



Individual NPDES Permit No. PAD310013

Permittee- M&G Realty, Inc.

COMMENT/RESPONSE DOCUMENT

January 31, 2024

The Department of Environmental Protection (DEP) received an application for an Individual NPDES Permit from the applicant named below to authorize discharges of stormwater associated with construction activities from the project site named below to surface waters of the Commonwealth.

Applicant: M&G Realty, Inc.

Applicant Address: 2295 Susquehanna Trail, Suite C, York, PA 17404

Application Number: PAD310013

Project Site Name: Rutter's Huntingdon Store No. 93

Project Site Address: William Penn Highway (US Rt. 22), Huntingdon, PA 16652

SE corner of the State Route 26 and US Rt. 22 interchange

Latitude: 40.489604N, Longitude: -78.036794W

Municipality / County: Smithfield Township, Huntingdon County

Total Earth Disturbance Area: approximately 7.03 acres

Surface Waters Receiving New Stormwater Discharges: An unnamed tributary (UNT) to the Juniata River (WWF, MF) via wetlands. The wetlands are protected as "other" wetlands as identified in 25 Pa. Code § 105.17(2). The proposed stormwater discharges will be conveyed from the site's best management practices to the surface waters of the Commonwealth, generally along the western side of the project site. The best management practices and proposed discharge locations can be viewed at the project's DEP webpage:

<https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/Smithfield-Township-Rutter%E2%80%99s-93.aspx>.

Project Description: Proposed construction of a Rutter's convenience store/gas station along with parking lot, utilities and site improvements including turning lanes, stormwater management facilities, and utility services which include off-site sewer and water extensions.

Effluent limitations and rate or frequency of the discharges: Compliance is required with the narrative based effluent limitations as identified in the Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and in accordance with 25 Pa. Code, Chapter 102. Rate of discharges as identified in the application and in accordance with 25 Pa. Code, Chapter 102.

The Department of Environmental Protection (DEP) made a tentative determination to issue an Individual NPDES Permit to the applicant named above on March 31, 2023. DEP held a public hearing on the NPDES permit application, tentative determination to issue the permit, and draft permit on May 3, 2023. Written comments for this application and draft permit were accepted during the published public comment period through May 18, 2023. However, DEP considered comments that were received after May 18, 2023 as well.

Notice of receipt of M&G Realty, Inc.'s complete application was published in the *Pennsylvania Bulletin* on April 1, 2023. *See* 53 Pa.B. 1813. Notice of DEP's tentative determination to issue NPDES permit PAD310013 and availability of the draft permit, Fact Sheet, and notice of the public hearing was published in the *Pennsylvania Bulletin* (pacodeandbulletin.gov) on April 1, 2023. *See* 53 Pa.B. 1813. Notice of the public hearing was also published in the print and on-line editions of The Daily News (Huntingdon) on March 30, 2023. DEP also posted the permit application, public notices, draft permit and Fact Sheet on the DEP Southcentral Regional Office's website in advance of the April 1, 2023 *Pennsylvania Bulletin* publications.

On January 31, 2024, DEP issued NPDES permit no. PAD310013 to M&G Realty, Inc.

Additional information about the project is available on DEP's webpage for the project: (<https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/Smithfield-Township-Rutter%E2%80%99s-93.aspx>)

This comment response document contains the comments submitted to DEP by 111 commentators during both the public participation process and during the public hearing.

This comment response document is divided into two parts. The first part contains a table listing the commentators that commented during the public comment period. The second part of the document contains the submitted comments and DEP's responses. Public comments are listed with the identifying commentator ID number at the end of the comment, example: (20) would denote commentator no. 20 provided the comment. Where multiple commentators expressed common concerns, the shared concerns are set forth in a general comment and all pertinent commentator ID numbers are listed after the comment, example: (1, 2, 5, 20).

LIST OF COMMENTATORS

*Testified at Public Hearing

**Written comments submitted and testified at public hearing

All others submitted written comments

- | | | |
|--|--|------------------------------------|
| 1. Linda
Citizen | 13. Donia Brinkmiller*
Citizen | 24. Josie DiNovo
Citizen |
| 2. Georgina Abrashoff
Citizen | 14. Charles and Lucie Brown
Citizens | 25. Constanza Ehrenhaus
Citizen |
| 3. Paul Amato
Citizen | 15. Lucie Brown
Citizen | 26. Sherry Eichin
Citizen |
| 4. Elizabeth Bailey*
Citizen | 16. Greg Burgdorf
Citizen | 27. Michael Esh*
Citizen |
| 5. Becky Beck
Citizen | 17. Sean Busko
Citizen | 28. Alice Fleisher
Citizen |
| 6. Rosanne Bornholdt
Citizen | 18. Harlan Byers
Citizen | 29. Kimberly Gardner**
Citizen |
| 7. David Bowen
Citizen | 19. Keith Coddington
Citizen | 30. Sharon Garner
Citizen |
| 8. Monica Bowen
Citizen | 20. Isaiah Colon**
Citizen | 31. Ellen Gerhart*
Citizen |
| 9. Erika Bowman
Citizen | 21. Shannon Davidow
Citizen | 32. Elise Gerhart*
Citizen |
| 10. Ernest Boyd*
Citizen | 22. Joseph Davis
Citizen | 33. Virginia Gill**
Citizen |
| 11. Carolyn Brenner
Citizen | 23. George Dempsie
PA Interfaith Power and
Light | 34. Gary Gill
Citizen |
| 12. Bill and Linda Bressler
Citizen | | 35. Gregory Grove**
Citizen |

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| 36. Joe Krabill Gyekis
Citizen | 50. Karen Kite
Citizen | 65. Calista McRae
Citizen |
| 37. Kathryn Heinzl
Citizen | 51. Stan and Alice Kotala**
Citizen | 66. Craig Miller
Citizen |
| 38. Judith Hoffman
Citizen | 52. Joe Krabill
Citizen | 67. Gary Miller**
Citizen |
| 39. Claire Holzner**
Citizen | 53. Gene and Cindy Krisco
Citizen | 68. Nancy Miller
Citizen |
| 40. Norma Horton
Citizen | 54. Mary Krupa
Citizen | 69. Nick Miller*
Friends of Huntingdon
Borough Trails |
| 41. Dolores Jackson
Citizen | 55. Trudy Kyler
Citizen | 70. Laurence Mutti**
Citizen |
| 42. Laura Jackson*
Juniata Valley Audubon
Society | 56. Sarah Lada (Ansani)
Citizen | 71. Eric Oliver**
Citizen |
| 43. Dana Jefferson
Citizen | 57. Anna Laidler
Citizen/ Coalition to Save
Old Crow Wetland | 72. Grace Oram
Citizen |
| 44. Janice Kavanagh
Citizen | 58. Alex Lamoreaux
Citizen | 73. Mary Paoli
Citizen |
| 45. Scott Kavanagh
John Kennedy Chapter of
Trout Unlimited (JKTU)- | 59. Sean Lane
Citizen | 74. Gisela Peace
Citizen |
| 46. Michael Kensinger**
Citizen | 60. Barbara Langan
Citizen | 75. James Pingry
Citizen |
| 47. Patricia Kepple
Citizen | 61. Gillian Letson
Citizen | 76. Sarah Poklembo*
Citizen |
| 48. Nick Kerlin
Citizen | 62. Roger Leonard
Citizen | 77. Anne Puchalsky
Chesapeake Bay Club,
Pennsylvania State
University |
| 49. Deb Kirchhof Glazier
Citizen | 63. John Lynn
Citizen | 78. Anne Rice
Citizen |
| | 64. Kathi McCorkle
Citizen | |

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|--|--|--------------------------------|
| 79. Kris Ricker
Juniata Valley Audubon
Society | 94. Donnan Stoicovy
Citizen | 109. Kim Wright
Citizen |
| 80. Charlotte Ridge
Citizen | 95. Anne Swigart
Citizen | 110. Mary Wujek
Citizen |
| 81. David Roberts**
Citizen | 96. Bruce Thomas
Citizen | 111. HollisZelinsky
Citizen |
| 82. Kathy Ruhl
Citizen | 97. Henry Thurston-Griswold
Citizen | |
| 83. John and Susan Rumpf
Citizen | 98. Ed Tos*
Citizen | |
| 84. Marianne Sawicki*
Citizen | 99. Jack Troy**
Citizen | |
| 85. Careen Shafer
Citizen | 100. Roseann Varner**
Citizen | |
| 86. Chris Shook*
Citizen | 101. Navin Viswanathan
Citizen | |
| 87. Terry Sidwell
Citizen | 102. Peggy Wagoner Saporito
Citizen | |
| 88. Susan Simpson**
Citizen | 103. Jody Wallace
Citizen | |
| 89. Elizabeth Smolcic
Citizen | 104. Maria Weick
Citizen | |
| 90. Willis Sneath**
Citizen | 105. Doug Wentzel**
Citizen | |
| 91. Angie Spagnoli*
Citizen | 106. Greg Wilver
Citizen | |
| 92. Richard Sprott
Citizen | 107. Savannah Wilson
Citizen | |
| 93. Emily Stambaugh
Citizen | 108. Raymond Woods
Citizen | |

General Comments

1. **Comment:** I wish to state my total opposition to proposed degradation of our Old Crow Wetlands!!!!!!!!!!!!!! I am 75 years old and a lifelong resident of Huntingdon County. I know our county & have lovingly called our beautiful county "Hillbilly Heaven" for years. I know the mindset of our majority. Our greatest resources here are our natural resources. You should know better than I how important wetlands are to ecology and environment We as a Nation have done our best to destroy our environment thru greed, politics and wanton disregard in protecting our precious environmental resources for future generations. We owe our children a future - a healthy environment!!!!!!!!!!!!!! The proposal you are considering which will destroy The Old Crow Wetlands should never be permitted. Let your conscience guide you. Should you allow this destruction of our wetlands then I must assume you have no conscience.(2)

Response: The comment is acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the 25 Pa. Code Chapter 102 ("Chapter 102") permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the Best Management Practices ("BMPs") and the approved plans to manage stormwater from the site during and after construction.

2. **Comment:** I request that you initiate a public hearing on the proposed Rutter's convenience store and service station on Route 22 in Smithfield Township, Huntingdon, PA.

I make this request because the application from Rutter's has multiple deficiencies, particularly with respect to stormwater management, that will result in serious problems for the adjacent Old Crow Wetlands. Pollution from the proposed activity will cause irreparable harm to the birds and other wildlife that use the wetlands. The current application does not adequately address these negative environmental impacts.

The seriousness of these deficiencies requires an individual permit, rather than a general permit, and the highest level of scrutiny from the D.E.P. (3)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. In addition, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in

accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

3. **Comment:** I am writing this letter to oppose Rutter's application to build an 18-pump gas station just uphill from Old Crow Wetland.

My first concern is about the damage that will occur during the construction of the gas station, i.e.: water run-off and noise pollution from heavy equipment. Secondly, once Rutter's opens for business, there will be continued water run-off and the additional potential for a hazardous spill from the gas station. A hazardous spill would be the worst scenario, but water run-off would also be hazardous as it would contain fuel remnants and chemicals.

The preserve is visited by many people who enjoy bird watching, viewing the native plants, and observing other wild life species. People in the Huntingdon community and outlying areas worked hard with naturalists and state representatives to create this preserve when work was being done in US route 22. Its preservation should continue to be our primary concern. So many plants and animals depend on that place, and so many people love to visit it. More species of birds visit there than Canoe Creek State Park because it's an island of good habitat in a built-up area. We humans have destroyed more than half of the original wetlands in the United States; let's not add Old Crow to the list. (6)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The Post-Construction Stormwater Management ("PCSM") BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police about the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

4. **Comment:** My understanding is that as part of the Rutters application for a Department of Environmental Protection permit to build next to the Old Crow Wetland, on question #7 they claim that storm water discharge from their facility would not contain toxic or hazardous pollutants, etc. That isn't likely to be true.

We need to the Department of Environmental Protection to require an Individual Permit (as opposed to a general permit) and schedule a public hearing about this. (8)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. The commentator appears to be referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

5. **Comment:** I write in opposition to the placing of a Rutter's Convenience Store #93 near Old Crow Wetlands. This country has lost so many of their valuable geographic features. Why threaten one that's here with runoff, noise, litter, etc.?

Please deny Rutter's application.(11)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project.

Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police about the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

6. **Comment:** I'm writing to express opposition to construction of the Rutter's store at the proposed site in Smithfield Township.

This development poses significant risk of runoff pollution to the Old Crow Wetland. The environmental benefits of wetlands are well known. Old Crow also benefits our area by attracting birders, walkers and picnickers.

Rutter's will also bring light pollution, noise pollution, and increased traffic congestion and accident risk. We don't need another gas station or convenience store, and we don't need to put up with the problems related to Rutter's. (12)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police about the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

The Pennsylvania Department of Transportation ("PennDOT") manages Highway Occupancy Permits ("HOP") in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

7. **Comment:** I would like to add my comments to the ones you are receiving.

WE DO NOT NEED A BIG RUTTERS IN TOWN. Not only does this impact the small town feel that we love but it will majorly impact the wildlife that calls the Old Crow area home. We have plenty of convenience stores and gas stations but wildlife is fragile and once it's gone - it's gone for good.

The wildlife that calls Old Crow home does not have a voice so I am saying it for them,

Please do not ruin Old Crow with an unnecessary truck stop! (15)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

8. **Comment:** We are not full time residents but we have owned a house in Huntingdon for about 20 years and we stay there quite often. We utilize the recreation facilities at the lake as well as supporting local businesses throughout the year. We visit Old Crow quite often to birdwatch or just relax. Natural areas like Old Crow are so important to our ecosystem and there are quite a few species of birds as well as other species who live and nest there. It is also an important resting spot for migrating birds in the Spring and Fall.

We are quite concerned with the possibility of a Rutter's Store and gas station being built adjacent to this pristine area. Not only is water quality a big concern but the light pollution from the tall light standards is a very real danger to migrating songbirds as well as visually unappealing to us.

Huntingdon is a beautiful small town who does not need yet another huge convenience store.

If development like this is allowed, eventually Huntingdon will cease to become something special and will be just like other boring towns full of stores and gas stations.

Please do not allow Rutter's to build adjacent to Old Crow and damage this sensitive and beautiful area. (14)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires

the permittee to comply with the version of the lighting plan approved by Smithfield Township.

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

9. **Comment:** I am writing to express my support for the protection of Old Crow and prohibiting Rutter's from building in the proposed area. (17)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The permit requires the designated and existing uses of the UNT to Juniata River and the associated wetlands to be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

10. **Comment:** As a citizen of Huntingdon County, I am writing to you because I have continued concerns about Rutter's plans to build next to the Old Crow Wetland area.

Too much runoff water will flow into Old Crow from their paved 7 acres, endangering the wetland.

Rutters hasn't said how often they will change and clean filters for water going into the wetland, and they didn't plan for enough filters. Question 7 on the permit application asks whether contaminated water could reach areas outside the constructed site, and Rutters answered no. That couldn't be true.

Based on that question, Rutters should have to apply for an individual permit, not a general one as they are now.

Yet another concern I have is that PennDOT should comment on Rutter's application because if the wetland is degraded they will lose credits from their "bank" wetland.

It's time for DEP to schedule a public hearing so all voices on this issue can be heard. (23)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. The commentator appears to be referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

However, The permit application does not propose the discharge of toxic or hazardous pollutants. The application proposes the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected.

PennDOT did provide comments to DEP regarding the development of this project and DEP has considered PennDOT's comments. In addition, PennDOT has an independent requirement for M&G Realty, Inc. to apply for and obtain a HOP for ingress/egress into and from the site in addition to other related items, such as stormwater runoff onto Commonwealth property, such as the Old Crow wetland property. The designated and existing uses of the UNT to Juniata River and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans to manage stormwater from the site during and after construction.

11. **Comment:** I am writing today to express my concern with the proposed building of a Rutter's gas station and convenience store next door and uphill of the Old Crow wetland.

Rutter's has a history of negligence in their stores in Pennsylvania. Five violations at Rutter's stores are recorded in the Pennsylvania Bulletin in 2021 for contamination of soil and water. Please go to this site and read about them here: www.pacodeandbulletin.gov/Home/Pabull.

Runoff from the large impervious surfaces of a Rutter's would result in thermal, particulate, and chemical pollution of the Old Crow Wetland. A fuel leak from underground tanks would be disastrous to the wetland. It could adversely affect the water quality of the wetland, giving the potential for pollution related either to fuel or to non-point run-off from their parking area. It could also potentially affect the specialized wetland ecosystem, a habitat category reduced by 50% in the U.S. since pre-European settlement.

Old Crow is a birding hotspot on the Susquehanna Birding Trail and is regularly visited by local birding clubs, groups from Shaver's Creek Environmental Center, local high school and college classes, and others. Visitors from across Pennsylvania and beyond value the diverse wildlife of Old Crow, and their visits contribute to our local economy too.

In closing, we do not need yet another convenience store and gas station in our community when there are already so many of them. This wetland is irreplaceable and important to the health of our environment. (23)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

Finally, storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP's webpage at: [Storage Tanks \(pa.gov\)](#) .

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

12. **Comment:** I have recently learned that Rutters plans to build a gas station and convenience store next to Old Crow Wetland in Huntingdon. I am concerned about this for several reasons, among which are:

Old Crow Wetland was built up and restored to a wetland state by PennDOT to mitigate the losses of this and other wetlands. However, the addition of a loud and bright gas station near this site would not only increase storm runoff of potentially polluted water (or even fuel spills) but would also destroy the wildlife that have come to live in Old Crow Wetland.

Old Crow Wetland is also located along an existing drinking water supply, so any damage to the wetland as a result of the presence of the gas station could result in a threat to the nearby water supply. (24)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires

the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

Finally, there is no permitted public water supply in the vicinity of the proposed Rutter’s 93 site. The Mason Spring adjacent to the site is not a permitted water supply source. Further, the Mason Spring site is upstream of the proposed Rutter’s project site.

13. **Comment:** I'm writing to request a public hearing for a permit application for the proposed Rutter's store in Smithfield Twp., Huntingdon Co. because there are deficiencies in Rutter's application.

Old Crow wetland ecosystem downhill from the proposed Rutter's store could be irreparably impacted by it. If built as planned, it could discharge contaminated water into the wetland.
(28)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM2 of the “Post-Construction Stormwater Management Plan” set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

14. **Comment:** It’s my understanding that, as a mitigation area, Old Crow was created to replace wetlands that were destroyed by PennDot during road work. Please don’t allow Rutter, or anything like it, to build on a location that endangers Old Crow. To do so, and to have Old Crow destroyed, only to have it added to a list of square miles, or square yards, of wetlands that have to be recreated somewhere else as a “replacement” goes against nature and common sense.

That situation reminds me of an older novel called God's Little Acre. Look up the plot line. And don't agree to a situation that keeps moving Old Crow or habitats like it. Please forward this to wherever it does the most good. (30)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

15. **Comment:** Now that the ACOE has determined that the delineation between the Old Crow wetland and the proposed Rutter's construction fill line is acceptable, I remain very concerned with the proximity of the construction activity to the wetland transition area (only a couple of feet in some places). I would hope that you would require the distance between the two areas be expanded in order to minimize any potential impacts to the wetland.

I also remain very concerned with potential for erosion and sedimentation to the wetland from discharge at the two outfalls rock aprons. Seems odd that they plan for infiltration as being a primary BMP to handle stormwater but two outfalls are planned. Also concerning are the soil test results revealing low permeability in some areas along with presence of a high water table. The increase in water volume to the wetland is also problematic for management and wetland classifications (types) associated with the wetland banking program. The possibility of direct toxic/hazardous discharge to the wetland (or groundwater which is a primary source of hydrology) is very real and therefore an Individual Permit should be required at a minimum as defined in Chapter 92.81(5).

Lastly, I am still confused why this project has not been published in the PA Bulletin as required by Chapter 92.82(a)? Any clarification on this would be greatly appreciated.

Thank you for your consideration. (67)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The permittee does not propose any wetland impacts and the permit does not authorize impacts to the wetlands.

Runoff volume up to and including the 2yr./24 hr. precipitation event are required to be managed in accordance with 25 Pa. Code § 102.8(g)(2). Runoff volume for precipitation events greater than a 2yr./24hr. event are not required to be managed for volume. Runoff rates are required to be managed up to and including the 100yr./24hr. precipitation event. The site is designed to discharge at precipitation events greater than the 2yr./24hr. precipitation events and therefore outfalls are required to outlet the discharges from the site. The approved PCSM plan includes six (6) Subsurface Infiltration Basins to manage the stormwater runoff from the site. The applicant performed soil testing, including infiltration

tests, in accordance with current guidance, to document the soils have adequate permeability to dewater the basins within the recommended timeframes. Groundwater was not encountered within the test pits.

The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM-2 of the “Post-Construction Stormwater Management Plan” set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The Department cannot verify where the regulatory citation 92.81(5) was taken from. Title 25 of the Pennsylvania Code, Chapter 92 has been reserved and is not currently in use. No current regulatory requirement at 92.81(5) exists. Therefore, DEP cannot provide a response to the commentator’s use of 92.81(5) in the context provided. In any event, subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

In addition, subsequent to when this comment was submitted to DEP, notice of the Individual permit application, and draft permit were published in the *Pennsylvania Bulletin* on April 1, 2023 (53 Pa.B. 1813). There is no regulatory requirement at 25 Pa.Code § 92a.82(a) or elsewhere under 25 Pa.Code Chapters 92a. or 102 to publish notice of receipt of Notices of Intent (NOI) for coverage under General NPDES permits in the *Pennsylvania Bulletin*. The Department cannot verify where the regulatory citation 92.82(a) was taken from. Title 25 of the Pennsylvania Code, Chapter 92 has been reserved and is not currently in use. No current regulatory requirement at 92.82(a) exists. If the commenter intended to cite 25 Pa. Code § 92a.82(a), then that requirement has been satisfied by the published notice referenced earlier in this paragraph.

16. **Comment:** As a concerned citizen from a neighboring county, I am writing in opposition to the construction of a 24-hour Rutter’s Service Station and Convenience Store on land adjacent to and uphill from the Old Crow Wetland.

As a person who travels to Huntingdon County frequently, I do not see the need for another gas station that caters to cars and large trucks which will inevitably pollute and degrade this amazing natural area.

Because of Rutter’s proximity to the Old Crow, pollution from fuel and non-point run-off is a great concern to water quality. Besides contending with litter reaching the wetland, increase light and noise will also have a detrimental effect.

Many plant and animal species, some whose numbers are dangerously in decline, are found at Old Crow Wetland. Let’s not forget that humans walk these paths at Old Crow for renewal and respite. We have already lost half of our wetlands since the beginning of European

settlement. At a minimum It is now our responsibility to protect the remaining natural areas that we still have.

I am asking that you say no to the unnecessary development of this land by Rutter's and listen to the voices that want to protect this land for future generations. I am reminded of a Native American aphorism that says we do not inherit the land from our ancestors, but we borrow it from our children. (34)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

17. **Comment:** Depending on the time of year you visit the Old Crow wetlands, while your feet either bounce on the grass or sink and squish, your senses tune in and you hear a cacophony of sound including everything from unusual bird calls to tractor-trailers out on Route 22. Mornings and late afternoons are pure joy with a feeling that something’s going right in this place, that we’re helping the environment, filtering bad stuff out of our waterways and our cluttered minds.

What can we do to stop the development plans for this marsh? We already have enough fueling stations but I’m not naive enough to think some competition among the gasoline providers might lower prices because that just does not happen here in Huntingdon County. But more importantly, why here in this little example of how the natural environment is supposed to work? Can’t this Rutter’s company find a location that’s not next to a fragile ecosystem which will become empty of birds and animals once the construction vehicles come, followed by fueling trucks and travelers, and possibly gasoline spills?

Please voice your opposition to these proposed plans now by speaking to your local officials.
(33)

Response: The comments are acknowledged. The proposed project does not propose any development of the Old Crow wetlands. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with M&G Realty and the municipality about land use concerns.

As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Rutters provided their fuel spill procedure for consideration as a part of the application review.

18. **Comment:** I question what will happen with gasoline spills, oil and antifreeze drips, all kinds of pollution on the parking area that will leach into the waters of the Old Crow conservation area. No bottoms on their "holding tanks" especially concern me. Please require them to meet the standards of an Individual Permit, not a General Permit. Thank you. (33)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The “holding tanks” are subsurface stormwater infiltration facilities with an open bottom to allow infiltration and provide a means of recharging groundwater aquifers. The design of the subsurface infiltration facilities is consistent with the current BMP Manual and accepted engineering practices.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Rutters provided their fuel spill procedure for consideration as a part of the application review

19. **Comment:** I am writing in opposition to the proposed land development by the Rutter's company on land adjacent to the Old Crow wetlands. I attended the Huntingdon

County Planning Commission's monthly meeting last week, and today I spoke with Ed Habbershon, the CEO for Smithfield Township.

For over thirty years I served on the HCPC and so the "rules" of development are real to me, i.e. the development must conform to the county comprehensive plan as well as the township's code, PA's statutes, etc. It is also clear when an entity does not have the community's best interests at heart, and the company is trying to do the minimum in compliance.

By answering each small step in the permitting process, it seems as though no one is seeing this little jewel of a wetlands as part of the whole. Yes, Old Crow is part of PennDOT's bank wetland for offset mitigation, and yes many different birds and animals either live there or pass through. We need these small ecosystems to keep on doing their part, not just be set up and ignored later if something threatens their function. Too many wetlands have been filled in, paved over, or degraded by some toxic situations that could have been prevented.

Please look extra, extra hard at all requirements before giving your approval to the Rutter's project Extra lighting, no matter how much it's aimed downward, will disrupt the circadian rhythms of this nature spot (even though it was created. it is doing what Nature intended). Construction noise followed by fuel trucks and commercial vehicles will further disrupt the wetlands. Storm water runoff can easily overflow the wetlands which are more soggy than

anyone ever thought they would be. Adding to that, all the little drops of oil from leaky engines, over-filled gas cans, antifreeze drips from radiators, salt from the parking lot in bad weather, and plastic trash from customers' littering will impact this special place when they wash down the slope. Ten years down the road, it could be this wetlands will be empty because Something Happened. Please keep that from happening by not permitting Rutter's to build on this spot. Fueling stations and wetlands don't make good neighbors. Thank you for your attention. (33)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. It's important to note that the Old Crow wetlands adjacent to the project site were designed with two mechanical water control structures and PennDOT manages the water levels to maintain adequate habitat and wetland goals accordingly. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Rutter's provided their fuel spill procedure for consideration as a part of the application review. A special condition has been added to the permit

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

20. **Comment:** Construction of a Rutter's Store is proposed directly uphill from the Old Crow Wetland in Smithfield Township. This would be a major fueling operation, including tractor-trailers. Any spill, leakage, or seepage will travel downhill directly into the wetland. No imagination is needed for the potential effects on the wetland. There is also non-point pollution run-off from the large paved area and wildlife will be exposed to significant noise and light pollution at night.

I oppose this location for Rutter's. Regardless of their safeguards in construction, there is real potential for contamination of the wetland. At the recent meeting of the Huntingdon County Planning Commission, the Rutter's representatives barely acknowledged the existence of the wetland. I do not have confidence that the health of Old Crow is of much importance to Rutter's.

Old Crow is a high quality wetland that supports a great diversity of animals, plants, etc. As a birder who has visited Old Crow many times over the last 20 years, I know of the bird life - a total of 218 species thus far found. These include 7-8 Pennsylvania Endangered or Threatened species - including as regular migrants American Bittern, Least Bittern, Black-crowned Night-Heron, and Great Egret.

The wetland habitat type exemplified by Old Crow is relatively uncommon in Huntingdon and surrounding counties. Despite its modest size, Old Crow clearly offers a place for migrant who use the wetland environment as a stopover for rest and feeding on their long trips. (35)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

21. **Comment:** As I have written previously, I have concerns about water quality issues with plans to build a Rutter's store adjacent to the Old Crow wetland. I would like to request DEP hold a public hearing to hear concerns from citizens on this issue, including that Rutter's should be required to have an Individual rather than General permit. (35)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

22. **Comment:** To all who are concerned about the environmental impacts of the gas station construction near Old Crow wetland:

There are many places where a new gas station could be situated, but not many where the environmental impact would be as negative as directly adjacent to a wetland.

Central Pennsylvania has little wetland habitat like Old Crow, and the small wetlands available are important for migratory birds and plant/insect communities. Sediment from construction, routine chemical runoff from the parking lot that none of us would ever want in our drinking water or poured onto our gardens, and risk of more significant spills are all reasons why the wetland will be reduced in quality if construction of another giant gas station goes forward.

The wealthy service station business can easily find alternative properties to build on. For the long term benefit of the natural world and the people who enjoy it, let's use this environmental review to forcefully advocate for environmental protection. (36)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. Further, development projects throughout Pennsylvania, including gas stations, subject to the 25 Pa. Code Chapters 92a and 102 and adjacent to surface waters, including wetlands, have adequately managed stormwater to maintain water quality and protect the designated and existing uses of waters of the Commonwealth. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations, both during and after construction.

