



August 10, 2023

Point Township Supervisors
Attn: Randall Yoxheimer, Chairman
759 Ridge Road
Northumberland PA, 17857

Re: Denial - Component 3
Act 537 Planning
Point Township Circular Manufacturing Facility
DEP CODE NO. 23-129, APS ID # 1083198, AUTH ID # 1435562
Point Township, Northumberland County

Dear Supervisors:

The Department did not receive a response to the July 19th 2023 technical deficiency letter with regard to the above referenced application. The Department of Environmental Protection (Department) has determined that the application continues to be technically deficient. Therefore, the application is denied.

The deficiencies noted in Department's technical deficiency letter are based on applicable laws and regulations, as set forth therein. The applicant's response failed to adequately address all of the deficiencies noted in that letter. The deficiencies in the application that have not been adequately addressed are as follows:

1. The "Resolution for Plan Revision for New Land Development" is inadequate in that the resolution may not have been sealed, or is not discernable, as per the planning module instructions.
2. The municipality has not indicated whether public comments were received in the Public Notification Requirement section of the planning module (section P). A letter, written by the consultant on behalf of the applicant indicated that no comments were received and was included in the planning module package. Please note that the municipality has the responsibility to respond to any public comments, if any. If not, the municipality must indicate that no public comments have been received.
3. The municipality has not indicated that the long-term proper operation and maintenance of the facility has been identified in the Sewage Management section of the planning module (Section O. Question 6). However, appropriate documentation has been attached indicating that an Operations and Maintenance Agreement is in effect. This should be corrected with the other deficiencies to reflect the agreement adequately and accurately.
4. A significantly revised Component 3 Planning Module was submitted by the consultant to address technical issues identified on May 5, 2023. The resubmitted components of the module, while revised with a date of May 25, 2023, was not approved, and acknowledged by

the Municipality. Please note that all technical changes or corrections to this module must be acknowledged as acceptable by the Municipality.

Any reconsideration of this project shall occur only if a complete and updated set of planning modules is submitted. All materials must be newly adopted by resolution, and otherwise meet the requirements of Chapter 71 of Department's regulations.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

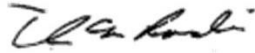
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Please contact William Clees, at 570.327.3688 or wclees@pa.gov, should you have any questions.

Sincerely,



Thomas Randis
Environmental Program Manager
Clean Water Program

cc: Encina
Rettew
Point Township Planning Commission
Northumberland County Planning Commission
William Clees
File