the surface water. [25 Pa. Code §102.8(f)(6), §102.8(g)(2), and §102.11(a)(2)]

Additional Technical Deficiencies

41. Clarify if the entire LOD was evaluated for aquatic resources. The ‘Aquatic Resource Identification and Delineation Report’, dated August 2021 only appears to evaluate the project site and does not appear to extend offsite in the location(s) of the utility extensions. If not previously evaluated, the utility extension areas should be viewed for potential aquatic resources. [25 Pa. Code §102.4(b)(5)(v) and §102.8(f)(5)]
42. Clarify what measures are in place to protect both the PCSM BMPs and the surface waters from a potential spill from the fuel station and vehicles. Given the nature of the project, adequate measures to protect the PCSM BMPs and the surface waters are required. [25 Pa. Code §102.11(a)(4)]

DEP would like you to consider the following comments on your permit application. While these are not technical deficiencies related to 25 Pa. Code Chapter 102 and will not result in a delay to your permit application, they may relate to potential issues during construction and/or implementation of the E&S and/or PCSM Plans.

- A. Given the proximity of the final grade vegetated slope to the existing wetland boundary, use of native and/or pollinator species are strongly recommended rather than non-native and potentially invasive grass species. Please reference the *PA DEP Wetland and Floodway Revegetation after Construction* for species selection and Best Management Practices. When selecting a seed mix, it is important that the mix be effective for erosion control. However, consideration of a diverse mix of grasses and forbs that can be found regionally and that have wildlife and pollinator value is also important in proximity to wetland areas.
- B. Due to potential roadway flooding hazard concerns associated with Inlet Filter Bags, the E&S Manual does not advise using the filter bags along major paved roadways. Consider the use of Inlet Filter Mats rather than Inlet Filter Bags for protection along U.S. Route 22/William Penn Highway. Inlet Filter Mats can be found on the DEP Approved Alternative E&S and PCSM BMPs, Version 2.2, available from the DEP’s E&S Resources webpage.

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 September 12, 2022 or DEP may deny the NOI.

Unless the District prefers an alternate method, please submit 2 copies of the revised information to the District at 10605 Raystown Road, Suite A, Huntingdon, PA 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. – NPDES Permit Stormwater – Construction
Resubmittal – No

Please be advised that if your response does not satisfy the technical deficiencies, in general your NOI or 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 questions about your NOI, please contact Matthew E. Zeigler by e-mail at matzeigler@pa.gov or by telephone at 717.705.4738 and refer to Application No. PAC310027, to discuss your concerns or to schedule a meeting. Please attempt to request any meeting within 15 days of the date of the letter to better ensure a meeting can be scheduled, held, and allow time for you to provide a response with the 30 calendar days allotted for your reply.

Sincerely,

Nathan Phillips

Nathan Phillips, P.E.
Permits Section Chief
Waterways and Wetlands Program

cc: Huntingdon County Conservation District
Theodora Kreitz, Keller Engineers, Inc.