23. **Comment:** I request a public hearing on the proposed Rutter's store in Smithfield township. We need a hearing because there are deficiencies in Rutter's application. I am concerned that they have not predicted any contamination of the wetland nearby. There have recently been fuel tank leaks reported at other Rutter stores, and this must factor into the decision to build on this fragile ecosystem. (37)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations, both during and after construction. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit. Storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP's webpage at: [Storage Tanks \(pa.gov\)](#) Further, as identified in Part B.III.H.- Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

24. **Comment:** I hope you are well. I'm writing to voice my opposition to the Rutter's gas station and store proposed for the land next to Old Crow Wetland. While the Conservation District may review Rutter's application for only a narrow set of criteria, I hope you will keep in mind the overall damage that Old Crow Wetland would suffer if a large 24-hour gas station were built just uphill from it. No matter how careful the plans, there would definitely be fuel spills, runoff, excessive light, noise pollution, and litter, all of which could severely damage the wetland habitat of Old Crow. Many people in Huntingdon value Old Crow and wish to keep it intact; we have formed the Coalition to Save Old Crow wetland. I would appreciate it if the Conservation District would consider these factors as you deal with this issue. (39)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires

the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is “policed”, by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

25. **Comment:** I see in Rutters’ response letter dated January 5 that they are trying to address the technical deficiencies in their application to build next to Old Crow Wetland. However, they haven’t adequately addressed either the quantity or the quality of water that would go into the wetland. Too much water will flow into the wetland from Rutters’ paved seven acre site and into groundwater from their underground collection system. The WalMart and Sheetz parking lots in the drainage area to the wetland have large retention ponds to protect the wetland. Why is Rutters not required to do the same?

As to quality of water going into the wetland, Rutters’ revised plan does not explain how often they will clean and replace the water filters between storm events or which contaminants they will test the water for. Question 7 in the eligibility section of their application asks whether toxic pollutants will be discharged in their stormwater. They are claiming no but this can’t be true. Based on this, DEP should reject this application and require Rutters to apply for an Individual permit.

Moreover, as Old Crow is a PennDOT bank wetland, PennDOT should be consulted on this application. Has DEP asked PennDOT for comments? As the quantity and quality of water in the wetland will undoubtedly be affected by this project, PennDOT could lose the credits from this bank wetland, which could be a major problem for them.

Will you schedule a public hearing on this issue? A public hearing would give all interested parties a better understanding of the problems with Rutters’ application. (39)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. In typical permitting situations not

involving compliance or enforcement actions, DEP does not prescribe the types of stormwater BMPs that a person proposes or uses to manage stormwater on their individual project site. Design choices about whether to use above ground stormwater basins or underground detention BMPs are subject to a number of factors including a person's project design objectives and local County or municipal land use ordinances. There are numerous stormwater management BMPs that a person may choose from to meet local and state stormwater management requirements. The permittee has designed underground detention basins as part of their stormwater management system for the proposed project and has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations, both during and after construction.

The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Rutter's is not proposing the discharge of toxic or hazardous pollutants. They are proposing the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

26. **Comment:** Thank you for your reply. I meant to answer earlier. You've explained some of your process with Rutters' application but I still have many questions about this project which I find misguided. One of my main questions for DEP is, why the narrow focus on stormwater discharge? Why is a Chapter 105 permit not required for this project, or any other permit, as it is clear that it would be detrimental to the wetland next to the site? Does DEP not have a responsibility to protect our environment from harm caused by projects such as this? Those are among the questions that you are likely to hear at the May 3 hearing. (39)

Response: The comments are acknowledged. No wetland impacts are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of Chapters 92a. and 102 (25 Pa. Code Chapters 92a & 102). The permittee is also required to comply with any other local, state, and federal law which applies.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The

designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

27. **Comment:** I am writing to you today to express my concerns about the construction of a Rutter's service area in Smithfield Twp, Huntingdon County. The site for Rutter's adjacent to Old Crow Wetlands. Old Crow is host to many endangered and threatened birds migrating through this area. It is a favored bird watching spot for people from the immediate area as well as visitors from Pa and beyond.

My concerns are, the safety of the water quality of the wetlands. There is a potential for runoff from the parking area affecting the ecosystem of the wetlands. Also, a 24 hour operation will increase light, which will effect the nocturnal animals, insects and migrating birds. Last but not least, an underground fuel leak would be disastrous to the wetland.

Please consider all these issues when making your decision in regard to the approval of Rutter's construction. (41)

Response: M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-

stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

28. **Comment:** This letter is being submitted by the John Kennedy Chapter of Trout Unlimited (JKTU) in response to the proposed construction of a Rutter's gas station/truck stop in Smithfield Township, Huntingdon County.

The John Kennedy Chapter of Trout Unlimited (JKTU) is opposed to the construction of a Rutter's gas station/truck stop in Smithfield Township, Huntingdon County, in the proposed location. JKTU, which serves Huntingdon County, requests a public meeting before the application is approved. JKTU is concerned about the negative impact of this project to the adjacent wetlands. The potential of stormwater runoff, including fuel and non-fuel pollutants, could degrade this ecologically sound wetland.

It is our understanding that multi-unit convenience stores and similar outlets have teams that clean their parking lots with pressure washers. How will they prevent this concentrated runoff from entering the adjacent wetlands?

Any degradation to water quality of rivers, streams, and wetlands affects the many exceptional recreational waters in Pennsylvania. Many members of JKTU have visited Old Crow Wetland to enjoy the diversity of native plants, insects, birds, and pond life. Although this wetland has not yet been classified as a wetland of "Exceptional Value", it should be.
(45)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

29. **Comment:** I am in the process of replacing four bat houses to help encourage endangered little brown bats to use the wetland. (The old boxes were dilapidated so I created a personal fundraiser to do so.) Old Crow is only 9 miles away from the fastest recovering little brown colony since the outbreak of white-nose disease. It stands a huge chance of helping this helpful mammals recover.

Also, Rutter's has several soil and water contamination violations in Pennsylvania:

www.pacodeandbulletin.gov/Home/Pabull

Being so close to a reservoir, and noting the pollution in water and soil that will occur from impervious pavement lots, is extremely counter productive to conservation and wellness of humans and animals alike. (46)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Finally, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

30. **Comment:** I am a wildlife artist, outdoor writer, and photographer based out of Altoona, Pa. I am writing with great concern for Huntingdon's Old Crow Wetland, a place which I travel over 40 minutes (one way) to visit, and to gather inspiration for my work. Not only is this mitigated wetland valuable to a host of rare bird and plant species, but it is one of my sole purposes for visiting Huntingdon and supporting your local businesses while there.

In addition to what I mentioned above, I am the administrator of a group who formally adopts PennDOT mitigated wetlands for beautification. Our name is "Friends of Tipton Wetlands". My group has adopted several wetlands in the Tipton area, and recently added Old Crow to our charter. We share agreements with PennDOT with Raystown Ducks Unlimited which I feel shows it's value to the community. In short, this area is of great interest and value to us all, as we are installing boxes for endangered bats, wood ducks, blue birds, and native pollinator populations which will help gardeners around the community. All of the funds raised were through a personal fundraiser of mine, whereby I raised around \$1,400 from people who care about this wetlands preservation. After reviewing a multitude of violations RUTTER'S has in numerous counties, it is without a doubt going to destroy this beautiful sanctuary if allowed to move forward with construction.

Particulate pollution, chemical run off, excess rainwater from asphalt, noise and light pollution will take Old Crow from a sanctuary for many threatened migrating (and resident) birds, to a nightmare for them. Is there really a need for yet another gas station in a small town like Huntingdon? I feel the competition between Sheetz and Rutter's has exceeded any humorous qualities as Rutter's aggressively expands, and we are now seeing a gas station every few miles. Furthermore, any large trucks planning to gas up at the proverbial 18 pump station will burn a lot of fuel once they head back up the uphill stretch toward Waterstreet. This location makes so sense, and if truly necessary there is a lot already prepared and for sale near Warrior's Ridge.

Please, we need the public to realize the great value this wetland has to many of us. There are very few places where I can see such a myriad of wildlife, and as a caretaker here, it is very close to my heart. (46)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Finally, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

The DEP is unclear about what type of particulate matter the commentator is concerned about. However, Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

31. **Comment:** With this email I request that a public hearing be held to address concerns in Rutters' application for a convenience store in Smithfield Township. I believe that an Individual Permit should be required of Rutters as opposed to a General Permit due to the issues surrounding the proposed construction's proximity to Old Crow Wetland and the environmental concerns that many in our community share regarding Rutters' plan. (47)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

32. **Comment:** I am writing to express my opposition to the proposed Rutter's Store/Gas Station in Smithfield Twp, Huntingdon Co.

This proposed area use is adjacent to the Old Crow Wetlands, an exceptional wetland area, that was constructed as part of a PENDOT wetland mitigation project.

The negatives of this proposal are many. A 24-hour operation of fueling on a nearly 5 acre impervious surface would greatly increase the surface runoff of spilled gasoline and other pollutants from the fueling area directly into Old Crow Wetland. This would have a devastating impact upon avian, aquatic and flora life that would linger for many years.

Additionally, Rutter's has had a very poor track record of such problems at several of its other locations as noted in the PA Bulletin.

Despite what "assurances" Rutter's may give, it only takes one large spill or continuing small ones from runoff to destroy this wetland.

I request that you oppose this construction so it does not take place. (48)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Finally, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

33. **Comment:** I feel compelled to add my voice to the concerns about Rutter's plans to develop the Old Crow Wetland.

I understand that there needs to be a balance between development and conservation. That said, it is critical to weigh all the factors before development takes place, as once it is done there is no going back.

In that regard, in addition to encroaching on the wetlands, a gas station poses real risk of additional problems from spilled gas and other unintentional mishaps. I also question the necessity for another convenience gas station, as we have several others in Huntingdon.

This is a complex matter but I hope that the decision will reflect wisdom and not just economics. (49)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

34. **Comment:** I live on a cherished 22 acres of Huntingdon valley, and see no reason to basically destroy the Old Crow Wetland by plunking a gas station dangerously close to it. Wildlife needs all the support possible to keep on existing - and thriving - in a rapidly diminishing ecosystem. Surely there are other locations to build a Rutters?

PLEASE do NOT permit this project to go forward. (50)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

35. **Comment:** This note is to inform you of our opposition to any development of the parcel between Old Crow Wetland and Rt 26 and Rt 22 in Smithfield Township, Huntingdon County, PA.

Old Crow Wetland is a highly popular wildlife viewing area which attracts wildlife enthusiasts, and especially birders, from near and far. Because it provides unique habitat in Smithfield Township, Old Crow Wetland attracts many species of birds, especially waterfowl, wading birds, and shorebirds. It also is home to many mammals, reptiles, and amphibians that depend on wetlands.

Development of the parcel between Old Crow Wetland and Rt 22 and Rt 26, especially its development as a convenience store/fueling station catering to large trucks, would negatively affect the aesthetic and ecological attributes of the Old Crow Wetland. Runoff from the large impervious surfaces would result in thermal, particulate, and chemical pollution of the downslope Old Crow Wetland. Any leak of fuel from the underground tanks would be disastrous to the Old Crow Wetland. A busy 24-hour fueling station/convenience store will also bring increased light (detrimental to nocturnal insects and migrating birds) and noise pollution, as well as litter.

We believe that under Pennsylvania Code Title 25, Chapter 105.17 the Old Crow Wetland qualifies as a wetland of “Exceptional Value” based on the criterion of use by species of birds that are listed as Endangered in Pennsylvania. A total of 218 species of birds have been recorded at Old Crow, including 8 endangered and one threatened species.

Old Crow is a bank wetland that has been used by several PennDOT projects in the region as offset mitigation. Any degradation or destruction would make those projects that used the bank not compliant with their plans that were approved at the time of the project.

Because Old Crow Wetland is a PennDOT mitigation site, we encourage, and the DEP should encourage, PennDOT to pursue the purchase of the parcel to mitigate any future taking of land for highway projects. PennDOT recently purchased more than 100 acres in Bucks County, PA for this purpose and should do the same here.

We urge the DEP to reject any development proposal for the parcel between Old Crow Wetland and Rt 26 and Rt 22. (51)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

DEP consulted with the Pennsylvania Game Commission regarding the various alleged sighting of threatened and endangered species at the Old Crow wetland. Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP’s webpage at: [Storage Tanks \(pa.gov\)](https://www.dep.state.pa.us/storage-tanks) Further, as identified in Part B.III.H.- Other Laws of permit PAD310013: No condition of this permit releases the permittee from

any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Finally, DEP does not know if PennDOT considered purchase of this site. Questions about or suggestions that PennDOT should purchase this project site should be referred directly to PennDOT.

36. **Comment:** I would like to add my voice to those writing in today's (MARCH 1) Daily News. Old Crow is a beautiful spot of nature providing opportunities for comfortable walks and bird viewing right in the midst of town. With the move toward electric cars and the concern for the environment, one thing we do not need is another gas station in our area. Please do all in your power to protect Old Crow and keep Rutter out. (52)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in

accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

37. **Comment:** We are opposed to the proposed Rutter's location in Huntingdon as it will affect the wetlands area and its inhabitants. We do not need any additional gasoline convenience stores in this area. (53)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

38. **Comment:** I am writing in opposition to the proposed Rutter's location in Smithfield Township. The possibility of a fuel spill and run-off from the parking lot into Old Crow Wetland from this site is high. Old Crow is a destination for many birdwatchers across Pennsylvania and beyond. When birdwatchers visit, the dollars they put into the local economy is significant.

I am not opposed to Rutter's going into another location. Although I'm not sure it is needed with the facilities that already exist in that area.

As a local birdwatcher I visit Old Crow multiple times per week. There have been both state and county birds found at this location. To think this could all be lost for a few more gas pumps is hard to accept.

Please make the best decision for the birds and other inhabitants of Old Crow and not for the big corporation that could go elsewhere. (55)

Response: Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata

River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

39. **Comment:** We respectfully request that you choose another site for your planned gas station and store in Smithfield township, Huntingdon county, PA. The site you have chosen is adjacent to and uphill from Old Crow Wetland, a highly popular wildlife viewing area. No matter how rigorous you are in building and maintaining a store on that delicate location, the impacts will harm the wetland ecosystem.

- Old Crow is a high quality wetland that is home to a rich variety of birds, mammals, amphibians, reptiles, insects, and plants. Groups from local schools and from an environmental center regularly visit Old Crow. As the best birding spot in Huntingdon county, and part of the Susquehanna Birding and Wildlife Trail, it is highly valued by birders from across Pennsylvania and beyond.
- According to your construction plans, stormwater flow from the store would be directed to the wetland. Runoff from the large impervious surfaces of the gas station would flow downhill and result in thermal, particulate, and chemical pollution of the wetland.
- Any leak of fuel from the underground tanks would be disastrous for the wetland.
- Drinking water sourced from stream adjacent to the wetland could be contaminated.
- In addition to contamination from runoff, wildlife would be harmed by increased light (detrimental to nocturnal insects and migrating birds), noise, and litter.
- Old Crow Wetland is a bank wetland that has been used by PennDOT projects in the region as offset mitigation. If Old Crow were degraded, the credits it provides to other projects would be invalidated.

We wish to preserve this gem of natural beauty and habitat, a place which has value beyond monetary measures. We would be grateful if you would take this opportunity to demonstrate environmental stewardship and responsiveness to our community by choosing a different location for your store. (57)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in

accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP's webpage at: [Storage Tanks \(pa.gov\)](https://www.dep.state.pa.us/bureau/brownfields/division/division-storage-tanks/) Further, as identified in Part B.III.H.- Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

There is no permitted public water supply in the vicinity of the propose Rutter's 93 site. The Mason Spring adjacent to the site is not a permitted water supply source. Further, the Mason Spring site is upstream of the proposed Rutter's project site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

40. **Comment:** The Old Crow Wetland is a critically important stop-over site for wetland birds that need to rest and refuel on their arduous migrations, in addition to the site providing rare and critical nesting habitat for wetland birds. There is great potential for pollution from fuel spills and non-point run-off from the parking area.

Wetlands have already been reduced by 50% in the U.S and we should not encroach on one of the county's premier wetland habitats in order to build yet another mega-gas station. This is not to mention that Rutter's already has a history of negligence in their stores in Pennsylvania. Five violations at Rutter's stores are recorded in the Pennsylvania Bulletin in 2021 for contamination of soil and water which can be seen listed here:

www.pacodeandbulletin.gov/Home/Pabull

I am strongly in opposition of building a Rutter's alongside Old Crow Wetland. We should do everything in our power to protect this and other critical wetland sites in PA. (58)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Finally, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

41. **Comment:** I'm writing to add my name to the list of those OPPOSING allowing a Rutier's station to be built uphill from the Old Crow wetland. We are losing far too much wildlife habitat as it is, and the pollution and litter that the proposed station would generate would be devastating to the wetland habitat and the many species of birds, amphibians, etc., that call it home. Please do not allow a permit to be issued for this station unless it chooses a different site, one which does not threaten this fragile wetland ecosystem. Thank you for considering my thoughts. (60)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

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42. **Comment:** During Covid friends and I would grab something to eat and meet at the wetlands. Wonderful place!

When I was a boy scout leader we worked on bird study merit badge there numerous times.

Our little town is fortunate to have the small environmental areas. They add so much to Huntingdon. We do not need Rutters -another Sheetz. People think gas will be cheaper in the area. Not so. McIlroy has a Rutter's. Reedsville has a Sheetz. Gas is the same price.

It just needs patrolled more by Police to keep the druggies out of there. (1)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. Concerned parties may also confer with M&G Realty, Inc., the municipality, and the Pennsylvania State Police to address crime concerns.

43. **Comment:** I'm a birder who recently learned, through the Juniata Co. Audubon Society, about the proposal to put a Rutter's gas station next to Old Crow Wetland and Wildlife Observation Area, and I'm writing in concern about that plan.

We do not have many wetlands left. We are losing them each year to development, golf courses, and projects like these. Old Crow's renewal originated in a plan to compensate for the many wetland already lost in the area. Building a new gas station next to it is likely to undo a great deal of that admirable work.

Currently, Old Crow Wetland is a beautiful, thriving home to many threatened and vulnerable species whose homes elsewhere continue to be diminished and destroyed -- and equally importantly, it's a place of peace, quiet, and joy or all kinds of Huntingdon County residents and to people from beyond Huntingdon County. Both humans and other species need this place: we have plenty of gas stations and we have other places we can put gas stations, but we don't have many wetlands.

At best, a gas station will bring constant heightened noise pollution, light pollution, and water pollution; at worse, as has happened at all too many Rutter's stores, the gas station will bring a more dramatic environmental disaster. Rutter's has not been a terribly good neighbor to Pennsylvanians, as recently as 2021, and even were they to be more conscientious when it comes to contamination and runoff, the traffic they will attract to this area will change it irretrievably, for both people and animals.

As you know, North American bird species are tanking; the species that rest and feed at Old Crow Wetland need all the help they can get right now. Please reconsider the plan to put a gas station here. (65)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances. The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

Finally, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

44. **Comment:** Just wanted to say thanks again for all your time and assistance in letting Claire and me review the plans for the Rutters on Friday. It was very informative indeed. Seeing your revised maps (2/24/22) compared to the versions dated 10/21/21 that I had received from the planning commission at least gave me some relief that they did address a form of pretreatment for the runoff prior to entering the "infiltration system" as well as the detailing of other BMP's. Based on what I have seen so far, I still have following concerns/questions:

Are the proposed inlet filters designed to remove all hydrocarbons, anti-freeze, etc. from the pavement runoff?

How often will these filters be checked/replaced? What is their definition of a significant rain event? How soon after such an event will inspection/maintenance occur?

Is using "old" versions to model for 2-year storm events still valid given the recent increase in intensity and volumes due to climate change?

Based on the geotech engineers report, is infiltration really a viable and appropriate means of stormwater treatment? Also, based on the geotech engineers report, how will encountering Pyrite be dealt with onsite and offsite? Is there a potential for acid rock drainage (ARD) to occur and if so, how will this be mitigated? Wouldn't the potential for ARD and hydrocarbons being discharged in the stormwater require an Individual NPDES permit?

Is there any mechanism(s) to verify that there will not be any 105 issues (i.e., encroachment) for this project? Based on the photos and mapping of the property boundary lines, the wetland delineation, proposed fill pad/outfall locations and the current conditions on site I can't see how this will be avoided.

I realize that you may not be able to answer these questions. Just wanted to put them out there for consideration.

Also, please see attached link from NRSC regarding the Farmland of Statewide Importance. (67)

Response: The comments are acknowledged. The proposed FloGard +Plus inlet filters are designed to filter sediments and include provisions to absorb petroleum hydrocarbons. Plan Sheet PCSM2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The maintenance criteria for the water quality filters in the approved PCSM Plan are found in the PCSM Long-term operation and maintenance notes, Sheet 2 of the PCSM Plan. The same sheet also provides how often the facilities will be inspected. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The stormwater management calculations were performed using current accepted engineering methods. The applicant performed soil testing, including infiltration tests, in accordance with current guidance, to document the soils have adequate permeability to dewater the basins within the recommended timeframes. The design of the subsurface infiltration facilities is consistent with the current BMP Manual and accepted engineering practices.

Regarding the Pyritic soil, ECS's Geotechnical Engineering Report indicates that only areas that are excavated into solid bedrock have the potential to encounter above negligible concentrations of pyritic soil. From the soil tests provided, the stormwater BMPs will not be in areas where solid bedrock is anticipated to be encountered. Further, ECS recommends their presence on a full-time basis while excavation is occurring to inspect the excavated material and to direct management of pyritic soil should the material be encountered. Special Condition N has been added to the permit to better ensure pyritic material is identified and managed appropriately.

Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

No wetland impacts are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102.

45. **Comment:** Re: The Rutters proposal to place a truck stop at the intersection of PA Rt 26 and US Rt 22 in Smithfield Township, Huntingdon County.

First, let me introduce myself, Larry Mutti. I am a geologist by training, a community and planning-minded citizen by sentiment (having served in unpaid volunteer appointee capacity on the Huntingdon County Planning Commission for three decades) and an amateur naturalist by inclination. I reside in the Porter Township home I purchased in 1979.

I have reviewed the plans submitted on behalf of the Rutters development with some care, and am persuaded that the project is ill-conceived and the planning and execution of the project, as reflected in the documents made available to regulatory agencies, is careless at best and negligent at worst. There are a host of issues attached to the Rutters proposal, that touch on safety, environmental sensitivity and sustainability, aesthetics, and concern for the well-being of both area residents and intended customers. I don't attempt to speak to every concern in this letter because it is long, but I think it is important that all reviewers of the proposal see the project as a package, not simply as the little pieces over which they may have jurisdiction.

Knowing that the Smithfield Township Planning Commission and the Smithfield Township Supervisors must make their recommendations and permitting decision based on Smithfield Township code, I will start with a discussion of ways in which the proposed truck stop are in conflict with existing code, that is, would be in violation of regulations already in place in the Township if the project is allowed to proceed as proposed. In so doing I will reference specific standards as they are published in the Smithfield Code, Chapter 27. {all references to the Smithfield Code will be in Times New Roman font and indented for clarity)

I start by calling attention to the stated objectives of the Smithfield Code, 27-204:

- A. Achievement of the highest and best use of land.
- B. Protection of transportation corridors.
- C. The establishment of a realistic population density control.
- D. The effectuate a logical road and street pattern designed to adequately serve business, industry and residence and insofar as possible maintain a separation necessary to protect the neighborhood environment.
- E. To guide development with a view to providing adequate and economical community facilities and utilities.
- F. To achieve adequate public protection.
- G. To permit economical installation of sanitary sewers and treatment facilities.
- H. To effectuate the future land use plan including the preservation of natural amenities, resources and environment.
- I. To ultimately eliminate pollution factors and pollutants from land, water and air.

I believe that the proposal fails to meet any reasonable standard in regard to objectives A, B, D, F, H, and I and will attempt in this letter to show how and why.

The site chosen by Rutters for their facility is zoned Planned Business Center District. Within this district, the proposed truck stop is allowed as a use by special exception, 27-406.3.D. Such uses are regulated as follows, with irrelevant parts excised.:

Uses by Special Exception. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board. In granting any special exception, the Board may attach certain conditions to its approval which, in addition to the requirements listed within this Chapter, it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate.

D. Automobile service station and retail sales, provided that no facilities are used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such automobiles, provided further that the retail sales building shall not exceed 8,000-square feet in gross floor area, [Added 11/14/2012 by Ord. 2012-2, 11/14/2012]

It is my understanding that Smithfield Township has already given Rutters the go-ahead to enlarge the footprint of their building to 10,950 square feet. I note, however, that beyond granting special privileges to Rutters, the Township has reserved for itself the opportunity to "attach certain conditions to its approval which, in addition to the requirements listed .. it feels are necessary "

Among the conditions statutorily required, and with which the proposal must be in compliance, are a number related to site design. In regard to Parking Requirements the following is mandated in code 27-406.6.A.:

The interior of a parking lot over 10 parking spaces in size shall be landscaped to provide shade and visual relief. Choice of plant materials, buffer width, type of screening, location and frequency of tree planting shall be flexible. Parking lots containing 10 or more parking spaces shall be planted with a minimum of one tree for every eight parking spaces. Each tree shall be surrounded by a planting island consisting of no less than 50 square feet of permeable and unpaved surface. Plantings may be placed individually or collectively. Planting islands shall be bounded by a concrete curb having a minimum height of six inches. All plantings shall be properly maintained with dead plantings replaced in spring and fall planting seasons as needed.

Rutters' plan, as reflected in the supplied plan set of maps, offers no landscaping plan at all and though the cover sheet provides symbols to represent various kinds of trees and vegetation, none of the sheets shows a single tree or designated landscaping area. Neither does the plan include even any grassed or shrubbery buffer zones. As such, the Rutters proposal is completely out of keeping with ALL of the recently completed commercial developments within the Rt 22 and Rt 26 commercial corridors in Smithfield Township (including 4th St. Sheetz, Rite-Aid, Advance Auto, the fast-food eateries, Hosses, Arize

Credit Union, Sheetz 26, and the development within Smithfield Towne Center). As a "gateway" business to Smithfield Township, the total lack of consideration for the aesthetics of the site speaks very poorly of the proposal and would likewise speak poorly of the Township.

The Smithfield code goes on to say:

Parking lot layout shall take into consideration pedestrian circulation and provide crosswalks interconnected into the pedestrian circulation system. In parking lots over 10 parking spaces, separate pedestrian walkways shall be provided to allow safe movement within the lots. Such walkways shall provide safe access from buildings to parking areas, adjacent properties and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways: (a) One walkway can serve as a collector for up to four bays of parked cars.

(b) The walkways shall be a minimum of four feet wide, allowing an additional 30 inches on each side for overhanging of automobiles.

(c) All walkways shall be raised to a standard sidewalk height and shall be constructed of different paving material than the parking lot.

(d) The walkways shall be integrated with existing sidewalks and paths.

With 55 automobile parking spaces provided and 25 truck parking spaces provided, the need for walkways to bring customers of the convenience store should be apparent. Indeed a significant number of the designated parking spaces require pedestrians on site to cross the traffic lanes of vehicles accessing the pumps. Bear in mind that the lake-bound traffic that Rutters hopes to attract may include many vehicles towing boats or trailers. These drivers will be obliged to park in the truck parking sites because of their length, and pedestrians from these vehicles will have to cross the traffic flow of semi-trucks. This can hardly be considered safe. Free-for-all in the parking area should not be an acceptable design standard.

The Smithfield Code also contains specific language relative to signage in section 27-406.D and in section 27-514.C. There being no elevation diagrams in the submission there is no way to ascertain whether either the free-standing signage or signage attached to the building are compliant with Smithfield Code. There may, in fact, be no issue here, but the fact that signage as a design feature on the site is not addressed should be a concern to Township officials. Some aspects of business signage are also subject to DOT approval and a sign-off of PennDOT on the proposed signage MUST be a part of the plan set.

In addition to these specific points of inattention to planning requirements are a number of instances in which simple carelessness seems to have prevailed. For instance, on the set of plan sheets for Erosion and Sedimentation Control (multiple references are made to Bedford County as the jurisdiction from which approval must be sought and compliance issues addressed. Additionally, those same sheets indicate a site acreage of 7.41 acres with 7.03

acres of disturbance. These numbers are clearly borrowed from another submission - the Smithfield site is in fact only 6.97 acres and all activity must take place within that acreage. The same sheets incorrectly state the number of required parking spaces as 1 for every 400 square feet of space within the store while the Smithfield ordinance, and indeed the plan, provide for 1 space for every 200 square feet. While these errors may be treated as oversights, and can be readily corrected, their very presence on the submitted set of plans indicates a lack of attention to detail and a lack of respect for the uniqueness of the proposed site.

The Rutters plan will generate a lot of sewerage. Who, when visiting a truck stop or auto service center, doesn't use the bathroom. Presumably on-site dining is also planned, generating its own additional waste. A calculation of waste generated should be included in the plan set and there should be a sign-off somewhere on the plan from the pertinent agency indicating that there is capacity to handle this extra sewage treatment load.

Apart from matters of code as they relate to Smithfield Township there are a large number of additional concerns relative to the placement of this service area in the proposed location. I will not attempt to address these concerns exhaustively. But I feel compelled to call attention to several as they relate to public safety and to the long-term viability of this site for its intended use. These fall mostly in the realm of traffic impacts, and impacts on the immediately adjacent highly successful constructed wetland.

