



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

September 19, 2022

**Via Email:** [lpektor@ashleydevelopment.com](mailto:lpektor@ashleydevelopment.com)

New Demi Road, LLC  
c/o Louis P. Pektor, III  
559 Main Street, Suite 300  
Bethlehem, PA 18018-5862

Re: Individual NPDES Permit Issuance  
303 Demi Road Planned Industrial Park (major amendment & renewal)  
NPDES Permit Application No. PAD480132 A-1  
CTY.#: 31-21-1-18  
Upper Mt. Bethel Township & Portland Borough, Northampton County

Dear Applicant:

Under the authority of the federal Clean Water Act and Pennsylvania's Clean Streams Law, the Department of Environmental Protection (DEP) approves your application for a major amendment & renewal of your Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities ("Individual NPDES Permit"). Your permit is enclosed. The latest versions of the permit application and all supporting documents, including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan, are incorporated into this approval, including the following plan drawings:

- The E&S Plan drawings, for 303 Demi Road Planned Industrial Park, dated 2/5/2021 and last revised 4/14/2022, consisting of 30 sheets.
- The PCSM Plan drawings for 303 Demi Road Planned Industrial Park, dated 2/5/2021 and last revised 4/14/2022, consisting of 25 sheets.

Your Individual NPDES Permit, which has been assigned NPDES Permit No. PAD480132, is effective on **September 19, 2022** and will expire on **September 18, 2027**. If stormwater discharges associated with construction activities are expected to continue beyond the expiration date of the Individual NPDES Permit, you must apply to renew your permit at least 180 days prior to the expiration date, unless otherwise approved by DEP.

Please review the Individual NPDES Permit, including special conditions, and the enclosed attachments carefully and contact this office if you have any questions. Please pay particular attention to the following requirements of the Individual NPDES Permit:

- In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who either has oversight responsibility of an earth disturbance activity on a project site who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, or has day to day operational control over an earth

disturbance activity on a project site. Please be advised that after an operator (contractor) has been selected for the project, the operator must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Co-Permittee Acknowledgement Form for Chapter 102 Permits (3800-FM-BCW0271a) to add a co-permittee.

- A pre-construction meeting is required as specified in 25 Pa. Code § 102.5(e), unless otherwise notified in writing by this office. The purpose of this meeting is to review all aspects of the permit with the permittee, co-permittees, operators, consultants, inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM Plan. You must provide at least seven days notice of the pre-construction meeting to all invited attendees.
- You must conduct inspections of all best management practices (BMPs) on a weekly basis and after each measurable stormwater event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) to ensure effective and efficient operation. The Visual Site Inspection Report Form (3800-FM-BCW0271d) is enclosed along with instructions. This form (or an equivalent electronic form providing the same information) must be used to document the required site inspections.
- For any property containing a PCSM BMP, the permittee or co-permittee must record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance (O&M) for PCSM BMPs, and provide notice that the responsibility for long-term O&M of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. **You must record an instrument with the Recorder of Deeds within 45 days and provide proof of the recording at the time an application to transfer permit coverage is submitted, if applicable, and at the time a Notice of Termination (NOT) is submitted to this office.**
- If there are any changes to the PCSM BMPs or long-term operation and maintenance plan after the initial instrument recording and prior to permit termination, the permittee(s) will need to amend the initial recorded instrument at the Recorder of Deeds office prior to permit termination. Please note, most Recorder of Deeds offices require that the land owner (at the time of actual recording) signs the instrument to be recorded. If the land owner changes and an amended instrument needs to be recorded, the Recorder of Deeds office will likely require the new land owner's signature on the amended instrument. It is recommended that for any sale or transfer of property to a new owner before this permit is terminated that the permittee seek legal counsel on how to structure the sale or transfer to allow the recorded instrument to be amended.
- The Notice of Termination (NOT) form (3800-PM-BCW0229b) is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved. The NOT must identify the responsible person(s) for the long-term O&M of the PCSM BMPs. Please be advised that the permittee and any co-permittees remain responsible for all operational maintenance for this project site until the NOT has been filed and

acknowledged. **It is important that you fulfill your obligations under the permit and submit a complete NOT to this office upon final stabilization of the site.**

- Please note that you are required to submit an annual fee in the amount of \$500 to DEP's Bureau of Clean Water on the anniversary of the effective date of any new individual NPDES permit issued after August 28, 2021. The annual fee is due until such time that the permit is terminated. Refer to Part A III.H of your permit.

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.**

If you have questions, please contact Daniel Ahn by e-mail at [dahn@northamptoncounty.org](mailto:dahn@northamptoncounty.org) or by telephone at 610-829-6277 and refer to Application No. PAD480132 A-1.

Sincerely,

*Carl J. DeLuca*

Carl J. DeLuca  
Acting Program Manager  
Northeast Regional Office

cc: Vertek Construction Management ([msodl@vertekcm.net](mailto:msodl@vertekcm.net))  
Upper Mt. Bethel Township ([townshipmanager@umbt.org](mailto:townshipmanager@umbt.org))  
Borough of Portland ([portlandboroughpa@gmail.com](mailto:portlandboroughpa@gmail.com))  
Northampton County Conservation District ([northamptoncd@northamptoncd.org](mailto:northamptoncd@northamptoncd.org))  
Lehigh Valley Planning Commission ([SRockwell@lvpc.org](mailto:SRockwell@lvpc.org))

Enclosures: Individual NPDES Permit  
Stamped Approved E&S Plan Drawings and E&S Module 1  
Approved PCSM Plan and PCSM Module 2  
Visual Site Inspection Report Form and Instructions  
Co-Permittee Acknowledgement Form for Chapter 102 Permits and Instructions  
Notice of Termination Form