Traffic concerns:

The installation of a traffic light for the express and exclusive purpose of allowing for ingress and egress to the Rutters facility is deeply troubling. This traffic signal will unquestionably interfere with the smooth flow of traffic both east and westbound on Rt 22 and also with the merging of northbound traffic on route 26 onto Rt 22 eastbound. Beyond the inconvenience to all motorists of having to come to a dead stop at this location simply to allow customers to visit Rutters, there are safety and sustainability implications here that extend well beyond the site and the expectations of responsibility assigned to Rutters.

Eastbound truck traffic on Rt 22 will approach this "intersection" with a large amount of momentum. Assuredly, such trucks should be slowing down as they approach the Smithfield business district, but to bring them to a dead stop is another matter. The situation is not unlike that on Rt 22 eastbound at Waterstreet where state routes 45 and 453 intersect with Rt. 22 at the foot of a steep hill. I would call attention to the need at that intersection to place a flashing warning light further up the hill to the west of intersection to alert truckers to the red light below. Who will be responsible for installation and ongoing maintenance of that additional signal?

Truckers heading westbound on Rt. 22 will be starting from a dead stop to climb a very steep grade going up to the top of Warrior's Ridge. Eastbound traffic on 22 will have to jockey with northbound merging traffic from Rt. 26 to get into proper lanes for either entry into Rutters off of 22 or entry onto 22 from 26. All of this traffic coming to a dead stop, as well as the on-site traffic at Rutters itself, will add significantly to the noise and particulate pollution

in that vicinity. Trucks coming down 22 from the west will be applying jake-brakes just as they pass Graystone manor. Trucks gearing up for a steep climb will be growling. All will be emitting a lot of additional particulate pollution and all will be consuming excess fuel. From a fuel efficiency perspective, this location is a disaster.

The customer base that Rutters hopes to serve will be almost exclusively truckers and vacationers heading to and from Raystown Lake. Admittedly this is a large potential clientele.

Local consumers do not need an additional "convenience" store nor do they need another location to allow them to purchase gasoline. I anticipate that a significant part of the local traffic will reroute in order to avoid this new traffic light, resulting in increased traffic on Fairgrounds Road from persons coming from McConnelstown and points south and/or increased traffic on Mt. Vernon Ave (Rt 26 thru Smithfield). I would also anticipate increased traffic on Alexandria Pike/Pike Street from area residents approaching Smithfield/Huntingdon from Alexandria and Shavers Creek Valley.

Other environmental impacts:

Light pollution - The Rutters plan packet includes a map that demonstrates nicely how the use of down-forced lighting reduces the spillover of light from their many high lighting poles. What this plan fails to acknowledge is that the ground to the south of the site is at a much lower elevation. Wildlife in the Old Crow Wetland and drivers coming up the Rt 26/22 onramp will be looking up into those many bright lights. Distracting to say the least.

Wholly absent from any consideration is the light that will be introduced by users of the site. Traffic circulation during ingress and egress guarantees that every night-time vehicle entering the site will generate a high intensity wash of light from the site at least twice/vehicle visit over the Old Crow Wildlife Observation area. This will be highly disruptive to night-active species.

Noise pollution - I've already made comment relative to this issue vis-a-vis the start/stop nature of traffic at the signaled intersection and from the eastbound lane of Rt 22. Additional noise will be generated on site as tractor trailers and autos start up, move out and gain entrance onto Rt. 22.

Air pollution - In addition to the air pollution associated with decelerating and accelerating vehicles at the signaled intersection, air pollution will be generated from vehicles parked at idle at the Rutters facility.

Surface and groundwater flow - The construction plan set goes into great detail to describe mitigation that will occur during construction of the facility. Very little information is provided nor attention given to management of long-term water-related issues. Impacts fall into two categories - surface runoff and infiltrated groundwater.

The plan addresses surface runoff from the nearly 100% impervious surface of the site by directing all surface water into six buried chambers, designed to hold a significant quantity of water and permit infiltration through the base of the chambers into the subsurface groundwater system. The design retention capacity of these chambers is calculated to be sufficient to prevent sheet wash off of the site in all but high rainfall events having a recurrence probability of 1 every 2 to 3 years. Excess runoff from these infrequent but predictable high rainfall events is directed into two outflow pipes that deliver the water from the downslope side of Rutters' site directly into a portion of Old Crow wetland. These outlet pipes are on about a 1 :3 gradient, ensuring that the exiting water will be flowing at high velocity and in all likelihood will produce gulley erosion immediately off site. This will redistribute sediment from the vicinity of the property line downslope into Old Crow ponds requiring increased management and disturbance to the Old Crow site his is a classic externality where the impact of development is borne by someone other than the developer. The geotechnical report for Rutters indicates a probability of swelling of the rock in the sub-base of the retention chambers because of the presence of pyrite in the rock. In addition to the issue of swelling due to oxidation of pyritic material, sediment wash off of vehicles in the Rutters lot will also accumulate in the chambers further reducing the predicted infiltration rate of the retention chambers. We should anticipate an increasing frequency of high runoff/gulley-producing events over time. This is likely to be aggravated by the addition of salty material in parking lot drainage which promotes swelling of clay. Runoff quantity is not, of course, the only concern with this discharge because water draining from the Rutters site will also be carrying an elevated load of oil and other chemical materials inadvertently released from vehicles in the Rutters parking area. These will flow out of the outlet pipes into Old Crow.

Reducing runoff by increasing infiltration is a standard solution to flood-producing stormwater flow, but infiltration carries its own issues. All infiltrated water from the Rutters site will flow down the subsurface water table gradient directly into the constructed wetland of Old Crow. Once again, this subsurface flow WILL be carrying hydrocarbons that are not currently being introduced into the Old Crow ecosystem, and additionally a potentially heavy loading of salt. It takes little imagination to see the road salt and slush on vehicles parked at Rutters during the winter being drained directly on parking lot pavement and then directed into the retention chambers and from them directly into Old Crow. Given the highwater table in this region and the fractured nature of the local bedrock, the soil and rock in the subsurface cannot be expected to provide any natural remediation of this unwelcome introduction of pollutants into Old Crow.

Each of the impacts above is a cost of development not reflected in Rutters' bottom line but rather borne by the sensitive ecosystem of Old Crow, a constructed habitat expressly designed and built to address and compensate for ecosystem destruction elsewhere within the DOT construction program.

In closing, I reiterate that, this project is ill-conceived, that it fails to address numerous mandated requirements of the Smithfield code, that it addresses no compelling need in our region, and that it unduly burdens a valuable and much-appreciated natural habitat.

To return to my point of departure in this letter, the statement of objectives to be achieved by Smithfield Township zoning and land development requirements, I would note that this project:

Fails to achieve "the highest and best use of land"

Fails to accomplish "protection of transportation corridors"

Aggravates rather than "effectuate(s) a logical road and street pattern designed to ... serve business, industry and residence and ... to protect the neighborhood environment"

Neither contributes to nor guide(s) development with a view to providing adequate and economical community facilities and utilities.

Stops short of doing what it needs to in order to "achieve adequate public protection"
Complicates rather than effectuate(s) the future land use plan including the preservation of natural amenities, resources and environment.

Adds to rather than eliminate(s) pollution factors and pollutants from land, water and air.

That's a pretty bad score.

Thank you for your patience in reading this. (70)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. As such, these comments appear to be comments and possible deficiencies regarding M&G Realty, Inc's land development submission to Smithfield Township. The local township or municipality generally has purview over a project proponent's submission to or compliance with local land development ordinances. The commentator may wish to provide comments to Smithfield Township.

However, regarding stormwater management concerns expressed in the comment, DEP provides the following response.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic

lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

46. **Comment:** I have been reviewing the documents for the recent deficiency letters in regards to the Rutters plan in Smithfield Township, Huntingdon County.

Based on Item #7 of the PAG-02 NOI application (Eligibility requirements) and 25 Pa Code 92a54, they have not reasonably demonstrated that toxic pollutants WILL NOT be discharged into the Old Crow wetlands. Their inclusion of the charcoal canisters, which are high cost and high maintenance, indicate that there is a high potential for toxic pollutants to be found in stormwater runoff of their proposed parking lot. Improper maintenance is highly likely and a deterioration of the protection that these systems are designed to provide will occur. The flora and fauna of the Old Crow wetland ecosystem will be irreparably destroyed.

Their request for coverage under this GP should be denied and the applicant should be required to submit an individual NPDES permit application. If an individual permit is eventually approved then it should contain a sampling requirement that will ensure the protection of the Old Cow wetland.

Please do the right thing for the environment, waters of the Commonwealth, and Old Crow and don't just rely on a check box on a form to guide this process. (71)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permit and approved PCSM Plan requires that the permittee operate and maintain all stormwater BMPs on a perpetual basis so that stormwater from the site is adequately managed at the site. The approved long-term operation and maintenance specifications are found in the approved PCSM plan.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

47. **Comment:** 1. Flood control spillway elevation:

The flood control spillway located to the east of the project area has a reported top elevation of 680 ft (MSL) (obtained from PASDA DEM and contours). The screenshot below shows (purple) the location of this 680 ft contour in relation to the proposed fill area for the Rutter's project. It is of high concern that the filled area will become inundated and unstable during times of flooding. Not only would this be a safety issue in the event of complete failure, but even a partial failure would cause sediment and fill material to be deposited into the Old Crow wetlands adjacent to the project area.



2. Discharge to wetlands

Currently the Old Crow wetlands are maintained for a prescribed amount of four different wetland areas. The chart below is from the RIBITS site of the USACE showing the area types and acres for each.

Last Transaction: Sep 17, 2018

*****ATTENTION*****

Credit reservations and pending transactions are **NOT** reflected in the Available Credits total. Potential purchasers **MUST** contact the Sponsor to verify credit availability.

Name	Available Credits	Withdrawn Credits	Released Credits	Potential Credits
Wetland				
<u>PEM - Palustrine Emergent Marsh</u>	2.505	1.395	3.9	3.9
<u>PSS - Palustrine Scrub Shrub</u>	1.547	.273	1.82	1.82
<u>POW - Palustrine Open Water</u>	.36	.12	.48	.48
<u>PFO - Palustrine Forested</u>	1.359	.061	1.42	1.42

In reading the inspection reports contained on the RIBITS site, the USACE has noted that the open water has been overtaking the wetland and that it needed to be managed to keep the designed function of the wetland intact. The creation of impervious surfaces contained in the Rutter's development plans would increase the water received by the wetlands to a level that would not only create more work to maintain the balance but it

also threatens the structural integrity of the wetland complex. Overtopping of the berms of the wetland has the potential to de-water the complex if the berms are eroded out. The natural, existing hydrology that exists in the wetland complex is at a maximum for the wetlands. Any increase would be detrimental.

The PCSM for this project should take this into consideration and redesign the stormwater outfalls. Even though non-discharge is planned for the development, the infiltration galleries are fitted with an overflow pipe that is designed to allow a discharge when the 2 year/24 hour storm event is met or exceeded. According to NOAA for Huntingdon County that is 2.66 inches. To say that something is non-discharge and then design it to discharge during a storm that is expected to occur at a frequency of every 2 years (or less) is counterintuitive.

There is an alternative that should be considered that would remove one or both of the stormwater discharges from the wetland receiving area. During construction, the overflow piping could be set from the infiltration galleries in a manner that would drain the excess captured storm water and direct it towards the east. The already established flow channel of the flood control structure would easily convey the discharge to the UNT of the Juniata River (WWF) without impacting the wetland complex.

There is also concern about the stormwater filtration system that is proposed to filter the water as it enters the collection system. What checks will be in place to ensure that these will function as designed and be maintained? Is there an inspection frequency to ensure this? Has the water that is currently in the wetland complex been sampled for pre-construction characterization? What limits will be placed on the NPDES outfalls that will prevent pollution from discharging to the wetlands? The runoff from the proposed development area will very likely be contaminated with hydrocarbons, salts, and many other constituents that are common with large amounts of vehicular traffic. If these constituents are allowed to reach the wetland complex, the native flora and fauna as well as the ecology as a whole will be in jeopardy. The filtration system also states that they will have a high flow bypass system but no specifics are provided as to what high flow that will be. This is crucial to know in order to prevent pollution. While it is understood that all conditions can not be contained, the plans should strive to properly contain the highest amount of conditions possible. The plans list the fossil rock pouches as optional and this should be mandatory for this site due to the potential of hydrocarbon contamination occurring.

Also there is concern about soil contamination from the infiltration galleries in the event that the filtration system is not maintained in a working condition. What is the plan for preventing this from happening?

3. Use of invasive species in the E&S plan

In reviewing the E&S plans it is noted that they plan to use vegetative cover that is listed as invasive in the US. Namely, a few of the variations of fescue that are part of the seed

mix planned for the site. Please advocate that they remove any invasive species from their plan and replace them with only native species.

4. Excavation of pyritic material

The Geotechnical report that is enclosed with the application reports that a potential exists that pyritic bedrock may be encountered during excavation. While the plan states 2 options of dealing with this encounter, it does not state what will happen if the pyritic material is excavated. In the event that they utilize the material to fill in the other areas of the project, it will likely create Acid Rock Drainage (ARD) that will destroy anything that it comes in contact with. Proper removal or remediation will be required of this material once it has been excavated.

5. General

There are also several references to submission to the Bedford County Conservation District and discharge to the Raystown Branch of the Juniata River. While I understand that these are typos, they are also in locations of the plans that will direct the contractor or site owner after construction of what to do in specific situations. They should be corrected in order for the instructions to be understood by anyone using them. For example:

SHOULD ROUTINE INSPECTION REVEAL THAT A PCSM BMP IS NOT FUNCTIONING AS DESIGNED, THE OWNER MUST IMMEDIATELY TAKE ACTION TO CORRECT THE PROBLEM. STRUCTURAL FAILURES SUCH AS, BROKEN OR CLOGGED PIPES CAN BE RESOLVED BY REPLACING AND REPAIRING THE BMP TO THE ORIGINAL DESIGN (SEE PCSM BMP MAINTENANCE GUIDELINES FOR THIS PROJECT'S SPECIFIC BMP'S SHOWN BELOW). SHOULD A PCSM BMP CONSTRUCTED TO THE ORIGINAL DESIGN SPECIFICATIONS FAIL TO FUNCTION, THE OWNER MUST IMMEDIATELY CONTACT A STORMWATER DESIGN ENGINEER/PROFESSIONAL TO EVALUATE THE PROBLEM AND RECOMMEND CORRECTIONS. ANY MODIFICATION PROPOSED TO ADDRESS THE PROBLEM MUST BE SUBMITTED TO THE BEDFORD COUNTY CONSERVATION DISTRICT AND DEP FOR REVIEW AND APPROVAL PRIOR TO INITIATING IMPLEMENTATION OF CORRECTIVE ACTIONS.

If the NPDES outfalls 001 and 002 remain as planned, please ensure that they oversize or over-construct the rock dissipation structures at the ends. The slope of these pipes as designed is steep and the velocity of the water will be higher than a normal sized dissipation area can handle. (71)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Standard PennDOT seed mixes are specified for temporary and permanent stabilization. Current specifications do not appear to utilize known invasive fescues. Special Condition O has been added to the permit to better ensure non-invasive species are utilized

Regarding the Pyritic soil, ECS's Geotechnical Engineering Report indicates that only areas that are excavated into solid bedrock have the potential to encounter above negligible concentrations of pyritic soil. From the soil tests provided, the stormwater BMPs will not be in areas where solid bedrock is anticipated to be encountered. Further, ECS recommends their presence on a full-time basis while excavation is occurring to inspect the excavated material and to direct management of pyritic soil should the material be encountered. Special Condition N has been added to the permit to better ensure pyritic material is identified and managed appropriately.

References to Bedford County were removed in subsequent application documents submitted during the permit review process.

The rock energy dissipaters have been sized in accordance with standard engineering methodologies which accounts for the velocities calculated during design of the culverts. In addition, the permit and approved PCSM Plan requires that the permittee operate and maintain all stormwater BMPs on a perpetual basis so that stormwater from the site is adequately managed at the site. The approved long-term operation and maintenance specifications are found in the approved PCSM plan.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

48. **Comment:** I'm writing in regards to the proposed Rutters construction project.

I think it's important that we block this proposal, because the site is an important resource for our community and is an essential habitat for endangered species. Furthermore, construction in this site could damage our watershed.

While I understand the importance of bringing business into our community, I oppose construction on this site. (72)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata

River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

DEP is not aware that any threatened or endangered species jurisdictional resource agency has determined that the site or the Old Crow wetlands site is essential habitat for endangered species. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

49. **Comment:** As a citizen and resident of our beautiful Huntingdon County, I'm asking you to consider the placement of a Rutters Gas Station next to a valuable wetland in our community and its negative impact on that property. It is more than obvious that we have more than enough gas stations in this area and very few protected wetlands such as the Old Crow Wetlands. An acre or more of pavement will most certainly create disturbance to the attracted wildlife and create runoff of harmful chemicals and substances into the wetlands. The addition of a new traffic light is not a desired addition to that busy roadway as well. So please consider the aesthetics of our rural community instead of the development aspects of this business. If they really want to locate here help them find a different location that will not impact our wetlands. (75)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

50. **Comment:** I am against the Rutters being built near the old crows nest. I am not against a Rutters being built near Huntingdon. I am sure they are other adequate areas that a Rutters could be built on. (108)

Response: The comment is acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

51. **Comment:** I request a public hearing on the proposed Rutter's store in Smithfield township, Huntingdon, PA because there are deficiencies in Rutters' application which mean that their proposed plans should require an Individual Permit.

The Rutter's application does not consider or address the environmental impact the truck stop will have on the adjacent Old Crow wetland.

The Old Crow wetland is an important habitat for aquatic organisms, insects, birds, and other wetland animals. Old Crow was constructed by PADOT to mitigate wetland loss due to road construction. It is contrary to the purpose of the constructed wetland to have a large truck stop with gas and diesel pumps and a large impervious surface footprint to be constructed adjacent to Old Crow without proper environmental impact review.

I am Executive Committee Member of the Sierra Club Moshannon Group for Water Quality. The Moshannon Group is in opposition to the Rutter plan to construct adjacent to the Old Crow wetland. (81)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns,

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

52. **Comment:** I am writing to encourage you to do all you can to avoid greater climate change that will be brought about by construction of a Rutters Gas Station and Convenience Store next to the Old Crow Wetland in Huntingdon. Wetlands are a critical component of conservation, naturally cleaning water, supporting wildlife, and offering areas that do not adversely impact global warming.

It is my understanding that Old Crow has already gone through a series of efforts to maintain it in its original state and in response to the earlier construction projects that adversely impacted/removed other wetlands. We are running out of such places by allowing companies such as Rutters to allow light pollution at night and 24 hour problems brought about by impervious surfaces that contribute to runoff and pollution. (FYI many migrating birds use night flight to get to their destination, and night lighting disrupts their navigational abilities. Indeed some cities and towns have periods of "no light" to prevent such problems.)

Furthermore, as we move to alternative sources of energy and rely on sources such as electricity and solar it seems that Rutters is well behind moving in this vital direction.

Truckers and trucking companies will be among the first to move to electric powered vehicles abandoning gasoline and polluting vehicles. This means that within a few years Rutters and other gas stations will need to upgrade resulting in even more construction and abandoning underground storage tanks. I personally do not believe that Rutters needs a 93rd store at all, let alone one that will contribute to global warming and exacerbate the rate as which we are moving towards calamity. Indeed every small decision has an impact. Stopping this Rutters and similar projects will contribute to a slowing of the current negative direction.

I am sure you know that there are other myriad reasons to prevent this unnecessary drain on our planet and the above are just a few arguments against a new Rutters. Please do whatever can be done to protect our current and future populations. Deny construction such as what is proposed. (82)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns,

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP's webpage at: [Storage Tanks \(pa.gov\)](https://www.dep.state.pa.us/storage-tanks) Further, as identified in Part B.III.H.- Other Laws of permit PAD310013: No condition of this permit releases the permittee from

any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

DEP takes seriously its mission to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. DEP has determined that the permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations and state law.

53. **Comment:** The John Kennedy Chapter of Trout Unlimited (JKTU) is opposed to the construction of a Rutter's gas station/truck stop in Smithfield Township, Huntingdon County in the proposed location. JKTU, which serves Huntingdon County, is concerned about the negative impact of this project to the adjacent wetlands. The potential of stormwater runoff, including fuel and non-fuel pollutants, could degrade this ecologically sound wetland. Any degradation to the water quality of rivers, streams, and wetlands affects the many exceptional recreational waters in Pennsylvania.

Many members of JKTU have visited Old Crow Wetland to enjoy the diversity of native plants, insects, birds, and pond life. Although this wetland has not yet been classified as a wetland of "Exceptional Value", it should be. (45)

54. **Response:** The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns, The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

55. **Comment:** I am one of a group of local people in Huntingdon who are concerned about the impact the construction of Rutters Convenience Store & Gas Station will have on the Old Crow Wetlands.

There is concern that there will be too much runoff water flowing into Old Crow from the paved 7 acres where construction is being planned. Rutters hasn't said how often they will change and clean filters for water going into the wetland, and they didn't plan for enough filters. Question 7 on the permit application asks whether contaminated water could reach areas outside the constructed site, and Rutters answered no. How do they know that? Has a study been completed to determine if the contaminated water will reach the Old Crow Wetlands? Based on that question, Rutters should have to apply for an individual permit, not a general one as they are now. What is PennDOT's stance on Rutters' application? If the wetland is degraded, PennDOT will lose credits from their "bank" wetland. We request that DEP schedule a public hearing so all voices on this issue can be heard. (85)

Response: The comments are acknowledged. The commentator appears to be referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. M&G Realty answered question 7 appropriately. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The maintenance criteria for the water quality filters in the approved PCSM Plan are found in the PCSM Long-term operation and maintenance notes, Sheet 2 of the PCSM Plan.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

56. **Comment:** The rationale for requesting this meeting is to have my following questions answered:

1. Old Crow Wetlands was built by PennDot as a mitigation banking wetlands. It is the responsibility of DEP to protect Old Crow from all detrimental effects from the Rutter's development. If DEP cannot protect Old Crow from continuing to be a fully functioning mitigation banking wetlands, what are DEP's plans to compensate, in our area, for the loss of Old Crow?
2. What will be the additional cost to taxpayer for the above compensation?
3. How will DEP monitor Rutter's compliance with your regulations?
4. How will DEP monitor Rutter's clean-up efforts after the inevitable fuel spills? (87)

Response: The comments are acknowledged. The Commonwealth of Pennsylvania has a duty to protect, maintain, restore, reclaim all waters of the Commonwealth. For projects proposing earth disturbance activities, DEP ensures all surface waters are so protected and maintained via the implementing regulations at 25 Pa. Code Chapters 102 and 92a.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters.

The DEP and Huntingdon County Conservation District will routinely monitor the project during construction and through when a Notice of Termination would be approved at the project site. After a NOT is approved by the Huntingdon County Conservation District or DEP, Rutter's is responsible to ensure that fuel spills are prevented and when they occur, appropriately clean up the spills. If fuel spills pose a risk of pollution to waters of the Commonwealth, DEP

57. **Comment:** I am writing this request for a public hearing regarding the proposed Rutter's station and store adjacent to the Old Crow Wetlands because of the very likely damage to the wetland resulting from stormwater runoff and blowing trash which have not been adequately addressed.

Given the likelihood of serious damage to the wetland a general permit seems insufficient to address the relevant issues. (92)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

58. **Comment:** My name is Emily Stambaugh and I am a junior at Penn State University. As Vice-President of the Chesapeake Bay Club at Penn State and someone who cares about our watershed and wetlands, I am writing to you concerning the proposed development of a Rutter's Store on the Old Crow Wetland. This wetland is an invaluable resource in Huntingdon County and the development of the proposed Rutter's would have detrimental impacts on the wetland ecosystem and the animals that call it home. A busy 24-hour Rutter's will bring light and noise pollution that can specifically harm nocturnal species and migrating birds. Additionally, Rutter's has a history of negligence in their stores in Pennsylvania and had five violations recorded in the Pennsylvania Bulletin in 2021 for contamination of soil and water. Not only is the contamination of water detrimental for animal species, but the wetland is also located along an existing drinking water supply. Making the development potentially harmful to humans as well. The application for the proposed Rutter's specifically lists "adjacent wetlands" as receiving stormwater flow, which can bring with it particulate and chemical pollution – a glaring concern for the wetland. As District Manager of the Huntingdon County Conservation District, I urge you and the District to step up and do more to push back on the proposed Rutter's development. Not doing so would be a huge disservice to conservation, the Old Crow Wetland, and the Huntingdon County Community.
(93)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

There is no permitted public water supply in the vicinity of the propose Rutter's 93 site. The Mason Spring adjacent to the site is not a permitted water supply source. Further, the Mason Spring site is upstream of the proposed Rutter's project site.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Finally, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

59. **Comment:** I am writing to be counted among those who oppose the proposed building of a Rutter's gas station in Huntingdon. First and foremost, Huntingdon currently has a population of 6,81 i. Exactly how many gas stations does a population of this size require? There are already three full-service gas stations/convenience stores to which Huntingdon has access.

This ongoing convenience store battle-between.Sheetz and Rutter's is absurdly out of hand and I, a lifelong citizen and taxpayer of Huntingdon, do not approve of Huntingdon becoming another playing field for this ridiculous and senseless showdown.

Secondly, the proposed location is what is most disturbing. Old Crow Wetlands was expanded upon in 1997; however, the site was already an established wetland---certainly it has been here longer than Rutter's plans to barge in. According to Pennsylvania Code 25 Pa. Code § 105.17 ., wetlands provide a "valuable public natural resource. 2" And, indeed, Old Crow does just that.

Old Crow Wetlands is a wonderfully unique ecological resource in Huntingdon, providing a home and seasonal stopover to many species of birds, As you can see from the registered list on ebird3, this also includes the American Bittern and Least Bittern, both of which are listed by the Pennsylvania Game Commission as state endangered because "its dependency on specialized marshes; wetlands have declined by more than 50 percent in Pennsylvania over the past two centuries. Marshes remain at risk from sedimentation, eutrophication. chemical pollution and, to a lesser degree, encroachment. Habitat protection is essential for the recovery of this species.

We must also consider light pollution as well. The International Dark Sky Association indicates that "glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing population." Rutter's is most definitely a source of artificial pollution. Since I moved to my current location on Route 26, we have seen the destruction of fields and woodlands replaced with the construction of a hotel, a Sheetz, an armory, a WalMart, and an industrial facility. Believe me, in 1984 I was able to see the stars from my back yard. I am unable to do that any longer. There is already enough light pollution in that area without adding a Rutter's to the wetland shores.

Birders, photographers, students, artists and families all enjoy the Old Crow Wetlands just as it is. I implore you to reconsider the building of Rutter's in Huntingdon because of the above reasons. If anything, I urge you and others to support and protect the Old Crow Wetlands by focusing on sustaining the environmental diversity, supporting educational opportunities and preserving the beauty that this area provides. Let Old Crow Wetlands remain the treasured peaceful sanctuary that it has become. (88)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns, As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require

management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

60. **Comment:** In lieu of the recent declaration by the International Union for Conservation of Nature (IUCN) that the Migratory Monarch Butterfly, (*Danaus plexippus plexippus*), is now considered endangered, I must continue to protest the Rutter's plan to construct a seven (7) acre truck stop that will butt up against the Old Crow Wetlands in Huntingdon County, PA.

The Eastern population of Migratory Monarch Butterflies live in Mexico during the fall and winter, and, after mating, make their way back to the Northern states (including Pennsylvania), beginning about March, in search of Milkweed (*Asclepias syriaca*), from which they consume the nectar, and lay their eggs. This is the only plant species that they will consume.

Monarchs born in Mid-August will then begin to make their way back to Mexico and the cycle begins again. Old Crow Wetlands has an abundant growth of Milkweed and attracts Monarch butterflies each year.

Although the IUCN indicates that the Migratory Monarch populations to the West of the Mississippi have decreased by approximately 99%, the Monarch populations to the East have reportedly decreased by 85%. According to the Center for Biological Research, one of the reasons for the decline is the use of pesticides like Monsanto's Roundup near areas that have Milkweed growing. Another major contributor is habitat destruction and pollution.

Allowing the construction of a seven-acre facility against the wetlands will most definitely create a situation of habitat destruction and major pollution and add to the declination of the Migratory Monarch Butterfly. (88)

Response: The comments are acknowledged. The Monarch Butterfly has not been declared a threatened or endangered species by any of the State or Federal jurisdictional resource agencies. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

61. **Comment:** Dear Sir, please protect the Old Crow Wetlands from development. I am all for our right to make a living, but once this wetland is gone it is gone for good. Nothing can provide 100 percent protection from leaks and spills. Please, let's discuss this at a public meeting. (96)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Finally, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

62. **Comment:** I am writing to request a public hearing on the proposed Rutter's store in Smithfield township, Huntingdon. Based on information I have received regarding the negative environmental impact that a Rutters store would have on this valuable wetland, and the fact that Rutters has not addressed this issue in their application for a General Permit, it is critical that a hearing be held to assure that there is compliance with DEP requirements to prevent contamination of this wetland. (97)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The

permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations

63. **Comment:** It is my belief that the Rutter's project warrants an Individual Permit rather than a General Permit because it poses a danger of contamination to the Old Crow Wetland.

#1. Because the underground bottomless "storage" tanks for runoff of paved surfaces can drain directly into the Wetland.

#2. Rutter's gas stations have had fuel tank leakage at other locations, which would be disastrous to Old Crow. (99)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Finally, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

64. **Comment:** I am writing to express my concern and opposition to any development of the parcel between Old Crow Wetland and Route 26 and Route 22 in Smithfield Township, Huntingdon County, PA.

The exceptional value and necessity of Old Crow Wetland cannot be measured economically. There is another kind of immeasurable wealth found in the two permanently flooded wetlands at Old Crow and one vernal pool.

While some may view the proposed development by Rutter's to be "good for the community", has consideration been given to the human costs related to this project? .

In numerous conversations with friends, family and acquaintances about the proposed development, many have expressed serious concerns about the potential impact on their lives: These concerns are summarized as follows:

- A large truck stop may bring high crime rates into the area through the distribution of illicit drugs

- Sex crimes may proliferate at a 24 hour truck stop
- Significantly altered traffic patterns on major transportation arteries through Smithfield Township (Route 22 and Route 26) will impact the daily lives of residents; traffic accidents will likely increase
- Light pollution from a seven acre parcel paved by Rutter's will destroy the natural beauty of the area
- The likely irreparable harm to Old Crow Wetlands impacts not only the natural world but also the health and quality of human life
- Local residents are your friends and neighbors and many other citizens of Huntingdon County support Smithfield Township businesses 12 months a year; we aren't tourists

As for me, I will no longer support Smithfield Township business should the Rutter's project be approved. It won't always be convenient but I, like many others, can choose to drive into the Borough of Huntingdon, or to State College, or to Altoona and even to Lewistown for dining and shopping. In the end I believe it will be a small matter to drive elsewhere compared to the misery that traveling through Smithfield Township will become.

Please use your position to urge balancing economic development with thoughtful consideration of its broader impact on the world in which we live. We are all connected.
(100)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

Concerned parties may also confer with M&G Realty, Inc., the municipality, and the Pennsylvania State Police to address crime concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

65. **Comment:** I am aware that Rutter's has submitted a General Permit application to the DEP for development of a parcel of land adjacent to and uphill from Old Crow Wetland, a mitigation wetland created to offset wetland losses created by PennDOT projects in response to earlier losses.

I am writing to you again to respectfully request that the DEP schedule a public hearing in which the deficiencies of the General Permit application of the proposed Rutter's store in Smithfield township may be heard and the reason to require an Individual Permit may go on record.

I believe there are significant concerns with the quality and quantity of water from the proposed Rutter's parcel going into the wetland, as well as other issues. Stormwater containing potentially toxic or hazardous pollutants likely pose a substantial threat to the ecosystem of Old Crow Wetland.

Thank you for your consideration of scheduling a public hearing. (100)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit

associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

66. **Comment:** I am writing this email in regard to the proposed Rutters' gas station near the Old Crow wetland. Given the real danger of fuel tank leaks from the gas station that can significantly damage the wetlands, I request a public hearing. At minimum, more information regarding similar leaks at other Rutters' locations is needed to assess the risk that this development raises. (101)

Response: The comments are acknowledged. Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

67. **Comment:** I am writing to express my concern about the proposed development of Rutters gas station and convenience store above Old Crow Wetland. Run-off, potential fuel spills, noise and light pollution from this location will devastate the wetland located immediately downhill. This wetland is an important habitat for many birds, amphibians and other wildlife. It attracts visitors to the site from all over central Pennsylvania and beyond, bringing revenue to the area.

PennDOT re-established this wetland in cooperation with the US Army Corps of Engineers, US Fish and Wildlife Service, PA Game Commission, PA DEP and Huntingdon Co. Conservation District, in order to offset road development in other areas. The wetland habitat will be disrupted by Rutter's development and will therefore require PennDOT and Pennsylvania taxpayers to mitigate the problem. In addition, Old Crow Wetland is adjacent to a drinking water source. Disruption of the wetland by pollution from

Rutter's will devast the water supply and will also require mitigation. The costs of all of the mitigation that will be required if Rutter's develops this area, are too great.

Please do not allow this development to move forward. (102)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances. Finally, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. There is no permitted public water supply in the vicinity of the propose Rutter's 93 site. The Mason Spring adjacent to the site is not a permitted water supply source. Further, the Mason Spring site is upstream of the proposed Rutter's project site.

68. **Comment:** During my career as an Environmental Educator I taught hundreds of students about the importance of wetlands. I could easily list a page of reasons but here are just 3 that may be of importance to you:

- Wetlands are wildlife habitat.
- Wildlife brings in tourism
- Tourism brings in money to both local and corporate economy

I ask respectfully that you reconsider building a Rutter's next to the Old Crow Wetland in Huntingdon, PA. Could you please build it at another site that would cause less environmental, social and economic damage? (103)

Response: The comments are acknowledged. While the comments appear to be directed to M&G Realty, Inc., DEP offers the following response. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

69. **Comment:** I am writing to oppose the construction of a Rutter's facility adjacent to Old Crow Wetlands. The Wetlands are of known important value for the ecological services they provide and as wildlife habitat. Further, Old Crow is of immeasurable value for its easy access to the serenity of a natural are and the opportunity it affords for wildlife observation. It is a local gem for introducing our kids to nature.

Pennsylvania has a long history of handing over natural resources and in-tact ecosystems to corporate interests. Their profit seeking and supposed trickle-down benefits to the community usually win the permit. Those benefits, however, are most often minimal, short-lived, and bought with the heavy price of environmental destruction.

If Rutter's is permitted to proceed, corporate feuding wins, locals and visitors lose. Old Crow's wetlands and wildlife cannot be protected form the air, water, noise and light pollutions a Rutter's would generate. Those with the permitting power should refuse this corporate competitor a permit for a facility adjacent to Old Crow.

We don't need another gas station/fast food store. Perhaps more than we know, we need Old Crow. (104)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Finally, the permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

70. **Comment:** Yes, protect Old Crow! Who is the authority in charge of authorizing this? When and where will public comment take place? How can a gas station/tractor trailer facility possibly be permitted adjacent to a wetland? (104)

Response: There are a number of different governmental agencies that may have jurisdiction for reviewing and/or authorizing aspects of this facility, including but not limited to DEP, PennDOT, Smithfield Township, Huntingdon County, and the Huntingdon County Conservation District. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. As presented, the only DEP permit necessary is the NPDES permit for the earth disturbance activities and stormwater discharges associated with construction activities. DEP held a public hearing on the NPDES permit application, tentative determination to issue the permit, and draft permit on May 3, 2023. M&G Realty, Inc. is required to obtain all applicable federal, state, and local approvals for their project.

71. **Comment:** I write to express my concern for the proposed development of the land near the Old Crow Wildlife Observation Area in Smithfield Township. Old Crow is an oasis for wildlife and only a short drive from Huntingdon, PA. In my peaceful walks I have encountered great blue herons, wood duck, spotted sandpipers and over 100 other kinds of birds in the 12 years of keeping records. In addition to birds, I can add monarch butterflies, painted turtles, green frogs, and of course the unique native wetland plants that ring the ponds. Unfortunately, this wildlife area will be seriously degraded by a Rutter's gas station catering to large trucks, and the development will negatively impact the wildlife that live there year round or depend on it as a migration stop over. Light and noise pollution and trash from the 24 hour store will change the nature of Old Crow and seriously change and degrade the wetland as an opportunity to observe wildlife. With the increased traffic and unknown landscaping plan, I'm also concerned about the introduction of non-native plants, insects, etc. into the area and how that might impact the ecology of the wetland.

In addition to the role as a wildlife observation area, the sign that welcomes the public also notes that Old Crow is “A PennDot Advance Wetland Compensation Project.” As the wetland functions as a “bank” for several PennDot projects, I’m concerned that any degradation to the area might make Old Crow cease to work as a bank. My understanding from the Rutter’s proposal is that most of parcel will be paved, and given the increased likelihood of more intense rain events like the area experienced this past May, these events will overwhelm the safe guards in the development plan and cause unintended pollution to be carried into the wetland. With these concerns in mind, I write to request that DEP hold a public hearing on the development proposal. (105)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The management of rate is required up to and including the 100yr. 24 hour (5.96 inches/24 hour per NOAA Data provided in the application) frequency storm event. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township’s land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter’s has stated that they will install a six (6’) high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

Finally, land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

72. **Comment:** It seems to me allowing a Rutter’s to be built on top of the Old Crow Wetland is a common sense bad idea. Smith Field Township should not allow this to happen. Just who owns and is selling the land where they want to built? This should be made public so some pressure could be put on them to reconsider. If people thing Rutter’s will not have an effect on Old Crow, they are sadly mistaken. Most of the people I know do not want a Rutter’s there, we don’t need it in Smith Field Township. (106)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The proposed Rutter’s store is not being built “on top of” the Old Crow wetland, but is being constructed adjacent to it. Property tax records and ownership are public records and are available through the Huntingdon County government offices.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

73. **Comment:** As per the request of the Juniata Valley Audubon Society, WallacePancher Group (WPG) has reviewed the information/documents provided based upon Smithfield Township Subdivision/Land Development Ordinance and the PA Chapter 102 NPDES permit requirements for the above reference project.

WPG understands that M&G Realty, Inc. is proposing to construct 10,950-sf Rutter’s convenience store, with associated parking, sidewalks, driveway, and stormwater management facility on a parcel of land in Smithfield Township, Huntingdon County, PA. The property is located along Route 22 just east of the Route 26 interchange.

The information/documents prepared and submitted by the property owner’s engineer, Keller Engineers, Inc., includes the following:

1. NPDES Permit Application Package:
 - a. NOI Checklist & NOI Application
 - b. Act 14 County/Municipality Notification for Ch. 102 NPDES Permit
 - c. PNDI Receipt dated for February 2, 2022
 - d. E&S Module #1 dated February 25, 2022
 - e. Erosion & Sedimentation Control Plan (ESPC) dated October 21, 2021, last revised March 17, 2022.
 - f. PCSM Module #2 dated February 10, 2022, last revised 3/15/2022.
 - g. Post-Construction Stormwater Management (PCSM) Narrative for Huntingdon Rutter's Store #93 dated February 24, 2022, last revised March 23, 2022.
 - h. Post-Construction Stormwater Management (PCSM) Plan for Huntingdon Rutter's Store #93 dated October 21, 2021, last revised March 17, 2022.
 - i. Aquatic Resource Delineation Report prepared for "Rutters #93 Huntingdon" dated August 2021.
 - j. Geotechnical Engineering Report (prepared by ECS Mid-Atlantic, LLC) dated January 12, 2022, last revised February 3, 2022.
2. Land Development Package:
 - a. Smithfield Township's Land Development Application & Cover Letter dated for February 15, 2022.
 - b. Preliminary/Final Land Development Plan set for Huntingdon Rutter's Store #93 dated October 21, 2021

At the direction of the Juniata Valley Audubon Society, WPG has performed a full review of the latest plans and narrative, as identified above, and have the following comments:

NPDES Permit Application:

General:

1. The project boundary shown on the provided PNDI does not cover the entire NPDES project site Boundary or Limits of Disturbance (LOD) Boundary shown on the ESPC/PCSM drawings.
2. The Aquatic Resource Identification and Delineation Report states the total area of investigation (AOI) that was completed for the project is approximately 6.967 acres. The

AOI did not cover the entire LOD or NPDES permit boundary for the project as the acreages shown in the NOI application and plan drawings show a larger area.

Erosion and Sediment

3. The Compost Filter Socks shown adjacent to the wetlands on the drawings are not located correctly per the PA DEP E&S Manual. The manual requires filter socks to be placed parallel to contours, with both ends of the sock extended upslope at a 45-degree angle.
4. Based upon the existing topography, it appears some disturbed areas within the LOD boundary will not be captured by the proposed inlet filter bags along US Route 22. What erosion control bmps will be in place to prevent sediment laden water from discharging off-site during the installation of the proposed utility lines?
5. The notes under the Filter Bag Inlet Protection Detail on Sheet ES-1 recommends not using inlet filter bags on major paved roadways where ponding may cause traffic hazards. Will the proposed inlet filter bags within the existing catch basins along US Route 22 cause any traffic hazards?
6. It's recommended to re-evaluate the slope lengths used for designing Filter Sock #3 and #4. A different E&S BMP may be more appropriate in this area during mass earthwork operations if the slope lengths exceed the allowable tolerances for the compost filter sock.
7. Rip-Rap Aprons - E&S Standard Worksheet #20:
 - a. The bottom of the worksheet states to check the anticipated velocity to ensure it does not exceed the maximum permissible velocities as shown in Table 6.6 of the PA E&S Manual. The anticipated velocities shown in the table for Rip-Rap Apron #1 & 2 exceed the velocity for R-3 riprap.
 - b. The proposed velocity shown in the table on Worksheet #20 for Rip-Rap Apron #1 does not appear to match the design storm used to calculate the Q flow value (100-yr vs 25-yr).
 - c. Design flows to size Rip-Rap Apron #1 & 2 do not correspond with the outflows from BMP #1 & 2 in the Hydrograph summary report. It appears the riprap apron number on the plan drawings/details should be reversed to correlate to the supporting design calculations in the summary table, or vice versa.
1. E&S Module #1– The plan developer listed on the module did not sign the applicable certification form.
2. How will the discharge from the outlet drains located behind the proposed retaining wall be protected from causing surface erosion? The plan drawings/details do not locate or address if any pipe outlet treatment or fill slope protection will be required. No supporting calculations or analysis were provided in report.

Stormwater

3. PCSM Module #2 – The BMP IDs associated with the discharge points in the module are not consistent with the discharge points shown on sheet PCSM1.
4. PCSM Module #2 - E&S Module #1– The plan developer listed on the module did not sign the applicable certification form.
5. The 2-yr & 100-yr water surface elevations shown on the PCSM BMP schedule on sheet PCSM3 is not consistent with the stormwater modeling calculations in the report.
6. Subsurface Infiltration Bed BMP Area A:
 - a. The outlet pipe size, length and slope used in the stormwater modeled in the report are not consistent with the details or the storm sewer profile on the plan drawings for Pipe #1 (Storm Run 8).
7. Subsurface Infiltration Bed BMP Area B:
 - a. The outlet pipe length, invert elevation and slope used in the stormwater modeled in the report are not consistent with the details or the storm sewer profile on the plan drawings for Pipe #19 (Storm Run 9).
 - b. The discharge outlet pipe invert elevation has conflicting information between the two schedules table and storm sewer profile on sheet PCSM3 & PCSM4.
8. Subsurface Infiltration Bed BMP Area C:
 - a. The outlet pipe size used in the stormwater modeled in the report are not consistent with the details on the plan drawings for Pipe #4. (24” vs 15”)
9. Subsurface Infiltration Bed BMP Area E:
 - a. The discharge outlet pipe invert elevation has conflicting information between the two schedules table on sheet PCSM3 & PCSM4.
10. Subsurface Infiltration Bed BMP Area F:
 - a. Per BMP 6.4.3 of the PA Stormwater BMP Manual, a minimum 2-foot separation to bedrock and seasonally high-water table is required. No infiltration test pits were performed on the side of the proposed stormwater system that would require the deepest excavation to confirm the absence of a limiting layer (northern side). This test pit would be approximately 18’ below existing ground to reach the required two feet below the proposed floor elevation of the proposed facility. Test Pit #7 was completed at 12’ below existing ground. The soil boring logs for Borings Number 8 & 9, which is in close proximity of the proposed stormwater facility, show a refusal being first encountered at 14.5 ft & 12.5 ft depths (Elev.665-670).

11. Per the CG-1 method in the PA Stormwater BMP Manual, Section 3.3.3, twenty (20) percent of existing impervious area, when present, shall be considered meadow (in good condition) in the volume management calculation for pre-construction conditions. The provided PCSM volume worksheet for Discharge Point #2 did not apply this adjustment.

Land Development:

12. No storm sewer conveyance calculations were provided within the PCSM report to verify adequate pipe capacity for the 10-yr design storm frequency and proper storm conveyance of the 100-year frequency to the appropriate stormwater management facilities. §22-1007.6.B
13. To achieve the required floor elevation for Subsurface Infiltration Bed BMP Area B, it will require approximately 2.50 feet of fill material in the southern corner. The Geotechnical report recommends structural fill to be placed in 8 inches loose thickness, and then compacted to 95% of Standard Proctor. Also, Number 2 of the PCSM BMP installation sequence on plan sheet PCSM3, states that the contractor is to avoid compaction of the basin floor. How will infiltration of stormwater runoff into the in-situ soils be preserved in this area and still meet the CG-1 Volume Control requirements? §22-Appendix A Section 4.1.
14. Development plan shall preserve natural features, minimize cut-fill operations, and ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff. How is the proposed project preserving the natural features on site and minimizing grading/compaction to the maximum extent possible when the number of proposed parking stall spaces is 80, and only 28 spaces are required per the zoning ordinance and calculations shown on Plan Sheet 2. §22-511.2.B & §22-511.2.D

The review is based on information prepared by others and assumes this information is correct and valid as submitted. If you should have any questions, please do not hesitate to contact me by phone, 724-981-0155 x129, or by e-mail at kricker@wallacepancher.com. (79)

Response: The comments are acknowledged. Some of the comments provided appear to be comments related to municipal land development requirements and local ordinances. DEP fully considered all comments as they relate to DEP regulations. The detailed technical comments from Juniata Valley Audubon Society's engineering consultant were fully reviewed and considered by DEP and the Huntingdon County Conservation District. While these technical comments were based upon the initial General NPDES permit, DEP none the less ensured that all items were appropriately addressed in the subsequent and final versions of the Individual NPDES application.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The

permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

74. **Comment:** It has been with alarm, sadness, and--yes--anger that I've read of the proposal by the Rutter Company to build a large truck stop near the Old Crow Wetland. My family has a 22-acre property in Huntingdon County and I care deeply about preservation of natural spaces. Wetlands are so endangered in this country. To threaten even more of it, as this project would assuredly do, is short-sighted and completely unnecessary: The company can build elsewhere, in a less ecologically-damaging location.

Please do NOT permit this project to go forward. Wetlands are an irreplaceable part of our ecosystem that's vital for the earth's health, and for our health, individually and collectively. Greed and profits should never take precedence over that fact. (111)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

75. **Comment:** I am concerned about the many deleterious consequences that yet another convenience store in Huntingdon will bring to the Old Crow Wetland in Huntingdon County. The Old Crow Wetland is home to countless birds, reptiles, and mammals. It is enjoyed by people from all the surrounding counties and bird lovers from other states as well. To allow a massive Rutters convenience store so close to this sensitive area is criminal. Many species of birds use this area during their migrations and with so many species of birds dwindling in numbers, Old Crow Wetland is like a small oasis for them.

It seems to have fallen on deaf ears when suggested that they build elsewhere to protect this beautiful, ecologically diverse area; yet, there are other parcels of land elsewhere in the area that would prevent the destruction to this vital wetland. I am writing to you with the hope that the DEP does all it can to prevent the loss of this very important wetland. Please consider the benefits of preserving Old Crow Wetland so that future generations will be able to see the wide variety of life there. (103)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

76. **Comment:** My understanding is that as part of the Rutters application for a Department of Environmental Protection permit to build next to the Old Crow Wetland, on question #7 they claim that storm water discharge from their facility would not contain toxic or hazardous pollutants, etc. That isn't likely to be true.

We need to the Department of Environmental Protection to require an Individual Permit (as opposed to a general permit) and schedule a public hearing about this. (8)

Response: The comments are acknowledged. The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

Further, Rutter's is not proposing the discharge of toxic or hazardous pollutants. They are proposing the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

77. **Comment:** I am sending this email to express my opposition to the construction of a Rutter's stop next to Old Crow Wetland.

Old Crow Wetland was established in 1997 as a mitigation plan by PennDot to replace wetlands affected by the construction of different projects, and in the 26 years since it was built, it has turned to be a haven for over 200 species of birds and many other animals. The area is also open to the public and it serves as a recreation area for those that seek to be in contact with nature, it is considered to be one of the most successful mitigation projects by PennDot.

The proposed establishment of a Rutter's truck stop right next to Old Crow Wetland has brought opposition from the public and with reason. An operation like this would have a high impact on the wetland, as traffic, noise, and night lights would be detrimental for the species that find a home in Old Crow Wetland. In a time when we are witnessing a staggering decline in birds, amphibians, and insect populations it is our responsibility to do everything in our power to preserve high quality natural areas. Night lights have been associated with disturbance in bird migratory patterns (as a large part of migrations occur during the night), and with half of the bird species seeing a decline in population, it would be short sighted to

allow a truck stop next to an area that serves as a stop point for migrating birds and breeding grounds for wetland associated species.

The possibility of a fuel spill, with its consequent run off to the wetlands is a high concern for Old Crow. An oil spill would not only negatively affect a delicate ecosystem by polluting it, it would also involve the disturbance of a well established wetland that is extremely successful. A disturbance that would affect the balance achieved in these 26 years since its creation. Preserving the health of aquatic ecosystems should be a top priority. PennDot is using this area as a bank wetland, any development affecting it negatively would be in direct opposition to its intended purpose.

Rutter's has the option to find an alternative location, unlike the fauna that finds its home in Old Crow, which has already been displaced from other wetlands in PA. Please reject the construction of a truck stop in this plot of land. (25)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

Finally, Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

78. **Comment:** Thank you for publishing the technical deficiency letter on Rutters' application to build on the land next to Old Crow wetland. I have a couple of questions about this issue.

Can you explain why Rutters is not required to apply for an Individual NPDES permit? Stormwater from the seven paved acres of a Rutters truck stop would most likely contain toxic or hazardous pollutants, yet on their application Rutters checked "true" to question 7 stating that the water that would be discharged into the wetland would not contain pollutants. Is the issue of potential water quality and quantity going into the wetland not justification for an Individual permit?

Will you schedule a public hearing on this application? As you are aware, many people in Huntingdon and beyond are concerned about the environmental effects of a facility like Rutters is proposing. I appreciate your taking written public comments but given the level of public concern, I believe a hearing is warranted, although this is not currently an Individual application. I would like you to know that if DEP does issue a permit in this case, the Coalition to Save Old Crow Wetland will challenge it through legal means, because for us, the integrity and health of the wetland takes precedence over the interests of the Rutters company.

And a small note: in the technical deficiency letter, numbers 2, 17, 18, and 19 are missing. Thank you for your work on this issue. (39)

Response: The comments are acknowledged. The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Although the proposed project remains eligible for use of the General NPDES permit, PAG-02,, subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

Finally, the technical deficiency numbering error was immediately corrected and the corrected letter was placed on the DEP project website for this proposed project.

79. **Comment:** I'm asking for a public hearing especially given the potentially false answer to #7 on the application (needing an individual permit instead of general). (43)

Response: The comment is acknowledged. The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02.

M&G Realty, Inc. answered Question # 7 appropriately. However, subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023.

M&G Realty, Inc. is not proposing the discharge of toxic or hazardous pollutants. They are proposing the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

80. **Comment:** I am aware that Rutter's has submitted a General Permit application to DEP for development of a parcel of land adjacent to and uphill from Old Crow Wetland, a mitigation wetland created to offset wetland losses created by PennDOT projects in response to earlier losses.

Rutter's claims on question #7 of the application that stormwater discharge from their facility would not contain toxic or hazardous pollutants. That claim is likely to be false, and stormwater containing pollutants from a Rutter's is likely to pose a substantial hazard to the ecosystem of Old Crow Wetland. Therefore, I believe that DEP should require an Individual Permit rather than the General Permit application submitted by Rutter's.

I respectfully request that the DEP schedule a public hearing in which the deficiencies of the General Permit application may be heard and the reasons to require an Individual Permit may go on record. (100)

Response: The comments are acknowledged. The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Although the proposed project remains eligible for use of the General NPDES permit, PAG-02, subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

M&G Realty, Inc. is not proposing the discharge of toxic or hazardous pollutants. They are proposing the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

81. **Comment:** Thank you for planning to hold a public hearing on Rutter's request for a permit to build a facility adjacent to Old Crow.

I am writing to request that you deny that permit.

Common sense understands that it is not possible to effectively protect the ecosystem of an eight-acre wetland from the air, water, noise, light, particulate and run-off pollution that

would be generated by a seven-acre, open-24 hours-a day, big-rig truck stop UPHILL and immediately adjacent to that wetland.

There are surely less ecologically sensitive sites in the Smithfield/Huntingdon area where Rutter's might build.

Old Crow is a wetland sanctuary for local and migrating wildlife. It is an educational/observational treasure for all of us, of all ages, locals and visitors. It is a place to peaceful, humble, gifted with awe and delight.

We residents of PA rely on you to protect all aspects of our environment, especially from destructive corporate interests. Meaningful protection for Old Crow dictates that Rutter's be denied a permit to build adjacent to the wetland.

Please honor our trust in you. Protect Old Crow. Deny the permit. (104)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

The DEP is unclear about what type of particulate matter the commentator is concerned about. However, Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP’s website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

82. **Comment:** I am writing to express my concerns regarding the proposed construction of a 7-acre Rutters truck stop for the land next to Old Crow Wetland in Huntingdon, PA.

The wetland in its current state serves as a sanctuary for nature and for people who seek solace in nature. It truly is priceless habitat that is worth protecting and cherishing in a world that is slowly losing these spaces to development and corporate greed.

Over the weekend, I spent some time visiting Old Crow and became even more inspired by its beauty and peace. I am attaching some pictures I took, but they are not as nice as seeing it in person.

The location of Old Crow makes it so easily accessible and a great space for everyone to interact with nature.

Please consider holding a hearing on this matter to allow members of the community to express their concerns.

I really appreciate your time and attention to this matter. It really is worth the time and effort to save this wonderful place.

In addition, please consider having Rutters apply for an Individual permit rather than a General permit. (29)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

83. **Comment:** As a concerned citizen and visitor of the Old Crow Wetland, I am submitting this email to **request a public hearing** for the proposed Rutters truck stop facility located adjacent to and upslope of the Old Crow Wetland. As I assume you know, the Old Crow Wetland is a vital part of the ecosystem in the Huntingdon area and its protection from environmental impacts is important to its surrounding community and its wildlife.

The location that Rutter has chosen for the proposed facility is an unacceptable choice on their behalf because the adjacent wetland is such a sensitive environment with abundant wildlife. Adverse harm will certainly occur to the wetland with the construction and operation of the proposed facility. Rutters should choose another less environmentally sensitive site for their truck stop.

I understand the current application and plan for the site contained several deficiencies, such as stormwater management and landscaping. It is likely the submitted plans also lacked a necessary high-level spill prevention plan, particularly being adjacent to a sensitive ecosystem.

In summary, the proposed Rutters facility should not be allowed at the proposed location adjacent to the Old Crow Wetland, and a public hearing of its possible construction and a full comprehensive evaluation of the proposed facility under your protocols are requested.

I look forward to your reply. Thank you for your time and consideration. (16)

Response: The comments are acknowledged. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Further, in response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, the permittee is required to prepare and maintain a PPC plan.

Finally, Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

84. **Comment:** Glad to hear that a public hearing will be scheduled.

It seems there remains a lack of information submitted by Rutters and their consultants regrading the wildlife that is support by the onsite and adjacent wetlands and the potential impacts to the wetlands from possible petroleum spills and lighting at the site. (16)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(I) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

85. **Comment:** I am so very concerned about the grave possibility of the construction of a Rutter's business permanently damaging Old Crow Wetlands.

I say permanently because even though concerns are addressed, precautions are discussed, and perhaps some compromises are reached, it will not in the long run be a healthy partnership between Old Crow and Rutters.

A gas station and a convenience store do not have the same needs as that of a wetlands area. It is not possible to meet the needs of both when they are to be neighbors.

Old Crow Wetlands will suffer. No one at this point knows to what extent the suffering will be, but, there will be permanent damage done.

Please continue to keep the decision-making of this project as transparent as possible by holding a DEP hearing regarding Rutters application. (78)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

86. **Comment:** I just read an article in "The Daily News" about the proposed Rutters development and the DEP process which Rutters is asked to respond to.

I would like to humbly suggest that there be a public meeting to discuss the issues around this proposed development. I know that there are many concerns about the project due to its proximity to the "Old Crow" wetlands. As a member of the Huntingdon community, I am also concerned on impacts to that wetlands area. I would appreciate a public meeting to learn more about the issues concerned. (89)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

87. **Comment:** I'm writing to request a public hearing concerning the proposed construction of a Rutter's store in Smithfield Township, Huntingdon, PA. Rationale for request:

As a Huntingdon native whose roots in the area are deep, I join the many folks who are concerned about the environmental impact of this large store on the adjacent Old Crow Wetland. This bank wetland is a refuge for many animal and plant species, which would be imperiled by the construction and 24-hour impacts of an establishment selling fuel. The very real threat of fuel runoff into the wetland alone is a significant concern, in addition to light and noise pollution, both of which are detrimental to wildlife.

For these reasons, I'd like to request a public hearing for the permit application of this proposed Rutter's store. (95)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site.

Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

88. **Comment:** I am contacting you today to request a public hearing on the proposed Rutter's store/gas station being considered for Smithfield Township in Huntingdon, PA. There are great concerns about this project due to the very close proximity of the Old Crow Wetlands. These wetlands provide cover and food for many species; birds, fish, and other wildlife and plant species. Potential runoff and noise and light pollution are very real issues that threaten the integrity of these lands if the Rutter's project is permitted to proceed.

Thank you for your consideration in this matter. (5)

Response: The comments are acknowledged. In response to comments that the Department received, the Department held a public hearing on this project on May 3, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

89. **Comment:** I was the PennDOT District 9 Environmental Manager, who was involved in the design, construction and monitoring of the Old Crow Wetland near Huntingdon, PA in 1997. Working with Andy Patterson, Huntingdon County Conservation District, Dan Gardner, PA Game Commission, the State Corrections people, and many others. We, at that time, also built other advance wetland banks throughout District 9 that have also become very good functioning wetlands. Each of these wetlands have been used and have saved \$ through the years. We had worked with the Corps, US Fish and Wildlife, EPA, PA Fish Commission, the Game Commission and your agency developing the interagency agreement through the early 90's. Then coordinating the site specific plans for the wetlands, construction, plantings, and the follow up monitoring. All resulted in successful functioning wetlands.

Since the Old Crow evolved into one of more publically used (educational values, esthetics, etc) and there have been so many volunteers monitoring and maintaining the site through the years, Out of my own concerns, I decided to attend the Smithfield Township public meetings concerning this wetland. I live in Huntingdon County. During one of the meetings I had asked the Rutters rep if they had planned any specific environmental protection measures for the Old Crow wetland since their proposed gas station would expose the wetland and drain into the wetlands. Mitigating potential impacts to the functions that these wetlands were designed for. They had no response at all. Not sure why? They could have said either some or none. But I have not seen the permit package.

So my question is during your reviews of the permit package, do they have any specific mitigation proposed for the Old Crow? Things that I would consider; a wall between their site and the wetland offering some protection (activities, noise, etc.), turning the high mast lights towards Rt 22, redirecting (if possible) their night lights away from the wetlands. These sound minor but would reduce/mitigate impacts.

I got your email addresses from a handout at an advertised meeting with the Save the Old Crow Coalition. I attended this meeting last Friday, to listen to their presentations. They seem like a genuinely concerned group.

Not sure if this is too late, but any info would be appreciated. (22)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The approved plans do require the permittee to plant trees along the boundary of the wetland and their project site.

The permittee prepared a lighting plan as part of the municipal land development process. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan

shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns.

90. **Comment:** I am a Huntingdon property owner who is concerned about the environmental impact that a Rutter's Truck Stop would have on this adjacent wetland. There will be factors affecting nesting birds such as light and noise pollution. Trash will blow into the wetland and tainted rainwater will flow down the hill and contaminate the ponds. This is not an environmentally friendly site for a polluting truck stop. Please do not permit them to build in this particular site. Thank you. (68)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting

plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

91. **Comment:** Save Old Crow. (73)

Response: The comment is acknowledged.

92. **Comment:** On behalf of the Chesapeake Bay Club at Penn State University, we believe that the upcoming construction of the new Rutters' gas station will become an environmental threat to the local staple Old Crow. Old Crow is a neighboring birding hotspot on the Susquehanna Birding Trail. This trail is a popular tourist attraction that welcomes bird lovers and invites the community to visit the diverse wildlife of Old Crow. Visitors from all over Pennsylvania continue to visit as well as local birding clubs, local high schools and college classes, and groups from Shaver's Creek Environmental Center.

The anticipated construction of Rutters' is already hinting at multiple environmental concerns. These concerns address the local wetland, local economy, and the lives of over 200 species of birds.

The concern or the local wetland points to the quality of the water. Rutters' has a known history of negligence in their stores. It was documented in 2021, that Rutters' stores have five violations.

The local economy can take a hit from this new gas station. Having a gas station next to the wetland can possibly skew the public's perspective of Old Crow. Causing less customer engagement because of the pollution runoff.

Lastly, the lives of the birds that inhabit the area will be threatened. Pollution in the drinking water can be harmful to community and wetland. Light from the 24 hour Rutters' sign will disturb nocturnal insects and migrating birds. As well as noise pollution and litter. (77)

93. **Response:** The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require

management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

94. **Comment:** I am very concerned about the proposed Rutter's in Huntingdon adjacent to the Old Crow Wildlife area.

This area may be somewhat small and seemingly insignificant but it is not. It provides a home and migration resting area for many species not just birds although the number of bird species is numerous.

I have stopped at the rutter's in Duncannon while traveling many times and have noted the oil spills in the large truck parking area as well as the trash that litters the edge of the property.

I can only imagine the toxins from oil and other automotive fluids that are contained in the water run off from this area and it would be the same in Huntingdon but this run off would head straight into a pristine wetland.

The fact that Huntingdon does not need another large convenience store / truck stop is another matter but since DEP's mission statement is "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment.", I think that that the issue of noise and light pollution should also be considered.

Please give strong consideration to rejecting Rutter's application. (15)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

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The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development

approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

95. **Comment:** I am writing about the proposed construction of a seven-acre Rutters service station and convenience store adjacent to and uphill from Old Crow Wetland in Smithfield Township, PA. Like many people in central Pennsylvania, I am concerned about harm to the wetland due to this development.

It is obvious that a great deal of spilled gasoline, oil, road salt, litter, and other harmful materials would run downhill from Rutters and enter the wetland. I know that Rutters has a plan for dealing with stormwater runoff into the wetland. But can they really guarantee that their system will be 100% safe?

Consider the Mariner II pipeline debacle. Despite assurances prior to construction, Sunoco Pipeline and ETC Northeast Pipeline were convicted of criminal charges last year for serious environmental damage caused by slipshod construction, ignoring environmental protocols, and failure to report numerous leakages in the pipeline.

Given the poor environmental record of many large companies in Pennsylvania, can we trust that Rutters will be a good faith actor who diligently monitors stormwater runoff and quickly remediates any potential problems? During the last three years, Rutters has made no attempt to contact the many concerned citizens (including me) who have written letters to, emailed, or called them. Presumably, they do not feel a need to communicate with the public because they are confident that the Smithfield supervisors and the DEP will do their bidding. This behavior does not build confidence that we can take their guarantees seriously.

Moreover, although gasoline spills are not common, the harm is usually dramatic when they occur. In 2021 in Brookhaven, PA, an estimated 4,700 gallons of gasoline were spilled after an overnight delivery to a gas station. It took months to clean up the spill, and the damage to the nearby Chester Creek was long-term. A newspaper reported "Dead fish, dead fowl, and dead foxes laying there." A homeowner who lived nearby said, "They found some dead animals, obviously all the aquatic life, the amphibians, they're all dead. It's not a live stream anymore."

Also in 2021, 5,000 to 6,000 gallons of gasoline spilled from a Kwik Fill station in Washington County, PA and contaminated a tributary to Little Chartiers Creek. One nearby resident was quoted as saying, "They [the Pennsylvania Fish and Boat Commission] told us 1,000 fish or wildlife has been killed from it." Local residents also reported burning noses, throats, fatigue, and an overwhelming smell of gasoline in the area.

Low probability-high impact events, like gasoline spills, need to be taken seriously. If an incident comparable to ones that have occurred elsewhere in Pennsylvania in recent years were to happen directly above Old Crow Wetland, the result would be catastrophic. The only certain way of averting harm to Old Crow is to deny the current permit application from Rutters and M&G Realty. This would impel them develop a less risky, alternative site not adjacent to a valuable and fragile wetland.

I understand that the DEP's interest in this proposed development extends only to stormwater runoff. But it is not clear why this should be the case. I'm sure you realize that other kinds of threats to Old Crow are likely: not only accidental spills, but also noise, air, and light pollution. To protect the environment adequately, it is necessary to consider the full range of potential risks; focusing on only one type of risk is misguided.

The DEP's mission statement is "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." Large numbers of people in central Pennsylvania are hoping that the

DEP will, indeed, do its job and protect Old Crow Wetland. (3)

96. **Response:** The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick up trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances. Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](http://www.pa.gov). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](http://www.pa.gov) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

97. **Comment:** Wetlands provide services crucial to the health of water systems, improving water quality by reducing runoff and filtering chemical substances; they also act as habitat for many species and recreational areas. Each year over 250,000 acres of wetlands are lost, with many remaining wetlands in a degraded state. It is in our best interest to preserve them.

Old Crow Wetland is a high quality wetland, that provides several services to the community and wildlife in Huntingdon Co. The construction of the planned Rutter's truck stop adjacent to Old Crow will disturb the delicate equilibrium achieved since Old Crow Wetland's creation. Rutter's is planning the construction of a seven acre truck stop, and runoff from impervious surfaces into Old Crow is a certainty. Stormwater carrying oils, fuels, and other contaminants into the wetland will affect the ecosystem's health. Solid debris, for example, wrappers, will also be dragged by stormwater runoff, assuming everything works perfectly. If there were a spill from the fuel tankers or underground fuel tanks, the damage would be devastating. The wetland would have to be dredged and treated, upsetting the balance established during the last 30 years. Why is the DEP not considering the full impact of this project on the wetland and surrounding environment?

Water runoff would need constant monitoring to ensure that the wetland's water quality is preserved. How will this be achieved, and who will take care of the costs and potential restoration? What will be the DEP's response to the likely scenario that runoff water from Rutters will be contaminated with gas, oils, road salt, and other chemicals, and will increase the volume of water in the wetland, harming aquatic flora and fauna?

Money and effort invested by PennDot and other organizations to establish and maintain the wetland would be jeopardized in the likely event of contamination through water runoff. The bank wetland would lose its purpose. Why does the DEP allow the applicant to divert water to a property belonging to PennDOT? What would be the consequences for PennDOT if the wetland was degraded? Under what circumstances would Rutters have to repair the harm done? Would Rutters hire contractors to do the work, and who would monitor the quality of work done?

Amphibians are declining at alarming rates and are extremely sensitive to water pollution, and contaminated runoff would compromise the water quality in Old Crow Wetland. Over 200 species of birds live and feed there, eight threatened in Pennsylvania. Old Crow is already a mitigation project; damage through stormwater runoff will be a continuous problem that will lead to the degradation of a system established to replace lost wetlands elsewhere.

For the reasons listed above, among others, I urge the DEP to deny Rutter's a permit in favor of protecting this important and delicate ecosystem. (25)

Response: The comments are acknowledged. DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic

concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site. Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant's compliance history. Specifically, the Department previously executed a consent assessment of civil penalty ("CACP") through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutters project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

With respect to Environmental Justice, the Department engaged in enhanced public participation for this permit application by requesting public comments and holding a public hearing on May 3, 2023. M&G Realty, Inc.'s application was submitted prior to DEP's adoption of its current interim Final Environmental Justice policy. However, DEP has fulfilled its commitment to our Environmental Justice principles during its review of M&G Realty, Inc.'s application through the robust public participation process. DEP considered comments from the community and provided responses about the proposed project and the Old Crow wetland prior to when the NOI was submitted, during the initial review of the NOI, and both prior to and subsequent submission of the Individual permit application. The public participation process also included a public hearing and extended comment period prior to DEP's action on M&G Realty Inc.'s application. DEP provided the permittee's application and other information related to the proposed project on DEP's Southcentral Regional Office webpage as another way to simplify the public's ability to obtain information about the proposed project and the Individual NPDES application. The Department also added special conditions to address concerns raised by the public.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Finally, storage tanks are regulated by the DEP Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks. More information about the regulation of storage tanks can be found on DEP's webpage at: [Storage Tanks \(pa.gov\)](https://www.dep.state.pa.us/storage-tanks). As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

98. **Comment:** I'm a resident of Juniata Twp., Huntingdon Co. Unfortunately, I'm having surgery on May 3rd and cannot attend the hearing that evening, but I have several questions for your consideration. They are as follows:

In a recent case before the PA Supreme Court, the Court ruled that DEP should be held accountable for verifying that the permit application information is correct, and they should not take everything at face value. Will DEP conduct on-site inspections of the property that Rutters wants to build on and of Old Crow wetland? In a recent Environmental Hearing Board case, EHB fined DEP for not making site visits and verifying permit application information. Why would DEP not visit the site in this case? On the General Permit application Rutters answered question 7 that their discharge will not contain toxic or hazardous pollutants. How does DEP anticipate that this could be true?

What is DEP's response to the scenario that with seven paved impervious acres, runoff water from Rutters will contain gas, oil, hydrocarbons, road salt, and other contaminants from the parking lot, will enter the wetland too quickly, will dangerously increase its volume of water, and the water will be too warm, which harms aquatic creatures and plants? What, if anything, could be done in the long term to prevent this harm to the wetland if Rutters builds in that location?

Are the proposed inlet filters designed to remove all hydrocarbons, anti-freeze, etc. from the pavement runoff? How often will these filters be checked and replaced? What is Rutters' definition of a "significant" rain event? How soon after such an event will inspection/maintenance occur? Who will do the inspection/maintenance? Based on the geotech engineers report, is infiltration really a viable and appropriate means of stormwater treatment in this case?

How will Rutters' compliance with the stormwater permit be monitored and enforced? How frequently will Rutters test wetland water during construction? Will independent staff people be hired to test wetland water after rainstorms during and after construction? Would the Huntingdon County Conservation District monitor the site and wetland during construction? How frequently?

What is Rutters' record of compliance with stormwater permitting requirements? And with other permit requirements as far as soil and air contamination?

Why does DEP allow Rutters to dump water on a neighboring property which belongs to PennDOT? Would DEP allow this if the neighboring property were privately owned? Has DEP requested permission from PennDOT for Rutters to discharge water into Old Crow wetland? Would PennDOT be responsible for repairing any degradation to the wetland caused by this project, and would they use taxpayer money to do so?

I appreciate your consideration of these questions. (28)

Response: The comments are acknowledged. DEP believes the commentator has misconstrued or misunderstood the holding of a recent Supreme Court decision. In any event, DEP and the HCCD have taken appropriate measures to verify that the permit application information is correct, including a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

The commentator is referring to Question #7 on page 2 of the Notice of Intent for coverage under the General NPDES permit, PAG-02. Subsequent to when this comment was submitted to DEP, M&G Realty, Inc. submitted an Individual NPDES permit application for this project in February 2023. Rutter's is not proposing the discharge of toxic or hazardous pollutants. They are proposing the discharge of stormwater during and after construction activities. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

FloGard +Plus Catch Basin Insert Filters are specified for the inlets and are engineered with sorbent pouches to remove primary pollutants from paved surfaces including petroleum hydrocarbons. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The PCSM BMPs were designed in accordance with current guidance and engineering practices. Appropriate geological testing was performed to demonstrate the underlying soils have the capability of infiltrating stormwater in the areas of the PCSM BMPs.

DEP and the Huntingdon County Conservation District will routinely monitor the project during construction. The permittee is required to conduct a pre-construction meeting with the Huntingdon County Conservation District or DEP. In addition, the permit and regulations require that a licensed professional or a designee be present onsite and be responsible during the critical stages of implementation of the approved PCSM Plan (25 Pa.Code § 102.8(k)). The critical stages are identified in the approved PCSM plan. Lastly, 25 Pa. Code § 102.8(l.) and the permit require a final certification statement from the licensed professional that the PCSM BMPs were constructed in accordance with the approved PCSM plan.

For long-term operation and maintenance of the PCSM BMPs, Plan Sheet 2 of the “Post-Construction Stormwater Management Plan” set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also indicates the subsurface infiltration facilities are to be inspected after a one (1) inch or greater stormwater event. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

M&G Realty, Inc. and Rutter’s compliance history is publicly available through DEP’s eFACTS database, accessible through the DEP website. Further, interested parties can view public records, including inspection reports and enforcement records, by conducting informal file reviews of records held at the applicable DEP regional offices. As part of DEP’s permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP’s action on the permit.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

99. Comment: When the public is clearly against the development at Old Crow Wetlands, why is the development plans allowed to continue?

A measure of the quality of an ecosystem such the wetland of Old Crow is the diversity of life – plants, animals, fungi, insects, micro-organisms, which comprise a network of multi-layered food webs, near the top of which are birds.

Birders have been visiting Old Crow since its creation, some 25 years ago, probably the most-often visited birding location in Huntingdon County - both local birders and many from outside the county, or even Pennsylvania. Detailed lists of all species and numbers from over 2300 such visits are recorded in the eBird data base, housed at Cornell University.

A testament to the quality of the environment at Old Crow is that 221 species of birds have been recorded at Old Crow, ranging from waterfowl, herons, and shorebirds, to raptors and woodpeckers, and to a wide range of songbirds. Some are year-round residents, most are not, present in summer or winter and/or during spring and fall migration.

Of these 221 species, approximately 40-50 nest at or near Old Crow, dependent on the excellent and reliable sources of food and cover there. These include conspicuous species such as Canada Goose, Wood Duck, Green Heron, and Bluebird – and many less so, like Willow Flycatcher, Tree Swallow, Yellow Warbler, and Baltimore Oriole.

Included in those 221 species are nine Pennsylvania Endangered or Threatened species. Several of these are in fact found at Old Crow regularly: American Bittern, Least Bittern, Great Egret, Black-crowned Night-Heron, Yellow-crowned Night-Heron, and Northern Harrier.

High quality wetlands are not common in Huntingdon County. The most important component of an ecosystem such as Old Crow is of course water and the load of pollutants it carries - in this case the runoff from seven impervious acres of what is now a seven-acre grassy field: fuel-related hydrocarbons, salt, and various particulates, as well as the possibility of fuel spills. Water from the footprint of this project will enter underground storage structures with some element of filtration. Yet these chambers are in part lined by just soil, gravel, and rock. Most of the water going in will inevitably leach downhill into the wetland below, which is literally immediately adjacent to the Rutters' pavement. How can DEP justify giving approval to this arrangement as one that will not impact the wetland?

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the

permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

100. **Comment:** My name is Craig Miller and I am a resident of Huntingdon County. I am also an outdoor enthusiast and a chemical engineer. I have spent a large portion of my career working with hazardous chemicals and I understand the harm that these chemicals can bring to the environment. I am contacting you today to reject the plan for the Rutters truck stop that will harm the old crow wetlands. I believe that the runoff from this Rutters will cause long term harm to the wetlands. The truck stop will create organic runoff from oil and gas drips and spills. There will also be large salinization in the winter from rutters over salting their 7 acre parking lot. There will also be litter and other trash that will make its way into the wetlands from the Rutter. There is also potential for leaks coming directly from the trucks. These leaks could come from engine breakdowns, gas tank leaks, and, even worse, leaks from the tank that they are hauling. Even with runoff mitigation and proper landscaping the wetlands will still be harmed. The runoff has to flow somewhere and that somewhere is straight into the wetlands. Please deny the Rutter development plan.

Also within just a few miles there are 2 Sheetz, a Giant (with gas), a Kwik fills, a Diesel Doctor repair shop, 3 hotels/motels, and a Walmart supercenter. We do not need it. Reject it. (66)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

Interested parties may also confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick p trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Stormwater from the project will not runoff directly into the wetlands. Stormwater at the site will be managed by using a variety of stormwater management BMPs during and after construction. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit

associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

101. **Comment:** I am writing to express my deep concern regarding the permit application for the proposed Rutter's next to Old Crow Wetlands. I urge you to reconsider granting this permit, as the potential environmental impact of this project cannot be ignored. As a previous Huntingdon Resident and Juniata College Student who studied Wildlife Conservation- Old Crow holds a special place in my heart. I hate to see it degraded by the building of a gas station next door.

Old Crow is a crucial part of our ecosystem, housing many species of concern, and it is essential that we protect it from any harm. The proposed Rutters would cover over 7 acres of land, and this would inevitably have a detrimental impact on the wetland's ecosystem. The infiltration tanks proposed by Rutter's would leach contaminated water into the groundwater, and the overflow from the tanks would go directly into the wetland, raising the water temperature, and contaminating it with gas, oil, antifreeze, and salt. Allowing such a project to proceed would not be in line with your mission to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment.

Additionally, the truck stop's proposed lighting would cause light pollution, which can negatively affect the natural habitats of amphibians and other wildlife that call the wetland home. The proposed lighting poles would interfere with the natural patterns of light and negatively affect the breeding and feeding patterns of the creatures living in the wetland. This Rutters would also contribute to air pollution, which is harmful to not only the sensitive species who call Old Crow home but also to the health and safety of citizens. The vapors given off when gasoline evaporates, and the substances produced when gasoline is burned contribute to air pollution. Being so close to the wetlands, Rutter's would certainly be another major contributor to unwanted air pollution.

In conclusion, the proposed Rutter's Truck Stop project next to Old Crow Wetlands would have a significant impact on the environment and the health and safety of citizens. I urge you to consider the impact of this project on the wetland ecosystem and deny the permit application. Your mission to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment must be upheld, and allowing this project to continue would contradict your mission. Thank you for your attention to this matter. (21)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a “noise” ordinance within their SALDO or elsewhere in their ordinances.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP’s website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050

DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site. Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant’s compliance history. Specifically, the Department previously executed a consent assessment of civil penalty (“CACP” through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter’s project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

102. **Comment:** I am writing to protest DEP giving Rutters a permit to build a truck stop (yes, I know they are calling it a convenience store, gas station, etc, but it is a truck stop) in Smithfield Township .

Not only have over 2000 local residents signed a petition saying they don't want this, but it will do irreparable harm to one of the few natural resources assets Huntingdon has. The DEP public comment meeting of May 3rd which was attended by 100 people with 29 people speaking against this have to tell you this is wrong to pursue.

Your mission statement is to "Protect Pa air, land and water from pollution and provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and business to prevent pollution and RESTORE our natural resources". We are asking that you follow your mission statement and not allow a natural resource to be destroyed so it doesn't have to be restored. Once it is gone, it is gone.

If you actually visit the site, you will plainly see that this project will absolutely destroy a natural resource via storm water contamination, light pollution, fuel leaks, etc.

Rutters can choose another place, the Wetlands cannot.

Thank you. Just asking that DEP does its job. For more information, you can check out the Face Book page Coalition to Save Old Crow wetland (Huntingdon pa) (40)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar

materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site. Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant's compliance history. Specifically, the Department previously executed a consent assessment of civil penalty ("CACP" through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter's project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

103. **Comment:** I attended your May 3, 2023 hearing regarding the Smithfield Township Rutter's 93 Project. I appreciate your taking the time, and conducting a well-run meeting.

I understand that you must base your decision to approve/reject Rutter's permit based on quantifiable, reliable data, not on supposition and emotion. Therefore, I offer the information below to aid in your decision-making process. This is only a very small amount of information available on line.

From US Fish and Wildlife Service in their Report of Congress Wetland Losses in the United States 1780's to 1980's.

Wetlands are disappearing at a rapid rate. Although measures are actively being sought to stem wetland losses and restore wetland acreage, the rate of wetland conversion over the years has been dramatic.

A second report will update the new information based on a statistical analysis of wetland changes from the 1970's to the 1980's. The status and trends report will be updated every ten years as required by the Emergency Wetlands Resources Act of 1986.

Unfortunately, our nation has lost over half of its wetlands since European colonization and that trend continues to this day, especially within coastal watersheds. According to our National Wetlands Inventory Program, these losses averaged 80,000 acres per year between 2004 and 2009, an increase over previous years.

To fight the losses, we and six other federal agencies formed the Interagency Coastal Wetlands Workgroup (ICWWG). The workgroup just released voluntary [recommendations](#) highlighting the importance of Service programs, including the [National Wetlands Inventory](#) and the [Coastal Program](#), which are aimed towards providing the scientific information and resources necessary to conserve coastal wetlands. The Service is committed to building off these recommendations and developing actionable next steps collaboratively with partners.

The following are just three of the slides from the presentation titled EPA Releases First Ever National Wetland Condition Assessment June 16, 2016.

With the DEP and so many of your sister organizations spending your resources, time, and tax payer dollars to improve water quality in our country, I think approval of Rutter's project runs counter to all of your efforts. (87)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

104. **Comment:** I am writing to you in opposition to the proposed truck stop (Rutter's) near Old Crow Wetlands. I live in Huntingdon borough.

I know that many people spoke in opposition to the project on the evening of May 3rd, so I will keep my comments brief.

First, the truck stop will inevitably harm the wetlands through stormwater runoff as well as noise and light pollution.

Second, PennDOT will be stuck with cleaning up the mess, or finding a new location for their mitigation requirements, if that's even possible. It will be an incredible waste of tax dollars.

Third, our community does not even need another gas station, let alone one at this location where it can do a tremendous amount of harm. We have a Sunoco (1.2 miles away from Old Crow), a Giant (1.6 miles away), and three Sheetz (1 mile, 1.6 miles, 1.9 miles), plus a Martin and a Kwik fill just outside of town. Our community is not that large, even during the height of the Lake Raystown tourism season these stations are sufficient. It seems a particular waste to ruin a wetlands area because Rutter's is trying to compete with Sheetz and not because they are fulfilling a community need.

Finally, Rutter's has been careless with their planning for this site, only coming up with (insufficient) strategies for harm reduction after being pressured. They will not do their best to reduce damage to the wetlands unless constantly monitored (again, at taxpayer expense).

Thank you for your time! I appreciate that you and your colleagues are looking into this important matter. (80)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development

approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Finally, land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

105. **Comment:** DEP's stated mission is "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." Given this charge, why does DEP not appear to be more concerned about the tremendous impact Rutter's would have on Old Crow Wetlands and the surrounding environment in Huntingdon County? It would seem that DEP's number one goal would be to protect such a valuable resource by not allowing a gas station/convenience store to be built just a few feet, and uphill, from the wetlands. There is very little doubt that approving this project would have a negative impact on that area regardless of the steps taken to try to safeguard it. Please protect Old Crow Wetlands. Rutter's can move to another location in the area. Old Crow Wetlands cannot. (47)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The

permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

106. **Comment:** I have been an educator for sixty-two years, and my hope is that the Department will base its decisions on factual data administered with mindfulness of the Wetland's vulnerability. One needn't have read Rachel Carson's "Silent Spring" or Elizabeth Kolbert's Pulitzer Prize-winning, "The Sixth Extinction," to realize the natural world is imperiled, whether it be the Amazon rainforest or a 7-acre parcel of land one mile away from our meeting this evening.

Without a strict regimen of groundwater testing by independent analysts before and after the tentative massive landscape disturbance planned on a slope above Old Crow, how will anyone know the health or degradation of groundwater over time? Regularly submitted analytical groundwater tests with penalty clauses for infractions should be a prerequisite before the first bulldozer is started up.

I respect those of you in positions of authority; I respect the qualifying educations you earned. The fate of Old Crow should rest in the hands of educated, caring professionals with a sense of stewardship for the land whose legacy is currently in limbo.

Could you please explain how Rutter's plan #93 would not adversely impact Old Crow Wetland? (99)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The DEP and Huntingdon County Conservation District will routinely monitor the project during construction. The permittee is required to conduct a pre-construction meeting with the Huntingdon County Conservation District or DEP. In addition, the permit and regulations require that a licensed professional or a designee be present onsite and be responsible during the critical stages of implementation of the approved PCSM Plan (25 Pa.Code § 102.8(k)). The critical stages are identified in the approved PCSM plan. Lastly, 25 Pa.Code § 102.8(l) and the permit require a final certification statement from the licensed professional that the PCSM BMPs were constructed in accordance with the approved PCSM plan.

For long-term operation and maintenance of the PCSM BMPs, Plan Sheet 2 of the “Post-Construction Stormwater Management Plan” set indicates the property owner is responsible for operation and maintenance of the facilities. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

107. **Comment:** I wish to add my voice to the chorus of opposition to the planned Rutters truck stop adjacent to the Old Crow wetland in Smithfield Township.

A recent meeting of the community was attended by hundreds of residents and local area representatives. All who came to the meeting are strongly opposed to granting this permit.

The location proposed is absolutely wrong. We have no complaint with Rutters, per se. We do have a strong opposition to the site planned for this truck stop.

The environmental effects will be debilitating to this wetland. The light and noise pollution will be intolerable to the wildlife at the wetland. The inevitable runoff will pollute, and likely destroy, the fragile ecosystem. The construction process will be injurious to the wetland.

Rutters should locate elsewhere and leave this site to another purpose that will not be so injurious to the local environment.

All of us in Huntingdon County and the surrounding area stand united in opposition to this plan.

Reject this permit application. (109)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

108. **Comment:** I am writing to express my concerns about the significant risks posed by the Rutter's project adjacent to the Old Crow Wetlands. The project appears to be contrary to the Department of Environmental Protection's mission "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens...."

The Rutter's project cannot be viewed as a standardized installation, as it does not address the significant value of the immediately adjacent Old Crow wetlands. Important PennDOT mitigation investments have been made since 1997 to protect the environment and wildlife at Old Crow; to degrade its value to Pennsylvania as well as the entire Chesapeake Bay is unwise fiscally and contrary to the Commonwealth's interests.

There appear to be several important threats to successful execution of Rutter's proposal. The most critical however, is that the stormwater management proposal is inadequate, misleading, and nonresponsive to the Commonwealth's requirements. Simply put:

The installation will increase runoff into the wetlands, resulting in their severe degradation.

Runoff estimates are based on outdated rainfall data.

On the Individual Permit NPDES application, under "Stormwater Discharge Information" questions 1 and 2, Rutter's responded that stormwater discharge would go into the wetlands during and after construction. Their response to question 5, that there will be no "new or increased discharge to non-surface waters," clearly contradicts this, as groundwater will certainly increase.

Can DEP credibly accept Rutter's statements without verifying them? Moreover, Rutter's must be held accountable for the real costs associated with its proposal.

I hope you can assign DEP resources immediately to ensure that the Commonwealth's efforts to preserve water quality and biodiversity are not a casualty of Rutter's incomplete proposal.

Thank you for your attention to this matter of critical concern to Central Pennsylvania and the Chesapeake watershed. (110)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee used current and accepted rainfall and runoff estimates in preparation of their application.

109. **Comment:** Please save the wetlands - for all the reasons that have been discussed before

Response: The comment is acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The

designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

110. **Comment:** Please do not let “Rutter’s” destroy a wetland to build yet another gas station in the Huntingdon, PA RT 22 corridor. There is no specific reason for this location beyond commercial strategy for Rutter’s, in which case they can choose a similar nearby property that is not a wetland—we are not that developed of a corridor. (59)

Response: The comment is acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

111. **Comment:** As a Huntingdon resident, I'm very concerned about and utterly opposed to Rutter's plans to build on Old Crow wetland. There is ample evidence to believe that this will cause serious environmental damage and harm endangered species. This is a small town, and we already 3 Sheetz stores/gas stations plus 6 other gas stations in the area, which is more than enough. I know my parents and other residents here are strongly opposed as well. (8)

Response: The comment is acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

112. **Comment:** My wife and I attended the recent DEP hearing in Smithfield Township regarding the proposed Rutter's Truck Stop planned for the intersection of routes 26 and 22. A large number of concerned citizens spoke eloquently in support of protecting the Old Crow Wetlands from this proposed project. They spoke of water pollution from runoff tainted with gasoline, diesel fuel, antifreeze, etc. running directly to the Wetlands. As Juniata College students (who have tested the Wetlands waters over time) pointed out the water in the wetlands is close to critical level of toxins. An increase in pollution will likely make the Wetlands no longer viable as a habitat for the many birds, reptiles and amphibians that live there or visit seasonally. Light, noise and air pollution are also legitimate concerns. The traffic impact with a light at the bottom of a long steep hill will be dangerous.

We find it incredulous that DEP has not (as of the aforementioned DEP hearing) done an onsite inspection of this proposed project. If you have not yet made an inspection, we urge you to do so as informed decisions are usually better than uninformed decisions. (83)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Finally, DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and the Old Crow wetlands on August 15, 2023.

113. **Comment:** The proposed Rutters facility #93 in Smithfield township would harm Old Crow wetland and the Huntingdon community. Issuing a stormwater permit for Rutters would not uphold the Department of Environmental Protection's mission "to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment."

As this project is an issue of concern for Central Pennsylvania residents and visitors, I hope that DEP will direct resources to give this project very close inspection. I have the following questions about Rutters (M & G Realty's) Individual permit application:

1. Why is DEP requiring only a stormwater permit for this project and no other permits regulating water quality or air quality? Will DEP not consider the totality of the impact of this project on the wetland and surrounding environment?
2. How does DEP respond to the very likely scenario that with seven paved impervious acres, runoff water from Rutters contaminated with gas, oil, hydrocarbons, road salt, and other contaminants from the parking lot, would, despite filters, enter the wetland too quickly, dangerously increase the wetland's volume of water, and increase the temperature of the water, all of which would harm aquatic creatures and plants?
3. Rutters construction would take place only 3 to 5 feet from the edge of the wetland. Why is a Chapter 105 (Water Obstruction and Encroachment) permit not being required, since this project will encroach on and negatively impact the wetland?

DEP's definition of Encroachment — A structure or activity which changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

4. Why would DEP allow for the applicant to dump water on a neighboring property which belongs to PennDOT? Would DEP allow this if the neighboring property were privately owned?
5. Has Rutters provided a legitimate reason why they must build on this particular property? Have they searched for alternative, less sensitive, locations, and explained why they could find no practicable alternative?
6. In a recent case before the PA Supreme Court, the Court ruled that DEP should be held accountable for verifying that the permit application information is correct, and they should not take everything at face value. DEP staff should conduct, at a minimum, one on-site inspection. Ideally the site should be inspected under several different weather conditions. In a recent Environmental Hearing Board case, EHB fined DEP for not making site visits and verifying permit application information. Will DEP staff conduct on-site inspections of the property and wetland before and during construction?

7. Is DEP staff aware that Old Crow Wetland is a PennDot bank mitigation wetland created in 1997, and an unusually successful one? That it is one of the best birding spots in central PA, where 221 species of birds have been observed, and where around 250 eBird checklists are submitted annually? Of more than 100 popular birding locations in Huntingdon County, Old Crow is highest in both species count and number of visits by birders. Does the special quality and popularity of this wetland warrant extra care in this permit application?
8. Would Huntingdon County Conservation District staff monitor the site and wetland during construction? How frequently?
9. Rutters' plans call for infiltrating potentially contaminated stormwater into the ground, where it would inevitably reach the groundwater that feeds Old Crow wetland. Overflow from these tanks would discharge directly into the wetland. In this situation, how could contamination of groundwater and wetland water be avoided?
10. Why does DEP claim that there are no Chapter 105 issues (i.e., encroachment) for this project? Based on the photos and mapping of the property boundary lines, the wetland delineation, proposed fill pad/outfall locations and the current conditions on site, it seems impossible to avoid.
11. The Old Crow wetland would receive too much water from a Rutters facility. The natural existing hydrology that exists in the wetland complex is at a maximum for the wetland and any increase would be detrimental. The impervious surface of a Rutters parking lot would cause faster, flashier, (and contaminated) runoff than the drainage area, which is much less impervious. The nearby Walmart and Sheetz parking lots are contained by large retention ponds and infiltration galleries. Not only would the surface water reach the wetland but Rutters' plan to infiltrate water from their subsurface collection system would increase the groundwater volume reaching the wetland. What is DEP's view of the increased volume of water that would enter the wetland? Has PennDOT been consulted on the impact of increase in volume of water in the wetland?
12. On the Individual Permit NPDES application, under "Stormwater Discharge Information" questions 1 and 2, Rutters responded that stormwater discharge would go into the wetlands during and after construction. Their response to question 5, that there will be no "new or increased discharge to non-surface waters," contradicts this, as groundwater will definitely be increased. Can you explain this?
13. On the Individual Permit NPDES General Information Form, page 5, under Coordination Information point 5.0: "Does the project involve any of the following: water obstruction and/or encroachment, wetland impacts...?" Rutters responded No. Why would DEP accept this response, given that the construction will undoubtedly impact the wetland through stormwater discharge, contaminated water, air pollution, noise, and light?

14. On the General Permit application Rutters answered question 7 that their discharge would not contain toxic or hazardous pollutants. How does DEP anticipate that this could be true?
15. Are the proposed inlet filters designed to remove all hydrocarbons, anti-freeze, and other contaminants from the pavement runoff?
16. How often would the inlet filters be checked and replaced? What is Rutters' definition of a "significant" rain event? How soon after such an event would inspection and maintenance occur?
17. Based on the Geotech engineers report, is infiltration really a viable and appropriate means of stormwater treatment?
18. Based on the Geotech engineers report, how would encountering pyrite be dealt with onsite and offsite? Is there a potential for acid rock drainage (ARD) to occur and to be discharged in the stormwater? If so, how would this be mitigated?
19. Soil test results revealed low permeability in some areas at the site along with presence of a high water table. How would this impact the volume and quality of water entering Old Crow from a potential Rutters facility?
20. The E&S plans show that Rutters plans to use vegetative cover that is listed as invasive in the US; a few of the variations of fescue that are part of the seed mix planned for the site. Would Rutters be required to replace them with only native species?
21. Considering the impact this project could have on the Chesapeake Bay, have the Chesapeake Bay Authority or any agencies involved in Bay watershed clean up efforts given comment on the potential downstream pollution that could be caused by this project?
22. On the draft NPDES permit PAD310013, page 8, point E, "The permittee may not discharge: 1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water or foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water." How does DEP anticipate that a 7 acre truck stop where customers would fuel vehicles and likely leave litter in the parking lot would not discharge those things to Old Crow wetland?
23. On the draft NPDES permit PAD310013, page 8, point E, "The permittee may not discharge: 2. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life." How does DEP anticipate that this would not happen to the wetland as a result of Rutters' construction?

24. On the draft NPDES permit PAD310013, page 23, point F Discharges to non-surface waters: “The permittee shall ensure that E & S and PCSM BMPs are installed and maintained for all discharges to non-surface waters, including but not limited to swales, ditches, and the ground surface.” In this case, what does Rutters plan to prevent harm from discharges to non-surface waters?
25. Could Rutters pipe their stormwater to the other side of Old Crow wetland instead of discharging it into the wetland, thus avoiding some of the harm to the wetland?
26. How would Rutters’ compliance with the stormwater permit be monitored and enforced? How frequently will Rutters test wetland water during construction? Would they hire staff people to test wetland water after rainstorms during and after construction?
27. How can the public find out how the project is being monitored during and after construction?
28. Does Rutters’ plan include a remediation plan in case of harm to the wetland or surrounding environment?
29. Would Rutters pay for regularly scheduled water, soil, and air testing at Old Crow wetland by an independent lab? What would be tested for?
30. What is Rutters’ record of compliance with stormwater permitting requirements? With other permit requirements as far as soil and air contamination?
31. Given the poor environmental record of many large companies in Pennsylvania, can DEP or the public trust that Rutters would be a good faith actor who diligently monitors stormwater runoff and quickly remediates any potential problems?
32. Rutters used inaccurate data for rainfall averages which didn’t account for probable increased rainfall due to climate change. Their retention system is designed to overflow when a mere 2 year/24 hour storm event occurs (2.66 inches for this area). Why has Rutters not used current rainfall data? What are accurate predictions of rainfall for this region in coming decades? Can Rutters use National Climate Assessment Northeast | National Climate Assessment (globalchange.gov) and US Geological Survey data?
33. Because of climate change, we are now experiencing an increase in volume and intensity of rainstorms. “Once-in-a-century” storms and flooding every can now occur every five to ten years. Is Rutters’ storm water containment and run-off channeling system designed to deal with “100 year” storm events?
34. Rutters’ plans as written do not meet Smithfield township’s zoning and land use ordinances. The plans include no trees, grass, permeable spaces, or walkways in the parking lot, contrary to the township ordinance requirements. This project also doesn’t meet Smithfield Code 27-204 objectives A, B, D, F, H, and I. What is DEP’s view of the fact that this project does not comply with local municipal ordinances?

35. According to DEP, Huntingdon is an Environmental Justice Community (20 percent or more individuals live at or below the federal poverty line, and/or 30 percent or more of the population identifies as a non-white minority). When applicants intend to build in an Environmental Justice Community, DEP recommends that they hold public meetings to address community concerns about the project. In the Individual Permit NPDES application, General Information Form (GIF) in the Project Information section, page 3, in response to question 3, "Have you addressed community concerns that were identified?" Rutters responded "N/A." This is puzzling because Huntingdon community members have been raising objections to Rutters' project since 2019. Rutters has not held a public meeting or responded to any of the community's concerns about this project. Did DEP recommend to Rutters to hold a public meeting on this application? What view do DEP and the Office of Environmental Justice take of Rutters' response of "N/A" to this question?
36. Has DEP requested permission from PennDOT for Rutters to discharge water into Old Crow wetland? Would PennDOT be responsible for repairing any degradation to the wetland caused by this project, and would they use taxpayer money to do so?
37. Has PennDOT provided comment on this project and its impact on the wetland?
38. What are the consequences for PennDOT when a bank mitigation wetland is harmed or degraded? Under what circumstances would Rutters have to repair harm done, and when would PennDOT have to repair harm?

I appreciate your attention to these questions and look forward to receiving responses. (39)

Response: The comments are acknowledged. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of Chapters 92a. and 102 (25 Pa. Code Chapters 92a & 102). The permittee is also required to comply with any other local, state, and federal law which applies, such as those related to underground storage tanks, visible fugitive dust emissions, and the PA Idling law requirements. No wetland impacts are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. Wetlands are a water of the Commonwealth and are defined as surface waters in 25 Pa. Code § 102.1. Therefore, wetlands are the first surface water that the proposed project discharges to. Runoff volume up to and including the 2yr./24 hr. precipitation event are required to be managed in accordance with 25 Pa. Code § 102.8(g)(2). Runoff volume for precipitation events greater than a 2yr./24hr. event are not required to be managed for volume. Runoff rates are required to be managed up to and including the 100yr./24hr.

precipitation event. . The permittee used the Department recommended rainfall data source and rainfall data values, current as of the date of the application, to prepare the design of the approved BMPs for this project. FloGard +Plus Catch Basin Insert Filters are specified for the inlets and are engineered with sorbent pouches to remove primary pollutants from paved surfaces including petroleum hydrocarbons. Plan Sheet 2 of the “Post-Construction Stormwater Management Plan” set also indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected.

The stormwater management calculations were performed using current accepted engineering methods. The applicant performed soil testing, including infiltration tests, in accordance with current guidance, to document the soils have adequate permeability to dewater the basins within the recommended timeframes. The design of the subsurface infiltration facilities is consistent with the current BMP Manual and accepted engineering practices.

Regarding the Pyritic soil, ECS’s Geotechnical Engineering Report indicates that only areas that are excavated into solid bedrock have the potential to encounter above negligible concentrations of pyritic soil. From the soil tests provided, the stormwater BMPs will not be in areas where solid bedrock is anticipated to be encountered. Further, ECS recommends their presence on a full-time basis while excavation is occurring to inspect the excavated material and to direct management of pyritic soil should the material be encountered. Special Condition N has been added to the permit to better ensure pyritic material is identified and managed appropriately.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. The proposed project discharges to wetlands, which are waters of the Commonwealth and are defined as surface waters in 25 Pa. Code § 102.1. DEP understands that PennDOT’s review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project. For the purposes of obtaining a Chapter 102 individual permit or coverage under a general permit authorization, the applicant is not required to provide or identify

their legal right to discharge stormwater onto an adjacent property. This permit does not convey property rights. Those rights are typically a private matter between landowners.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns, including whether local ordinances require specific criteria for where stormwater is discharged or whether the evaluation of alternative sites is required. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites.

DEP believes the commentator has misconstrued or misunderstood the holding of a recent Supreme Court decision. In any event, DEP and the HCCD have taken appropriate measures to verify that the permit application information is correct, including a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

The Department is aware that the Old Crow wetland is an active wetland mitigation bank that is owned and management by PennDOT. DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. DEP has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary. DEP notes that PennDOT will continue to monitor the Old Crow wetland as part of PennDOT's obligations related to Old Crow as a wetland mitigation bank. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The DEP and Huntingdon County Conservation District (HCCD) will routinely monitor the project during construction. In most cases, DEP and the HCCD's inspection reports are available to the public as public records and may be requested as part of an informal file review at the DEP regional office or County Conservation District office.

A portion of this comment questions Rutter's assertion that there will not be an increased discharge to non-surface waters and that an alleged contradiction exists. There is no contradiction. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth. The question about discharges to non-surface waters relates to surface runoff of stormwater onto adjacent property that is not defined as surface waters. This project discharges directly to surface waters. The question about discharges to non-surface waters within the application also does not pertain to groundwater. Rutter's is proposing to maintain surface discharges of stormwater to surface waters, the UNT to Juniata River via wetlands in a manner consistent with the regulations. Therefore, the permittee correctly completed the application. Further related to groundwater, it is unclear to the Department what the commentator is referring to when they state "...groundwater will be increased."

The permittee's PCSM design approach manages stormwater consistent with the regulations, including the use of infiltration that mimics pre vs. post-construction conditions at the site.

A special condition has been added to the permit that requires the use of native vegetative species at the site. Regarding commentators that provided comments on the permittee's project, this Comment Response Document and the DEP permit FACT SHEET identify commentators who provided comment and other agencies or organizations that DEP coordinated and consulted with before and during DEP's review of the application. The Department considered the permit applicant's compliance history. M&G Realty, Inc. and Rutter's compliance history is publicly available through DEP's eFACTS database, accessible through the DEP website. Further, interested parties can view public records, including inspection reports and enforcement records, by conducting informal file reviews of records held at the applicable DEP regional offices. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit. More specifically to earth disturbance activities at other M&G Realty, Inc. project sites, the Department previously executed a consent assessment of civil penalty ("CACP" through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter's project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

M&G Realty, Inc's application was submitted prior to DEP's adoption of its current interim Final Environmental Justice policy. However, DEP has fulfilled its commitment to our Environmental Justice principles during its review of M&G Realty, Inc.'s application through the robust public participation process. DEP considered comments from the community and provided responses about the proposed project and the Old Crow wetland prior to when the NOI was submitted, during the initial review of the NOI, and both prior to and subsequent submission of the Individual permit application. The public participation process also included a public hearing and extended comment period prior to DEP's action on M&G Realty Inc.'s application. DEP provided the permittee's application and other information related to the proposed project on DEP's Southcentral Regional Office webpage as another way to simplify the public's ability to obtain information about the proposed project and the Individual NPDES application.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns, including whether local ordinances require specific criteria for where stormwater is discharged or whether the evaluation of alternative sites is required and whether or not the proposed project plans conform to the local zoning and land use ordinances. As such, some of these comments appear to be comments and possible deficiencies regarding M&G Realty, Inc's land development submission to Smithfield Township. The local township or municipality generally has purview over a project proponent's submission to or compliance with local land development ordinances. The commentator may wish to provide comments

to Smithfield Township. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites.

114. **Comment:** I am writing to oppose rutters being built in Huntingdon pa right up against old crow wetlands. Why did no one from dep ever go personally to see exactly where this ritters will be built. Dep is suppose to protect wetlands of Pa. Not just let a company who has lots of bucks do what they want. No matter the future!!! Disgusting!!!! (64)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and the Old Crow wetlands on August 15, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

115. **Comment:** I'm writing to ask that you give your utmost consideration to denying the permit to construct a new Rutters' on a plot of land adjacent to Old Crow Wetland in Huntingdon, PA. I hope you visit the area so that you can see for yourself the potential harm to the wetland from the potential stormwater plan put forth by Rutters. We need to preserve our wetlands and this wetland was created as a mitigation by PennDot. I would hope state officials would do everything possible to preserve it. (38)

Response: The comments are acknowledged. DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and the Old Crow wetlands on August 15, 2023.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

116. **Comment:** I attended the DEP Public Hearing for the Rutter's Storm Water Permit held at the Springfield Fire Hall in Huntingdon, PA on May 3, 2023.

I graduated from Penn State in Engineering and have 40 years engineering experience, mainly as the Director of Facilities Engineering at Reagan National Airport. I was involved with many Construction Projects at the Airport involving Federal and State EPA Agencies, Army Corp of Engineers, Environmental Assessments & Mitigation projects.

I am strongly in favor of this Subject Permit and Project as it can be a win-win for the Community, Public, and Old Crow Wetlands.

I have had a house in Huntingdon for over 40+ years and have known only a few people who knew or visited the Old Crow Wetlands.

I believe DEP Approval requirements and Rutters can develop a 'Plan' that can build the Rutter's Site and Promote Public Interest in this Wetlands. Why not work on a 'Partnership' to have a win-win?

I know, from my knowledge working with Federal and State EPA Agencies, DEP Approval Requirements will protect the Wetlands environment. I think Rutters can install what would be needed in a way to promote and educate the public what the Wetlands do and what is there, including mounted plaques and display signs promoting the Wetlands and maybe a mounted binocular.

Everyone needs to open their minds and come up with a 'Plan' to make it work for all in the Community and the Public. (18)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

117. **Comment:** This letter is also being submitted as commentary for the public comment period for this permit.

I am writing to you as a concerned member of the Coalition to Save Old Crow Wetland. The wetland complex is located in Smithfield Twp, Huntingdon County near the Borough of Huntingdon. The wetland is an advanced bank that was built by PennDOT in the 1990s to offset their temporary and permanent impacts to wetlands due to their area highway projects. Currently several organizations maintain the wetland complex that is routinely inspected by the USACE. PennDOT along with Ducks Unlimited and the Smithfield Twp board of supervisors perform the maintenance there. The Coalition was formed when it was discovered that Rutters Farms is considering placing a 7+ acre truck stop/convenience store on the property immediately adjacent and upslope from the wetland complex. They have applied to DEP's NPDES program originally for a GP and then for an individual permit for the construction and PCSM permit. This permit is in draft form and is nearing issuance despite the continued opposition of the Coalition and other concerned organizations. Full details about the application can be found at this link: <https://tinyurl.com/vbejy9sk>

The Coalition continues to oppose the issuance of the permit as the degradation of the wetland is readily evident if the facility is built. Their permit states as part of their stormwater plan to discharge to the wetlands from 2 locations. It is highly unlikely that the quantity and quality of these discharges will be benign and the wetland will be negatively impacted. Nearly 7 acres will be converted from agriculture grasslands to paved, impervious surface that will be contaminated by road salt, oil, grease, automotive fuels, and many other pollutants that will wash off and into the collection system during storm events. This impervious area will increase the amount of water that is introduced to the wetlands during storm events. Their retention system is designed to overflow when a mere 2 year/24 hour storm event occurs (2.66 inches for that area). There has not been any Chapter 105 permit applied for as the construction will take place a mere 3-5 feet (or less) from the edge of the delineated wetlands. The 2 NPDES discharges will be piped and discharged almost directly into the wetlands. Recent inspections by the USACE have indicated that too much water is already reaching the wetlands naturally and they have required outlet structure changes to maintain the ratio of POW, PSS, PEM and PFO wetlands that the complex was designed and built to mitigate. Data about these inspections can be found at: <https://tinyurl.com/bdffk7r3> . Why is this not considered an encroachment?

We understand that the receiving stream downstream from the complex is WWF with no special protections and that the PNDI indicates no species of concern for flora or fauna, although several species of concern have been documented at the complex. The wetland also does not appear on the NWI, currently. While the construction doesn't exactly encroach on the wetlands, the finished product will absolutely have negative effects both environmentally and otherwise on the complex. The Coalition has taken background samples for several parameters to document the pristine condition of the wetlands as they exist. The quantity of water, along with the quality of water, will degrade this wetland complex if the facility is constructed. Not only will the wetland's inhabitants suffer from this degradation, taxpayer dollars will have to be spent to clean it up or the mitigations that are tied to it will no longer be valid and the owner of the wetland, PennDOT will be saddled with the work. Has PennDOT been consulted about this matter? If this wetland was located on private property, would there even be consideration of making the wetland part of the stormwater discharge? How can one permit allow the dumping of the collected water on another person or entity's property? The stormwater is not being discharged to waters of the Commonwealth until after the wetland complex. Their NPDES application states that the discharge is to an UNT of Juniata River via wetlands. They are encroaching on the wetland. The intent of this email is to inform you of this situation that we believe also affects other program areas in the future by the issuance of this permit. The Coalition scheduled an informative and educational open house to showcase the wetland to the public several months ago. No one from DEP responded to the invite that was sent to the Water Deputy at the time, Aneca Atkinson, as well as to several other department employees. We just want to be heard as our concerns about the integrity of these wetlands are very real. Our members spend countless hours there tending bird and bat boxes, maintaining the pollinator garden, removing invasive, hosting bird watching, art, and photography events, herping, waterfowling, hiking, and just getting away from the hustle and bustle of daily life.

Huntingdon County is not home to very many pristine treasures like this wetland complex and it needs to be preserved for all who benefit from it. Who is going to be held responsible for the clean up after the degradation occurs? Certainly the OC friends don't have the financial means to clean up the mess that will be created by the issuance of this permit. Who is responsible for monitoring the effects of the discharges post construction? Will the results of monitoring be made public?

No one from DEP has visited the site for a field review of the submitted plans at the OC project area. This is very poor management of the permit review process. Recently a similar permit was issued in Antis Township, Blair County. The plans didn't include installation of E&S controls for several hundred feet along a disturbed slope yet DEP approved them as submitted. This was missed also because of a lack of a field evaluation. Same company, same engineer as in the OC case. Here is photo proof of the missing controls:

The regulations that you have been given authority to enforce have the intent to protect the environment from harm which will occur upon the issuance of this permit and construction of the 7 acre truck stop a few feet from a pristine wetland. Please see this intent and don't simply hide behind the letter of the law.

Response: The comments are acknowledged. The DEP cannot discern if the commentator is concerned about the 2yr./24hour storm event in the context of runoff volume and water quality, peak rate or both. The DEP is also unclear about what the use of "overflow" means in the context of discharges from the system. The regulatory requirement for management of the net change in stormwater runoff volume and water quality is the 2yr./24hour storm event when compared to predevelopment runoff volume and water quality. While the regulatory requirement for the management of the net change in peak runoff rate is the 2yr., 10yr., 50yr. and 100yr./24hour storm events in a manner not to exceed preconstruction rates. See 25 Pa. Code §§ 102.8(g)(2) & 102.8(g)(3) for the full regulatory criteria. Therefore, based on the regulatory criteria alone, a project's approved stormwater management system may discharge at the 2yr./24hour storm event.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Therefore, DEP has determined that monitoring wells and routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and

operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

No wetland impacts are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth. The permittee accurately described the receiving waters as being to wetlands.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project.

The DEP and Huntingdon County Conservation District will routinely monitor the project during construction. The permittee is required to conduct a pre-construction meeting with the Huntingdon County Conservation District or DEP. In addition, the permit and regulations require that a licensed professional or a designee be present onsite and be responsible during the critical stages of implementation of the approved PCSM Plan (25 Pa. Code § 102.8(k)). The critical stages are identified in the approved PCSM plan. Lastly, 25 Pa.Code § 102.8(l) and the permit require a final certification statement from the licensed professional that the PCSM BMPs were constructed in accordance with the approved PCSM plan.

For long-term operation and maintenance of the PCSM BMPs, Plan Sheet 2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023. Regarding the reference to E&S controls that were not included along several hundred feet of slope at the Antis Twp. Rutter's project, the approved plans did include E&S Controls in the referenced location. M&G Realty and their contractor failed to implement the approved plans. DEP subsequently took an enforcement action against M & G Realty and their contractor for those and other violations of their permit. The referenced enforcement document is available at DEP's Antis Township Rutter's No. 82 project website.

118. **Comment:** I am writing to express my concern about the proposed development of Rutter's gas station and convenience store above Old Crow Wetland. Run-off, potential fuel spills, noise and light pollution from this location will negatively impact the wetland located immediately downhill. This wetland is important for biodiversity and water quality in the area and in the Chesapeake Bay watershed. The wetland attracts visitors to the site from all over central Pennsylvania and beyond, bringing revenue to the area. For example, I often visit the area to enjoy the birds and amphibians in the wetland then visit Huntingdon for a pleasant meal and shopping.

PennDOT re-established this wetland in cooperation with the US Army Corps of Engineers, US Fish and Wildlife Service, PA Game Commission, PA DEP and Huntingdon Co. Conservation District, in order to offset road development in other areas. In addition, Old Crow Wetland is adjacent to a drinking water source. The wetland habitat will be disrupted by Rutter's development and will therefore likely require PennDOT and Pennsylvania taxpayers to mitigate the problem. The dollar and environmental costs of mitigation that will be required if Rutter's develops this area, are too great.

Please do not allow the Rutter's development to move forward. (102)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Finally, there is no permitted public water supply in the vicinity of the proposed Rutter's 93 site. The Mason Spring adjacent to the site is not a permitted water supply source.

119. **Comment:** I am emailing to encourage much stricter management and oversight of the proposed Rutters fueling station at the intersection of State Route 26 and US Route 22 in Smithfield Township.

In as much as the proposed site shares a property boundary with the Old Crow constructed wetland, and in as much as the wetland is an important PennDOT wetlands mitigation site, and in as much as the Old Crow wetland is an ecologically valuable and recreationally beloved site, and in as much as Old Crow is immediately down hydrologic gradient from any and all surface runoff AND infiltrated runoff from the proposed fueling station, and in as much as runoff from the Rutters site will almost inevitably carry both hydrocarbon and salt contaminants that have the potential to seriously degrade the wetlands ecology, and in as much as successful remediation of contaminated waterways and soils is MUCH more difficult than the prevention of such contamination, it seems prudent that DEP should require of Rutters that:

- 1) As a first stage in the development of the site, Rutters should install at least two monitoring wells along the property boundary with Old Crow, AND,
- 2) the developer should be obliged to conduct monthly sampling and analysis by an independent lab of shallow water drawn from these monitoring wells before and during construction activity on the site, AND,
- 3) the developer should be required to perform monthly sampling and analysis of said waters once the fueling station is in service for as long as that facility is in use as a fueling center.

An aggressive monitoring program of this sort would allow for the establishment of a baseline for water chemistry at this locale, would identify when and if contaminants are being introduced into the wetland, and would trigger remediative activity before a contaminant plume has an opportunity to grow or before serious degradation of wetland waters can take place.

In the absence of such measures, there is every reason to believe that the wetland will be adversely impacted by the construction and operation of the fueling center, AND that Rutters will be able to avoid accountability and responsibility for such contamination, by casting doubt on the sourcing of the contaminants.

Insistence on these measures is nothing more than due diligence on the part of DEP and accountability for any environmental costs Rutters might like to pass off as externalities.

Thank you for your attention to these important matters in the preservation of a valuable public asset. (70)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Therefore, DEP has determined that monitoring wells and routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar

materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The Huntingdon County Conservation District and as determined necessary, DEP, will routinely monitor the project during construction. The permittee is required to conduct a pre-construction meeting with the Huntingdon County Conservation District or DEP. In addition, the permit and regulations require that a licensed professional or a designee be present onsite and be responsible during the critical stages of implementation of the approved PCSM Plan (25 Pa.Code § 102.8(k)). The critical stages are identified in the approved PCSM plan. Lastly, 25 Pa.Code § 102.8(l.) and the permit require a final certification statement from the licensed professional that the PCSM BMPs were constructed in accordance with the approved PCSM plan.

For long-term operation and maintenance of the PCSM BMPs, Plan Sheet 2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

120. **Comment:** Although I will not be able to attend the DEP hearing on 5/3, I wanted to share just how important the wetlands are not just as an ecosystem that is cherished by many, but as an undertaking. I'm sure you will be hearing and reading a lot about the environmental impacts that development will cause to the wetlands. Those objective and factual realities are absolutely important and I don't feel the need to reiterate all of that. I am here to say that the community that supports these wetlands are people who are true community members with a mission to instill hope and education not just in Huntingdon County, but elsewhere. This isn't some small group of people who are anti-consumerists, etc., ad nauseum. It's a group of people who care for the environment in determined and respectful ways across many areas here in Pennsylvania. As an active enjoyer and observer of the outdoors, I am an advocate for and protector of many natural areas in PA. These days, it is sad and defeating to watch "paradise be paved for a parking lot." I understand the relationship of supply and demand; however, I don't think that a gas station in this specific area is more necessary than protecting a habitat. A community of like-minded folks who care about something more than themselves is something worth celebrating. I don't want to think of a place where a community like this doesn't exist.

Thank you for your consideration and I wish you well. (56)

Response: The comments are acknowledged.

121. **Comment:** I would like to offer this study a colleague and I conducted on the avifauna patterns of Old Crow Wetland. I plan to possibly be at the public meeting next Wednesday. Let me know if I 100% should be there if my study is used.

Thank you for your time. *(reviewers please note that the study is in the shared file, not copied into this document)* (20)

Response: The comment is acknowledged. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

122. **Comment:** “Section 127 - CONSTITUTION OF PENNSYLVANIA. § 27. Natural resources and the public estate. The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.”

In light of our Pennsylvania’s Constitution ensuring these rights, I am writing with deep concern about many significant risks to the Old Crow Wetlands from to the proposed Rutter’s project that would be adjacent to the home to the flora and fauna. This habitat is a valuable resource to community members and the birds, animals and plants who inhabit that wetland.

I am also concerned that people of Huntingdon will find themselves in an unnecessary consumer war between Rutter’s and Sheetz at the expense of a precious wetlands, along with the environmental impact to the wetlands and to the community

It appears to me that this project is contrary to the mission of the Pennsylvania Department of Environmental Protection (DEP) “to protect Pennsylvania’s air, land and water from pollution and to provide for the health and safety of its citizens.” I hope that the DEP will re-evaluate and reconsider the project and look at it in a deeper manner and realize the significance of impact that such approvals may cost the community. Applying the necessary resources to the evaluation of this project would make this apparent to the reviewers of the project.

I have just learned that some relevant aspects of the applications were omitted from the Rutter's application and trust that DEP will look at those missing elements as you determine the viability of a Rutter's adjacent to the wetland on this property. It is my hope that you determine that this is not an appropriate project for this region with the inadequate stormwater management plan especially in a time of a changing climate where the intensity of rainfall has far exceeded what we have dealt with in the past.

I sincerely hope that reconsideration will occur as you re-evaluate the application and realize that a "gem" in our community will be tremendously affected and that the resources of our environment need to be protected for the right to clean air, pure water and the preservation of the environment. (94)

Response: The comments are acknowledged. DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site.

Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant's compliance history. Specifically, the Department previously executed a consent assessment of civil penalty ("CACP" through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter's project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in

accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee used the Department recommended rainfall data source and rainfall data values, current as of the date of the application, to prepare the design of the approved BMPs for this project. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. Therefore, DEP has determined that monitoring wells and routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

123. **Comment:** Regarding Rutters' 102 permit application for a truck stop in Huntingdon PA.

Between 2017 and 2022, Rutters had at least 29 violations of DEP regulations at their facilities. They did not disclose these on their Notice of Intent in 2022. The incidents listed in DEP inspection records include: Tank handling and inspection requirements, failure to meet underground storage tank system operational requirements, and discharging Industrial waste without permit (NPDES violation).

With this kind of record and incomplete application, why would DEP consider issuing a new permit for a Rutters facility? (39)

Response: The comments are acknowledged. Subsequent to the receipt of these comments, the permittee submitted a complete application. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

124. **Comment:** I am writing to you with additional questions that were not contained in my testimony during the DEP public hearing on May 3, 2023 regarding Rutter's permit application for the proposed convenience store and gas station near the Route 22/26 interchange in Smithfield Township, Huntingdon County.

Additionally, other questions presented in my testimony have been expanded on as follows:

1. Will DEP thoroughly investigate its own inspection records of undisclosed environmental violations by M&G Realty at other Rutter's locations within the past five years for failure to comply with storage tank handling, inspections, and leak detection requirements?
2. Will DEP thoroughly investigate Rutter's failure to acknowledge and disclose these environmental violations by checking "No" in the Compliance History Section of the March 2022 Notice of Intent (NOI) for the Smithfield Township project when DEP's own inspection records reveal prior undisclosed violations by M&G Realty at other locations?
3. Will DEP consider such omission by Rutter's as falsification on the NOI and pursue appropriate action(s) as mandated?

4. Rutter's claims that the project does not require a Chapter 105 permit, but will DEP require a Chapter 105 Permit when the 2022 Technical Deficiencies Letter from DEP to Rutter's explicitly stated that:
5. Wetlands are a surface water
 - a. The proposed earth disturbance activities redirect the existing surface stormwater sheet flows to discrete point source discharges to the receiving surface water
 - b. The proposed earth disturbance activities redirect stormwater that would otherwise have percolated into the ground
6. If Chapter 105 protects Pennsylvania's waters from encroachments including any structure or activity which changes the course, current or cross section of a body of water and if DEP has regulatory authority over the Wetland itself, how can DEP require only the Individual National Pollutant Discharge Elimination System (NPDES) Permit for handling stormwater associated with construction activity at the site of the proposed development and no other applicable permits?
7. In the Individual Permit NPDES application, "Stormwater Discharge Information" section, Rutter's states that "stormwater discharge would go into the wetland during and after construction." Later, in the same section, Rutter's states there will be no "new or increased discharge to non-surface waters." How does the DEP explain and accept this apparent contradiction as groundwater will be increased?
8. How will regulations written into the draft NPDES permit be enforced by DEP, such as PAD310013 "The permittee may not discharge – substances in concentration or amount sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life" when clearly hazardous and toxic hydrocarbon pollutants and salt runoff from seven acres of pavement will reach the Wetland?

Your careful, diligent work in this matter will ensure that you are "responsible for protecting and preserving the land, air, water, and public health through enforcement of the state's environmental laws" and "to put it quite simply, the people speak and DEP listens" as quoted in The Daily News, April 29, 2023. (100)

Response: The comments are acknowledged. Subsequent to the receipt of these comments, the permittee submitted a complete application. As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

In number 4 of this comment, the commentator incorrectly conflates the referenced verbiage from the DEP's 2022 Ch. 102 permit Technical Deficiency letter with regulated activities under 25 Pa. Code Chapter 105. The referenced technical deficiency is only a portion of the entire deficiency written by DEP in the August 10, 2022 technical deficiency letter. The technical deficiency directly addresses requiring M&G Realty to demonstrate

that the stormwater rate, volume, and water quality will be maintained in a manner that mimics pre-construction hydrology and which will maintain the existing use functions and values of the wetlands. This deficiency is directly in-line with the requirements of 25 Pa. Code Chapter 102, including but not limited to §§102.2 & 102.8 and surface water antidegradation requirements in 25 Pa. Code Chapter 93.

No wetland impacts or encroachments into or along the wetland are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth.

Number 6 of this comment relates to Rutter's discharge to surface waters vs. non-surface waters- as in surface runoff of stormwater to adjacent property that is not defined as surface waters. The question does not pertain to groundwater. Rutter's is proposing maintain the existing surface discharges of stormwater to surface waters, the UNT to Juniata River via wetlands in a manner consistent with the regulations. Therefore, the permittee correctly completed the application.

DEP and the Huntingdon County Conservation District will routinely monitor the project during construction and until a Notice of Termination is approved by DEP. Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

If someone observes a discharge of polluting substances that may be or is in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](https://www.dep.state.pa.us/complaints/) or by phone at: 866-255-5158. If the observed discharge constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

125. **Comment:** I am reaching out to express my disapproval of the Rutter's building project taking place adjacent to the Old Crow Wetlands preservation area.

I have lived in Huntingdon for the past 5 years and the community investment on this issue is unparalleled. In our small community, more than 500 individuals have joined the Coalition to Save the Old Crow Wetlands and thousands have signed the petition to protect this valuable area. the project threatens to destroy the health of an important resource for

environmental education, awareness, and sustainability. The Old Crow Wetlands are an existing mitigation area intended to preserve the environmental quality in an already degraded area.

I ask that you please review carefully the questions posed by other Coalition members regarding the permitting and assessing needed to progress with the building project. Observations on environmental impacts should be made before, during, and after the building project.

I am a student of public health and a strong believer in the One Health model supported by the CDC. Wetlands are an important community resource that maintain healthy air and water quality, support valuable biodiversity, and provide healthy and free recreation for us all.

Please refer to this peer reviewed article, [Wetlands as Settings for Human Health](#), which discusses the environmental services offered by wetlands to human health and wellbeing. It includes a passage discussing how environmental disruption and land use changes can increase the risk of infectious disease, an important impact to consider in our local community with recent introductions of mosquito borne illnesses like Zika and the recent discovery of the Asian Tiger Mosquito in our county. This paper also outlines nine ecosystem indicators of the consequences for human health in wetland settings that should be used as an analytical checklist, which I would ask that you consider each factor briefly:

- Does this wetland act as a contributor to hydration and safe water? What role does the wetland play in local resiliance to climate change?
- Does this wetland contribute to human nutrition?
- Does this wetland filter or mitigate exposure to pollution or toxicants? Could there be a increased risk of toxic algal bloom or other toxic exposure if it is disregulated?
- Is this wetland protective of exposure to infectious diseases? Would ecological damage increase the risk of mosquito borne illnesses or other diseases?
- How does this wetland act as a setting for mental health and psychosocial well-being?
- Is this wetland a place from which people derive their livelihood?
- Is this wetland a place that enrich people's lives, enable them to cope, and enable them to help others?
- Does this wetland pose a physical hazard? Is there a risk of new hazards arising if the ecosystem is damaged?
- Is this wetland a site from which medicinal and other products can be derived? What is the research and education value of this wetland resource?

Please consider the value of the Old Crow Wetland as a place deserving of and legally entitled to protection. It is an important insect and bird migration corridor, the site of a community polinator garden and many birding and educational trips, and a resource this community is fighting to protect. (61)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested parties may confer with the municipality about these concerns. DEP acknowledges that wetlands perform a multitude of important functions and values. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

126. **Comment:** I am respectfully asking that DEP fulfill its mission of protecting the environment in the case of Rutters building what is basically a truck stop (minus the showers) next to the Old Crow Wetlands. I am asking that you look at this issue comprehensively instead of focusing on only one element of environmental protection. The current stormwater plan will NOT protect Old Crow Wetlands including the large variety of plants and wildlife living there. Another type of facility would work on this spot, but not with the type of runoff associated with large amounts of fuels. Please look into all aspects, including violations by Rutters. As a society we do not allow pedophiles to live near elementary schools because common sense tells us it is asking for trouble. Common sense tells us that placing a Rutters so close to a very special wetlands area is also asking for trouble.

As someone who worked for state government for 30 years, I know that good employees can go above and beyond to do the right thing. I'm just asking that you do the right thing. (43)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

- 127. Comment:** I'm writing to share my deep concerns about the permit application submitted by Rutter's convenience store for Smithfield Township, Huntingdon, PA.

The location of this particular store is, as you probably know, adjacent to the Old Crow Wetlands area. The siting of this business would require an especially delicate balance between (1) commerce and human activity and (2) protection of a vital wetland and bird sanctuary.

We are all familiar, through personal experience and/or monitoring the news, with how difficult (or impossible) it can be to achieve such a balance. In the preponderance of cases, the environment, as well as bird and animal species, suffer in the name of commerce, profit, and opportunism.

In this case, we have an opportunity to do the right thing by denying Rutter's request.

One could argue that *any* new convenience store/gas station in this general vicinity is superfluous, given that several nearly identical businesses are operating only a short distance away (Sheetz stores on Rt. 26 and at Fourth Street and Rt. 22, for example).

There are many other valid reasons to oppose this location for the store, but among the most significant is potential water pollution in the wetland. The planned Rutter's store will include fueling for cars, trucks, and tractor-trailers. Spillage and nonpoint runoff from parking areas will go straight downhill into the Old Crow marsh.

Rutter's construction would take place only 3 to 5 feet from the edge of the wetland. Why is a Chapter 105 permit not being required, since this project would encroach on and negatively impact the wetland? If a project encroaches, a 105 permit is required.

Rutter's plans call for infiltrating potentially contaminated stormwater into the ground, where it will inevitably reach the groundwater that feeds Old Crow wetland. Overflow from these tanks will discharge directly into the wetland. In this situation, how could contamination of groundwater and wetland water be avoided?

The Old Crow wetland would receive too much water from a Rutter's facility. The natural hydrology that exists in the wetland complex is at a maximum for that wetland. Any increase would be detrimental. The impervious surface of a Rutter's store would cause faster, flashier, and contaminated runoff than the drainage area, which is much less impervious. Even the nearby Walmart and Sheetz parking lots are contained by huge retention ponds and infiltration galleries. Not only would the surface water reach the wetland, but Rutter's plan to infiltrate water from their subsurface collection system would increase the groundwater volume reaching the wetland. What is DEP's stance on the

increased volume of water that would enter the wetland? Has PennDOT been consulted on the impact of an increased volume of water in the wetland?

On the Individual Permit NPDES application, under “Stormwater Discharge Information” questions 1 and 2, Rutter's responded that stormwater discharge would go into the wetlands during and after construction. Their response to question 5, that there will be no “new or increased discharge to non-surface waters,” contradicts this, as groundwater will definitely be increased. Can you explain and address this?

Rutter’s plans do not meet Smithfield Township’s zoning and land use ordinances. The plans include no trees, grass, permeable spaces, or walkways in the parking lot, contrary to the ordinance requirements. This project also doesn’t meet Smithfield Code 27-204 objectives A, B, D, F, H, and I. What is DEP’s response to the fact that this project does not comply with municipal ordinances?

Old Crow Wetland is a PennDOT bank mitigation wetland created in 1997-- and an unusually successful one. It is one of the best birding spots in central PA, where 221 species of birds have been observed. The high quality and popularity of the wetland warrant the highest degree of care, responsibility, and ethics in this permit application.

I encourage you to rise to the responsibilities of your position and address these and the many other concerns associated with this proposed project. This is certainly not the right place for such a business to be located.

Thank you for your attention (95)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The commentator also asserts that Rutter’s plans do not comply with local zoning and ordinances. The local township or municipality generally has purview over a project proponent’s submission to or compliance with local land development ordinances. The commentator may wish to provide their comments to Smithfield Township.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

No wetland impacts or encroachments into or along the wetland are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth.

The hydrology for the adjacent Old Crow wetlands was designed to be and is manipulated through two mechanical water control structures. PennDOT manages the water levels to maintain adequate habitat and wetland mitigation goals accordingly. DEP consulted with PennDOT about this project. Further, as stated above in this response, M&G Realty is proposing to manage the rate, volume, and water quality consistent with regulatory requirements. The regulatory requirements are based upon a pre-development to post-development runoff comparison. See 25 Pa. Code § 102.8(g) for further details. It's important to note that the Chapter 102 stormwater management regulatory criteria in place since Nov. 19, 2010, which this project is in compliance with, is more stringent than the Chapter 102 stormwater management regulatory criteria that was in place when the Walmart and nearby Fairfield Inn were permitted and constructed. The Sheetz appears to have been constructed under the current regulatory criteria. Stormwater management BMP choices are not prescribed by DEP to meet the regulatory criteria. Permit applicants and their design consultants have numerous BMPs to choose from and design approaches available to satisfy the stormwater management regulatory criteria. Stormwater management design approaches and BMPs chosen by permit applicants to meet the regulatory criteria may differ significantly based on various factors.

In reference to Individual Permit NPDES application, under "Stormwater Discharge Information" questions 1 and 2, this comment relates to Rutter's discharge to surface waters vs. non-surface waters- as in surface runoff of stormwater to adjacent property that is not defined as surface waters. The question does not pertain to groundwater. Rutter's is proposing maintain the existing surface discharges of stormwater to surface waters, the UNT to Juniata River via wetlands in a manner consistent with the regulations. Therefore, the permittee correctly completed the application.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

128. **Comment:** As a local resident who cares deeply about our commonwealth's natural heritage, I am writing in opposition of Rutter's Store 93 project NPDES permit application #PAD31001, which proposes to construct a large truck stop/convenience store directly adjacent to a valuable wetland. This project is wholly inappropriate for the location and the permit should not be issued for multiple reasons.

1. **The proposal fails to comply with Smithfield Township ordinances (attached).** Local ordinances require one tree to be planted for every eight parking spaces; but Rutter's plans have no trees or green spaces, just seven paved acres and 55 parking spaces. The township also requires pedestrian walkways in parking lots; Rutter's has none. And of the nine general objectives of the Smithfield Code (27-204), the proposal does not fulfill six of them. In addition, Rutter's permit application is for an 11,000 sq. ft retail space, but Smithfield's zoning ordinances explicitly prohibit service stations in the Planned Business District where the retail sales building exceeds 8,000 square feet in gross floor area. The DEP cannot issue permits for projects that go against local land use ordinances.

2. **The applicant's Notice of Intent is incomplete and contains false information, in potential violation of the law.** In regards to the NOI updated in March 2022:
 - a. **The applicant wrongfully checked "No" on the Compliance History question,** which requires applicants to disclose *"if the applicant, facility owner or operator [was] in violation of any DEP regulation, permit, order, or schedule of compliance at this or any other facility or project site within the past 5 years."* **However, the DEP's EFACTS database shows that applicant M&G Realty in fact had four recorded DEP violations within that 5 year window which they failed to disclose in the NOI.** Violation ID [941645 and 941646](#) were issued on 11/15/2021 at Rutter's Store #72 for failure to comply with tank handling and inspection requirements and failure to meet underground storage tank system operational requirements. On 11/7/2018, the applicant was issued Violation IDs [843751 and 843752](#) during an inspection of the same location for failure to meet underground storage tank system operational requirements and leak detection requirements. Although these violations were immediately remedied, the NOI form clearly required the applicant to disclose them. They did not, in violation of the law.
 - b. **The DEP's EFACTS database shows a pattern of common, recurring DEP violations within the last 5 years at other Rutters locations.** The vast majority of these violations are for failure to meet underground storage tank system operational requirements and leak detection requirements, and they number in the dozens, if not 100+ between all Rutters locations. Eligibility Question 2 on the NOI form asks if the applicant shows *"lack of ability or intention to comply with laws administered by DEP or EPA as indicated by past or continuing violations."* Even if these were minor problems or legitimate oversights, the repeat inability of the applicant to maintain operational requirements demonstrates carelessness and a lack of good faith, and calls into question their ability or intention to be a responsible permittee.
 - c. Potential pollution/contamination was not identified in the NOI.
3. **The adjacent wetland that the applicant plans to discharge stormwater into, known affectionately as the "Old Crow Wetland," should have special consideration because it is an active, credit-generating compensatory mitigation site created and owned by PennDOT.** As a Mitigation Bank, the ecological function of this wetland generates credits that developers can buy in order to offset impacts from other projects while remaining in compliance with DEP laws. According to [2016 USACE guidance on protecting mitigation sites](#), *"impacts on buffers may affect the ability of the compensatory mitigation site to fulfill the ecological objectives stated in the DA permit conditions or approved mitigation plan. Corps regulations at 33 CFR 332.3(i) indicate that buffers are required where necessary to ensure long-term viability of a compensatory mitigation site."* The Corps also notes that *"Inability to protect a compensatory mitigation site will affect permit compliance and may create enforcement issues."* Since the ability of a mitigation site to generate credits is based on its ecological function, **any proposed development which threatens to diminish that function also puts the credit-generating properties of the site at risk. Harming**

this wetland also harms other DEP permittees and PennDOT without their consent and could result in potential compliance problems for the DEP.

4. **Because it encroaches on a surface water, this proposal should require a Chapter 105 permit.** In its Technical Deficiencies Letter regarding this application, the DEP explicitly states that *"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."* 25 Pa.Code §105 defines *Encroachment* as *"a structure or activity which changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water."* Since the DEP has publicly stated that this proposal will alter a surface water by redirecting stormwater, and the project is clearly sited directly adjacent to, or "along," the neighboring wetland, it qualifies as an Encroachment and a Chapter 105 permit should therefore be required.
5. **Stormwater runoff from gas stations is known to contain significantly higher loads of toxic contaminants than typical urban runoff, a fact which has not been acknowledged by the applicant.** The applicant states in their Comment Response Summary that *"The overall contribution of runoff from the project site supporting this wetland is believed to be minimal in comparison to the overall catchment area surrounding the wetland."* But not all runoff is equal, and the likely contents of the runoff, not merely its volume, must be considered. Studies (attached) have found that **contaminant levels in convenience store-gas station runoff were 5 to 30 times higher than residential runoff.** A summary of this research noted that
 - a. *"Gas stations were found to be an extremely significant hotspot for hydrocarbons. Composite priority pollutant scans at the gas station sites revealed the presence of 37 potentially toxic compounds in the sediment and 19 in the water column. Many compounds were polycyclic aromatic hydrocarbons (PAHs) that are thought to be harmful to both humans and aquatic organisms. Non-gas station sites, on the other hand, recorded far fewer priority pollutants that had much lower concentrations."*
 - b. *"Of greater concern, nearly 60% of the hotspot runoff samples were classified as moderately to most toxic, according to [the] relative toxicity screening procedure."*

Many of the compounds discovered in gas station runoff samples are toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321). In its NOI, the applicant claims that "stormwater discharges will not occur that would contain toxic or hazardous pollutants." However, the reality is that these types of discharges are virtually inevitable from any gas station, regardless of treatment technology.

[Johns Hopkins University research](#) suggests that an average of 40 gallons of gasoline is spilled at a typical gas station per year by consumers at the pump, and that ***a significant***

portion of the spilled gasoline can migrate through supposedly "impermeable" concrete pads at many fueling stations, cumulatively causing long-term environmental damage to soil and groundwater. Subsurface travel of spilled gasoline is also a significant concern. One [review of scientific studies](#) of plume travel indicated that the 90th percentile distance that spilled gasoline travels underground is 400 feet. Add another 100 feet for installing containment measures, and a gas station should ideally be no closer than 500 feet to a surface water. This proposal suggests building within just 50 feet of the wetland, which is unacceptably close.

6. **Although not yet delineated as such, the Old Crow Wetland meets many of the criteria for an "Exceptional Value Wetland."** It is a beloved recreational and educational destination because of its rich biodiversity. Old Crow is a birding hotspot on the Susquehanna Birding Trail which is visited by local birding clubs, groups from Shaver's Creek Environmental Center, local high school and college classes, and others. Visitors from across Pennsylvania and beyond value the diverse wildlife of Old Crow, and their visits contribute to our local economy. [The official website of the PA Game Commission recommends the wetland to wildlife watchers](#), stating:

The Old Crow Wetland is along Route 22, south of the road about a quarter-mile east of the intersection of Routes 22 and 26. It is less than 10 acres, but gives some access to the emergent vegetation where many birds can be found.

This is where you can find green herons, willow flycatchers, and red-winged blackbirds, as well as many waterfowl species in migration. It seems to be a rarity hotspot, because it is a wetland in an otherwise forested and agricultural landscape — a little cattail oasis.

221 species of birds have been recorded at the wetland, ranging from waterfowl, herons, and shorebirds, to raptors and woodpeckers, and a wide range of songbirds. Of these 221 species, approximately 40-50 nest at or near Old Crow thanks to the excellent and reliable sources of food and cover there. These include conspicuous species such as Canada Goose, Wood Duck, Green Heron, and Bluebird – and many less so, like Willow Flycatcher, Tree Swallow, Yellow Warbler, and Baltimore Oriole.

Nine Pennsylvania Endangered or Threatened species have been observed at Old Crow, of which six can regularly be found using the habitat:

American Bittern
Least Bittern
Black-crowned Night-Heron
Yellow-Crowned Night-Heron
Great Egret
Short-eared Owl
Yellow-bellied Flycatcher
Blackpoll Warbler
Northern Harrier

High quality wetlands are not common in Huntingdon County. If this project is permitted as written, runoff from seven impervious acres of what is now a seven-acre grassy field will inundate the wetland, introducing fuel-related hydrocarbons, salt, and various particulates, as well as the possibility of fuel spills. This contaminated stormwater will enter underground storage structures with some element of filtration. Yet these chambers are in part lined by just soil, gravel, and rock. Most of the water going in will inevitably leach downhill into the wetland below, which is immediately adjacent to the Rutters' pavement. How can DEP justify giving approval to this arrangement as one that will not impact the wetland?

7. **The applicant's PCSM may not comply with DEP best practices or manufacturer instructions.** The DEP has advised that runoff from impervious surfaces should *not* be conveyed directly to infiltration systems, and that pretreatment should be provided for stormwater runoff *prior* to entering a subsurface infiltration system to prevent clogging from sediment and debris leading to failure of the system. It is unclear if the Rutters PCSM does this. Likewise, the manufacturer's instructions for the Terre Arch™48 system included with the PCSM report state that *"A Water Quality Treatment device, such as Terre Kleen™, should be placed upstream from the Terre Arch™ to prevent entry of sediment, oil, grease, litter, and debris into Terre Arch."* Again, it is unclear if this will be done.

I also have concerns about the Stormwater Facilities Maintenance Agreement submitted by the applicant. The Agreement states that subsurface infiltration bed stormwater facilities shall be inspected, but that "these inspections do not need to be performed by a qualified inspector, and written reports are not required." With no paper trail, how are local authorities supposed to verify that Rutters is fulfilling its inspection duties in the Agreement?

8. **Will catch basin insert filters be maintained regularly?** The applicant is relying on catch basin insert filters to remove hydrocarbon pollutants from the stormwater. Although this technology can be very effective when first installed, it requires frequent maintenance to prevent clogging and bypass. The manufacturer's service instructions for the FloGard+ Plus Catch Basin Insert Filter recommend that filters be serviced a minimum of three times per year and that filter medium should be replaced at least once per year. **However, service procedures for the insert filters were not specifically mentioned in the Stormwater Facilities Maintenance Agreement. Rutters' repeat inability to meet DEP inspection requirements for storage tank infrastructure puts their ability to properly maintain stormwater facilities in grave doubt.**

[A DelDOT study of catch basin inlet filters](#) noted that:

"storm drain inserts of all kinds generally perform poorly in field tests due to limited contact time between the water and sorptive media, resuspension of material removed by the filters, and requirements for close monitoring and frequent maintenance. They also conclude that inserts do little to remove dissolved contaminants and are best suited for removing trash and other gross pollutants... ..Our study and others have

demonstrated that for many applications a very high frequency of cleaning is necessary to keep the inserts from clogging and bypassing stormwater flows, as well as resuspending captured material. Inserts may not be practical for large drainage areas."

9. **The proposal is not in the public interest and does not serve an unmet need.** Huntingdon, an Environmental Justice Community, is a small town of 6,800 people and already has 3 gas station/convenience stores fulfilling the needs of residents and travelers. There has been *overwhelming* community opposition to this project at board meetings and public comment periods, and [2,260 residents have signed a petition](#) against it. It is clear that approval of yet another large gas station/convenience store, which fails to comply with local ordinances and would undoubtedly harm a beloved, ecologically fragile, publicly-owned recreational area only benefits Rutters corporation at the expense of the environment and local community. This would go directly against the DEP's stated mission to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment.

If the applicant wishes to build this project, alternative parcels should be considered which may be developed without posing an unnecessary risk to wetlands.

I thank the DEP for considering my comments on this important matter, and would love for a DEP representative to visit the Old Crow Wetland and see for themselves the value of this special place. Supporting materials to my comments are attached to this message. (54)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. The commentator also asserts that Rutter's plans do not comply with local zoning and ordinances. The local township or municipality generally has purview over a project proponent's submission to or compliance with local land development ordinances. The commentator may wish to provide their comments to Smithfield Township. By way of further response, DEP can make DEP permitting decisions on matters that are subject to DEP jurisdiction that may not conform to local land use or regulation. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege.

M&G Realty, Inc's application was submitted prior to DEP's adoption of its current interim Final Environmental Justice policy. However, DEP has fulfilled its commitment to our Environmental Justice principles during its review of M&G Realty, Inc.'s application through the robust public participation process. DEP considered comments from the community and provided responses about the proposed project and the Old Crow wetland prior to when the NOI was submitted, during the initial review of the NOI, and both prior to and subsequent submission of the Individual permit application. The public participation process also included a public hearing and extended comment period prior to DEP's action on M&G Realty Inc.'s application. DEP provided the permittee's application and other information related to the proposed project on DEP's Southcentral Regional Office

webpage as another way to simplify the public's ability to obtain information about the proposed project and the Individual NPDES application.

As part of DEP's permit application review and decision making, DEP performed a current compliance check of the applicant prior to taking action on this permit. No violations were noted which would have precluded DEP's action on the permit.

The commentator correctly identifies the Old Crow wetland as an active wetland compensatory mitigation bank, owned by PennDOT. DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project.

The commentator incorrectly conflates the referenced verbiage from the DEP's 2022 Ch. 102 permit Technical Deficiency letter with regulated activities under 25 Pa. Code Chapter 105. The referenced technical deficiency is only a portion of the entire deficiency written by DEP in the August 10, 2022 technical deficiency letter. The technical deficiency directly addresses requiring M&G Realty to demonstrate that the stormwater rate, volume, and water quality will be maintained in a manner that mimics pre-construction hydrology and which will maintain the existing use functions and values of the wetlands. This deficiency is directly in-line with the requirements of 25 Pa. Code Chapter 102, including but not limited to §§102.2 & 102.8 and surface water antidegradation requirements in 25 Pa. Code Chapter 93.

No wetland impacts or encroachments into or along the wetland are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

FloGard +Plus Catch Basin Insert Filters are specified for the inlets and are engineered with sorbent pouches to remove primary pollutants from paved surfaces including

petroleum hydrocarbons. Plan Sheet 2 of the “Post-Construction Stormwater Management Plan” set also indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. This determination includes evaluation and approval of the PCSM BMPs that are proposed in the PCSM Plan. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

DEP consulted with the Pennsylvania Game Commission regarding the various alleged sighting of threatened and endangered species at the Old Crow wetland. Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

As previously described in this response, land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans and permit conditions.

129. **Comment:** I am a resident of Huntingdon Co and have been reading the articles in the Huntingdon Daley News and I’m quite certain the ones opposed to the Rutters Service Station are more likely to attend the meetings then residents who think it is a good idea for Sheets to have some competition. As far as the Old Crow Wetlands, there is Walmart, Sheets, Rehearts, the Fairfield Inn, and the Huntingdon Country Club, And a bank all up stream from the wetlands. Rutter’s is building on 7 acres and Sheet’s, Fairfield Inn, the bank and possibly Rehearts are on a small acreage compared to Rutter’s 7 acres. It seems to me with 7 acres to work with erosion and runoff could be controlled better then the postage stamp size lots of the others. (63)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

130. **Comment:** As I have written previously, I will keep this missive brief. DEP needs to do whatever it takes to deny Rutter's from building adjacent to Old Crow Wetlands. If the waterflow regulations are too narrowly written to require a denial of a permit, then a broader set of requirements must be applied to this situation.

The reality is that is no way the Old Crow Wetlands and the wildlife that inhabits it can be protected from the seven acre industrial operation that Rutter's is proposing to build immediately adjacent to and uphill from the wetlands.

DEP needs to send staff out to see the lay of the land and acknowledge that the laws of gravity and water-flow will over-ride any technology installed to the ultimate detriment, and possible demise, of the Wetlands. (104)

131. **Response:** The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Finally, DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and the Old Crow wetlands on August 15, 2023

132. **Comment:** Last Wednesday I attended the first hour of the DEP Public Hearing on Rutter's application to build a mega truck stop adjacent to Old Crow Wetlands. There I heard voice after voice respectfully, strongly and eloquently, raised to protect Old Crow, its inhabitants and migratory visitors that do not have the voices to speak in their own defense.

The voices of Old Crow were that of love for a sensitive natural ecosystem gifted to our community, aware and grateful that Old Crow provides us with both practical ecological benefits and the intangibles of beauty, wonder, contemplation, peaceful respite.

There were voices of connection, that we and the ecosystems we live in are tied to each other by realities such as food webs, habitats, water flow and air quality. We do not live outside of nature and its systems.

There were voices of responsibility that we choose stewardship of Old Crow over dominion. And dominion for what purpose? Being pawns in the corporate competition between Sheetz and Rutter's? Providing yet another outlet for the fossil fuel industry whose days must be numbered?

There were voices of knowledge: professional, legal, science-based, citizen-observed, calling on DEP to deny Rutter's permit.

There were voices calling on DEP officials not to follow the narrow letter of water-flow regs, but to follow the encompassing spirit of the Department's mandate to protect PA's natural resources for the benefit of all its citizens.

The voice of common sense is clear that it will be impossible to protect the ecosystem integrity of Old Crow's 8-acre wetland from a 7-acre, asphalt-covered, big-rig fueling facility built immediately adjacent to and uphill from Old Crow.

As one citizen put it: if DEP okays the Rutter's permit, it ceases to exist as created. It becomes the agency of Don't Expect Protection.

Most impressive was that the Old Crow voices were raised in hope. May the resolve of those citizen voices win out over business as usual so that Old Crow will have a healthy, fully -functioning future among us. (104)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

133. **Comment:** I would like to express my concerns about the plans for the building of a Rutter's gas station near the Old Crow Wetlands. As someone who works in Juniata's Community Engagement Office, I know that this is an issue that both the Huntingdon and Juniata communities care deeply about and for good reason. Juniata students and faculty as well as Huntingdon Community members have done research on the detrimental effects to wildlife if the Rutter's were to be built in this location. Not only would endangered species be increasingly threatened, but it also opens up the possibility for invasive species to thrive, which could have serious health impacts on the environment and thus residents of Huntingdon County.

My job is federally funded through the Dept. of Education as part of Juniata's One Health project on tick borne illness, so I spend a lot of time thinking about the connection between environmental health and human health. I have no doubts that the building of this gas station in this particular location would have negative health impacts on this community and the wildlife that makes Huntingdon a popular destination for outdoor recreation.

Moving forward with the plans to build near the Old Crow Wetlands would be incredibly irresponsible and would set the precedent for prioritizing industry over the well-being of our environment and community. Please do everything in your power to stop this from happening. (107)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

134. **Comment:** Regarding Rutter's planned Gas Station, Truck stop and Convenience Store at the intersection of Route 26 and 22 in Smithfield Township, adjacent to Old Crow Wetland,

Wetlands are an integral part of natural lands, with great value to flora and fauna alike. However, wetlands in most of the world have historically been drained to make way for agriculture, housing, retail spaces, industries and other human enterprises. In other words, wetlands have been destroyed so that humans can make a buck. Relatively recently the value of wetlands has become apparent and some few wetlands have been recreated or restored. Old Crow wetland is a small gem that was created in that spirit. The Rutters project is a prime example of the role of greed as a threat to the existence of protected wetlands. There are other places where this facility could be placed that pose no threat to Old Crow. The proposed location cannot help but degrade Old Crow for the benefit of Rutters corporation, not the citizens of Smithfield Township, Huntingdon County or the State of Pennsylvania. The area near this wetland already has much pavement around retail spaces including fast food stores, gas stations and other commercial spaces. Seven acres of additional pavement immediately adjacent to a fragile wetland is quite frankly an assault on

an important natural resource. We do not need to pave the whole world for the sake of lining the pockets of a few corporate interests. Please deny the Rutters' application. (92)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

135. **Comment:** The measure of the quality of a wetland ecosystem such as Old Crow is the diversity of plants, animals, insects, fungi, and microorganisms, which comprise a network of many-layered food webs. My comments here center on the birds at Old Crow - near the top of the food webs and chains and therefore an indicator of quality in general.

Birders have been visiting Old Crow since its creation, some 25 years ago, probably the most-oft-visited birding location in Huntingdon County - both regular local birders and many from outside the county, or even Pennsylvania. Annotated lists of all bird species and numbers from over 2300 such visits are recorded in the eBird data base at Cornell University, providing a detailed assessment of the bird life at Old Crow.

To date, at least 222 species of birds have been recorded at Old Crow, from waterfowl, herons, and sandpipers, to raptors and woodpeckers, and to a wide range of songbirds. Some species are year-round residents, most are not, present in summer or winter and/or during spring and fall migration. Always throughout the year there are different species coming and going.

Of these 222 species, approximately 40-50 nest at or near Old Crow, dependent on the excellent and reliable sources of food and cover there. These include conspicuous species such as Canada Goose, Wood Duck, Green Heron, and Bluebird – and in even greater number, the less conspicuous, like Willow Flycatcher, Tree Swallow, Yellow Warbler, and Baltimore Oriole.

Included in those 222 species are nine Pennsylvania Endangered or Threatened species. Several of these are regularly found at Old Crow: American Bittern, Least Bittern, Great Egret, Black-crowned Night-Heron, Yellow-crowned Night-Heron, and Northern Harrier.

High quality wetlands are not common in Huntingdon County. The most important component of a wetland is of course water and the load of pollutants it carries - in this case the runoff from seven impervious acres of what is now a seven-acre grassy field: fuel-related hydrocarbons, salt, and various particulates, as well as the possibility of larger fuel spills. Water from the footprint of this project will enter underground storage structures with some element of filtration. Yet these chambers are in part lined by just soil, gravel, and rock. Most of the water and whatever pollution is carried with it will inevitably leach downhill into the wetland below, which is literally immediately adjacent to the Rutters' pavement.

My question - How can DEP justify giving approval to this construction project as one that will not impact the wetland? (35)

136. **Response:** The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

DEP consulted with the Pennsylvania Game Commission regarding the various alleged sighting of threatened and endangered species at the Old Crow wetland. Pursuant to 25 Pa. Code Chapters 93 and 105, the wetlands at and adjacent to the site do not meet the criteria to be classified as Exceptional Value wetlands. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site. No potential conflicts with T&E Species were identified.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

137. **Comment:** While I am sure most responses that you have received concerning this application for NPDES for Rutters has been in the negative. I read the news article where 29 people spoke about the proposed project. Well I would like to go on record supporting the project.

Most of the people that have been involved with trying to fight this progress are not even Huntingdon County residents. Along with this they cite that there are thousands of people that visit the Old Crow wetlands which is a total falsehood. I have lived here all my life and it is a very rare occasion to see anybody there.

Huntingdon County is a very depressed county and the additional jobs that would be made available for the citizens of the county I feel far outweigh anything negative this group has brought up. Huntingdon County has one of the highest unemployment rates in the Commonwealth.

In addition to all of the above we are kind of in a monopoly situation when it comes to convenience stores in this area as the only option we have is Sheetz and they pretty much can set prices as they see fit so it would be a great advantage to have some competition in this area.

In closing I would just like to again go on record as being completely and totally in support of Rutters building a store at this location and appreciate your time in reading my comments. (62)

Response: The comments are acknowledged.

138. **Comment:** I oppose this permit for a number of reasons. I'm not part of any group. I'm surprised to be going first. I was simply going to refer to reasons other people had given and say, I might have a few to add that's because I'm 73 years of age, I don't have much future on this earth, but I care about the future of the people and the other inhabitants of this land. Land is not property like food or money might be property that can be consumed or spent. The land and the water was there before us. Hopefully, it remains after us. It must be shared with other earthlings, mammals, amphibians, birds, insects and plants. Because of this sharing, that's why I personally love Old Crow Wetlands, and I have grave fears that this Permit would put an end to the viability of those wetlands. Land has no real boundaries like other so-called property does. Land is contiguous. Air, water, plants, seeds, birds, everything in motion. The value of land comes from the interpenetration and the interchange of the physical land and water with its surroundings. That is the value that is at stake here and that is threatened, I believe, by this proposal. I want to mention the danger of light pollution. That's another example of how what happens in a place extends beyond the harm of light pollution, which would come with a proposed development, extends beyond the so-called property to migrating birds, to pollinators, to the human traffic on the roads and to the human enjoyment of Old Crow and the surrounding area. Most of all, and I think this may be the thing that I bring here, maybe the others haven't seen or I haven't heard mentioned in the press. Fossil fuels for transport are becoming an obsolete technology. Whether we like it or not, there is federal policy promoting a

transition to electric vehicles. What does that mean? It means that tanks that are laid into the ground in a gas station as we know them today are going to be unused in five to ten years, maybe while I'm still on this earth and I don't have that many years left, I will see the ending of the gas station as we know it. So this proposal is really asking for a very short term profit for a few, and it still will be obsolete. If we read the signs of the time. Rutter's as a gas station very likely will be abandoned obsolete within three to five years, maybe within ten years. I'm not the expert on that. You can consult the experts as you wish, and any jobs or tax benefits that could come from this will soon be gone, but the wetlands don't come back after the gas station closes. The birds, the amphibians, the rodents, the bobcats, the creatures that live there don't come back after the gas station closes. Also, I want to point out that Route 26 already has ample gas stations, and if we have to have another gas station, there are other nearby locations along Route 26 that are much better suited because they are not so close to the wetlands and the habitat and they have better access from roads. So therefore, to conclude, I would just say my view is this proposal is extremely short-sighted against the public interest to be opposed, and it breaks my heart if you were to approve it. Thank you for listening. (84)

Response: The comments are acknowledged. The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

139. **Comment:** I'm speaking to represent the Coalition to Save Old Crow Wetland. To build a large truck stop next to an uphill from a delicate and beloved wetland is a terrible idea. It's a mistake that should have been corrected in 2018 when Rutter's first proposed it. Old Crow is an oasis of nature for wildlife, the best birding spot in Huntington County and a place visited by people from all over Pennsylvania. What Rutter's wants to build would be one of the largest truck stops in central Pennsylvania. More than double the size of the large Sheetz. Seven acres paved, unlike any other business along Route 22. Such a large truck stop would drastically change the character of the Route 22 Corridor. I have many questions about this project, but I've narrowed them down to five for now. One, stormwater, the large parking lot at a Rutter's would drain too much water into the wetlands, raise the water temperature, and contaminate it with gas, oil, antifreeze and salt. The infiltration tanks that Rutter's plans are bottomless storage tanks, which would leach contaminated water into the groundwater. Overflow from the tanks would go directly into the wetland. Why does DEP claim that this would not harm the wetland's water quality? Two; why is DEP requiring only a stormwater permit? Rutter's construction would take place only three to five feet from the edge of the wetland, so why is a Chapter 105 water obstruction and encroachment permit not being required? This project would encroach on the wetland, and even if the stormwater problem were somehow solved, we would still have traffic disruption, light pollution from a truck stop open 24 hours a day, noise, litter, and an ugly facility next to the wetland. Why does DEP not require permits regulating air pollution or other impacts? Three; did the DEP ask for comments from PennDOT or ask PennDOT for permission for Rutter's to dump stormwater in their mitigation wetland? Would PennDOT use taxpayer money to clean up damage that Rutter's causes? Four ;is Rutter's acting in good faith? Their Application to municipal authorities included cut and paste errors from their application in other counties. The Huntington County Planning Commission never received an up-to-date version of their plans. They didn't follow Smithfield Township Ordinances and never responded to community concerns, even when Rutter's representatives attended Township meetings. These are not the actions of a good neighbor. According to the DEP, Huntington is an environmental justice community. When applicants want to build in an environmental justice community, DEP recommends that they hold a public meeting to address community concerns. Rutter's did not. To the question on the application. Have you addressed community concerns? Rutter's answered N/A, not applicable. What about the hundreds of messages of concerns sent from this community? Given this behavior, how can DEP or we, in the community, believe that they will fulfill permit requirements? Building next to a wetland in a responsible way is difficult and expensive. It's expensive to test the water after every heavy rainstorm and to check and replace water filters frequently. What reason do we or DEP have to believe that Rutter's would make all these efforts to preserve the health of the wetland ecosystem? Five; the plans for this project as written do not meet Smithfield Township's ordinances. They include no trees, green spaces, or walkways, only seven acres of impermeable surface. Smithfield Township would need to require major changes in the plans or reject the project. What is DEPs' response to the fact that this project as written does not comply

with municipal ordinances. The Coalition's Petition asking Rutter's not to build in that location has been signed by over 2,250 people. Why should a small group of people be allowed to force something harmful on a large group of people? Rutter's is putting their interests ahead of this communities' and the health of the wetlands. Most visitors to this area would probably prefer a healthy wetland ecosystem and a beautiful place to have a picnic lunch over one more gas station. We won't give up protecting our wetland in our peace and quiet. Thank you. (39)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. Some of the comments within the testimony appear to be comments and possible deficiencies regarding M&G Realty, Inc's land development submission to Smithfield Township or to the Huntingdon County Planning Commission. The local township or municipality and county generally has purview over a project proponent's submission to or compliance with local land development ordinances. The commentator may wish to provide comments to Smithfield Township and the Huntingdon County Planning Commission. DEP did fully considered all comments as they relate to DEP regulations.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

The permittee prepared a lighting plan as part of the municipal land development process. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project

site. Concerned parties may confer with M&G Realty, Inc. and the municipality about land development, noise, and lighting concerns.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

No wetland impacts are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth. The permittee accurately described the receiving waters as being to wetlands.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](https://www.dep.state.pa.us/diesel-idling) Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types.

M&G Realty, Inc.'s application was submitted prior to DEP's adoption of its current interim Final Environmental Justice policy. However, DEP has fulfilled its commitment to our Environmental Justice principles during its review of M&G Realty, Inc.'s application through the robust public participation process. DEP considered comments from the community and provided responses about the proposed project and the Old Crow wetland prior to when the NOI was submitted, during the initial review of the NOI, and both prior to and subsequent submission of the Individual permit application. The public participation process also included a public hearing and extended comment period prior to DEP's action on M&G Realty Inc.'s application. DEP provided the permittee's application and other information related to the proposed project on DEP's Southcentral Regional Office webpage as another way to simplify the public's ability to obtain information about the proposed project and the Individual NPDES application.

140. **Comment:** I am deeply distressed about this Permit that's required for the potential construction of a Rutter's truck stop, and even more distressed that it has been allowed to have gone this far. There's more issues here than just stormwater. This cannot be just about checking off all the boxes on a paper application and rubber stamping it. And I have to ask, why are you not examining the overall impact of this project in greater depth? Why are you even considering allowing this project to impact the wetland and the surrounding environment? How many from the DEP have been to Old Crow and have seen the potential dangers to this wetland? How can you make a decision based on blueprints? Your mission statement is to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. The vapors given off when gasoline evaporates and the substances produced when gasoline is burned contribute to air pollution. Being so close to the wetlands, Rutter's would certainly be another major contributor to unwanted air pollution. Fuel leaks are very frequent at all gas stops. Customers drip fuel during fill-up and those vapors enter the air. This wetland is vitally important to us. Can you tell me how allowing this project to continue is providing for the health and safety of the citizens? And just how is this going to provide a cleaner environment? When you all go back to Harrisburg and leave us to deal with the mess that will be left behind, how does that help the environment? We're talking over seven acres here. Why does Rutter's even require seven acres? Why do they need to build right there, knowing the harm that they will cause, and they should know the harm that they will cause as many concerns that have been voiced as they sit there in stony silence, Rutter's is proposing 11, 20-foot high-lighting poles and 8, 30-foot high lighting poles. Glare from artificial lights can impact wetland inhabitants habitats that are home to amphibians, such as frogs and toads, whose nighttime croaking is all part of the breeding ritual and interference with that will reduce their populations. Light pollution, as was mentioned before, is one of the most rapidly increasing types of environmental degradation. Outshining starlight and moonlight. The natural world is supposed to respond to the sun's natural patterns of light. That's why we have seasons. That's why we have a day and a night. Natural life recognizes this because most natural life is photosensitive. So what causes this pollution? Poor planning, insensitivity for the environment? Bucks over preservation. Believe it or not, we are all part of the environment. Even the flowering of plants and trees have been observed to be delayed, affecting insect emergence, which then

throws off what is fed to baby birds. Their population decreases, and that affects predators and so on up the food chain, and we are part of that food chain. Aquatic insects experience complete reproductive failure when they lay eggs in artificial light and that throws the ecosystem completely off balance. We all know that Old Crow wetlands is its own ecosystem. Artificial light, and certainly the amount proposed by the truck stop would affect this ecosystem, and not in a good way. Oh, I know I've heard it before, Rutter's isn't a truck stop. Just like a rose by any other name would still smell as sweet. Calling this monstrosity nearly a gas station will still stink as much. The famous landscape photographer and environmentalist Ansel Adams once said it's horrifying that we have to fight our own government to save the environment. DEP, it's time to listen to the people's voice and not big business and do everything in your power to uphold your mission statement to protect Old Crow Wetlands. Thank you. (88)

141. **Response:** The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

142. **Comment:** I'm a resident of Huntington County, Pennsylvania. Although I'm not a resident of Smithfield Township, I do have an interest in the preservation of the wetlands at Old Crow. My first question is this, are you familiar with the Adjudication issued on September 25, 2019 by the Environmental - Pennsylvania Environmental Hearing Board Docket Number 2017013 and the subsequent decision by the PA Supreme Court on Appeal of the EHB Decision? The following are all comments first from the EHB Adjudication. These are direct comments. The DEP is the Commonwealth Agency with the duty and authority to administer and enforce those laws designed to protect the environment of the Commonwealth. In accordance with Article 1, Section 27 of the Pennsylvania Constitution. The Environmental Hearing Board's role in administrative process is to determine whether the DEP's action was lawful, reasonable and supported by the de novo review of the facts. In order to be lawful, the DEP must have acted in accordance with all applicable statutes, regulations and case law and acted in accordance with its duties and responsibilities under Article 1, Section 27. The Board found it, not only curious, but perhaps noteworthy, that most of the experts for the DEP never visited the site at all and merely opined on theoretical questions of wetland classification and relied on data sheets filled out by the Permittee's analysts, none of whom presented any eyewitness testimony. Of the four DEP witnesses, none visited the site prior to tree-clearing on that site. Scott

Williamson, the DEP's Environmental Program Manager for the Waterways and Wetlands Program who signed the Chapter 102 and 105 Permits, testified that the Department does not go out to verify wetland boundaries and instead relies on the information presented in the application. All the witnesses for the Department and the Permittee blindly relied on the forms completed by mystery wetland assessors. The Department's experts simply take it for granted that the data sheets someone else filled out are accurate. The EHB ruled in favor of the plaintiff's assertion that the DEP did not verify information provided on the 102 and 105 Applications. In the Decision by the Supreme Court of Pennsylvania Middle District decided on February 22, 2023, the Opinion by Justice Wecht stated, the principal responsibility for ensuring the permits have been issued properly and that the permitted activities are consistent with the Clean Stream Laws Mandates lies with interested citizens and organizations. Specifically, the CSL provides that any person or municipality adversely affected by DEP actions may appeal to the Environmental Hearing Board, so it falls to those individuals and entities to identify any flaws or irregularities in the approval process and to appeal accordingly - and to appeal DEP decisions, often at considerable expense. The General Assembly has accordingly granted the Board discretion to shift the costs and attorney fees associated with CSL Permit appeals among the parties to those appeals. These are my words. In other words, if the DEP screws up, private citizens organizations can appeal, and if they prevail, can have their attorney fees and court costs paid for by the DEP. Back to the Decision; the CSL is correspondingly voluminous, and it is supplemented by many regulations that further flesh out DEP's broad array of responsibilities. The Board observed that it is DEP's responsibility to issue defensible permits, and it is DEP's action that the Board reviews. DEP's argument in this case is not that it should not have been assessed the modest fees ordered, but rather that it should have to bear - should not have to bear the cost of those fees alone. My words; in other words, DEP did not appeal the ruling that it did not verify permit information. It appealed having to be the only defendant to pay fees. So given this background, my second question is this; why wouldn't DEP want to defend its permit issuance by doing, at bare minimum, onsite inspection to verify Permit Application veracity? Why wouldn't DEP want to send off any potential appeals to the EHB, knowing that if it loses, it will be liable for attorney fees and court costs? Be the Department of Environmental Protection, dubbed, don't expect protection. (31)

143. **Response:** The comments are acknowledged DEP and the HCCD have taken appropriate measures to verify that the permit application information is correct, including a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential

Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site. Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant's compliance history. Specifically, the Department previously executed a consent assessment of civil penalty ("CACP" through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter's project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

144. **Comment:** I am a Conservation Forester, USDA Retired, and a concerned member of the Coalition to Save Old Crow Wetland. I have partnered with PennDOT on managing invasive plants and pollinator garden for many years at Old Crow. As a federal employee, I took for granted the DEP had regulations in place to safeguard this pristine wetland from any detrimental encroachment. It seems almost unbelievable that we are now fighting to protect it. For the record, the Coalition opposes the issuance of the NPDES Permit due to the obvious degradation of the wetland. If the Rutter's facility is allowed, the stormwater from the adjacent Walmart complex is definitely contaminated. Why would anyone think the same would occur from Rutter's? There is no guarantee that the quantity and quality of these discharges will not degrade the wetlands. Nearly seven acres will be converted from water retaining grasslands to paved impervious surface that will be highly contaminated by road salt, oil, grease, automotive fuels and many other pollutants that will wash off and flow into the collection system during storm events. This impervious area will increase the amount and the velocity of water that is introduced to the wetlands during storm events. Rutter's NPDES Permit states, as part of their stormwater plan, to directly discharge into the wetlands from two locations. Their retention system is designed to overflow when a mere two year, 24-hour storm event occurs, which is 2.66 inches for this area, that is over 505,000 gallons of water going into an already full-to-capacity wetland. Even with a small storm event, the emergency spillways will be over top. This can lead to erosion and sedimentation problems along with endangering the actual function of the wetlands. In addition, we believe Rutter's is using outdated rainfall data. As we are all aware of, with climate change, the frequency of these severe rain events has greatly increased. We request that no harmful discharge would occur into the wetland. We also request that if Rutter's is allowed to build, there should be required strict monitoring, maintenance and reporting requirements. We understand that the receiving stream from the complex is ranked WWF with no special protections, and that the PNDI indicates no species of concern for flora or fauna. While the construction doesn't encroach on the wetlands itself, the facility will absolutely have negative effects, both environmentally and otherwise, on the wetlands. The quantity of the water, along with the quality of the water, will degrade this wetland complex. If the facility is constructed, not only will the wetlands, wildlife and habitat

suffer from this degradation, taxpayer dollars will have to be spent to clean it up, or the mitigations that are tied to it will no longer be valid, and the owner of the wetland, PennDOT, will be responsible for the remediation work. How can one permit allow the dumping of the collected contaminated waters of another person or entity into this property? The stormwater is not being discharged to waters of the Commonwealth until after the wetland complex. Their NPDES current application states that the discharge is to Juniata River via the wetlands. They are definitely encroaching on their wetlands with this. In closing, I'd like to say, Central Pennsylvania has very few pristine treasures like this wetland complex, and it needs to be preserved for all who benefit from it. If we don't stop reckless development now, it will soon be too late. I do want to thank DEP for their thoughtful consideration in this matter and for addressing our concerns as presented tonight. Thank you. (86)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. Wetlands are a water of the Commonwealth and are defined as surface waters in 25 Pa. Code § 102.1. Therefore, wetlands are the first surface water that the proposed project discharges to. Runoff volume up to and including the 2yr./24 hr. precipitation event are required to be managed in accordance with 25 Pa. Code § 102.8(g)(2). Runoff volume for precipitation events greater than a 2yr./24hr. event are not required to be managed for volume. Runoff rates are required to be managed up to and including the 100yr./24hr. precipitation event. In addition, the permittee used rainfall data acceptable to the Department to prepare the design of the approved BMPs for this project. While the site is designed to discharge at precipitation events greater than the 2yr./24hr. precipitation events, the rate of runoff up to and including the 100yr./24hr. precipitation event is being managed at less than or equal rates to that of the pre-construction rate of runoff from the site to the wetlands. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

Finally, Land use, including where development may occur in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

145. **Comment:** I've been an educator for 62 years, and my hope is that the Department will base its decisions on factual data administered with mindfulness of the wetlands vulnerability. One needn't have read Rachel Carson's Silent Spring or Elizabeth Colbert's Pulitzer Prize Winning, The Sixth Extinction, to realize the natural world is imperiled, whether it be in the Amazon rainforest or a seven-acre parcel of land one-mile away from our meeting this evening. Without a strict regimen of groundwater testing by independent analysts before and after the tentative massive landscape disturbance planned on a slope above Old Crow, how will anyone know the health or degradation of groundwater over time? Regularly-submitted analytical groundwater tests with penalty clauses for infractions should be a prerequisite before the first bulldozer is started up. I respect those of you in positions of authority. I respect the qualifying educations you earned. The fate of Old Crow should rest in the hands of educated, caring professionals with a sense of stewardship for the land whose legacy is currently in limbo. Wendell Berry wrote this poem called Peace of Wild Things. When despair for the world grows in me, and I wake in the night at the least sound in fear of what my life and my children's lives may be, I go and lie down where the wood drake rests in his beauty on the water and the great heron feeds. I come to the peace of wild things who do not tax their lives with forethought of grief. I come into the presence of still water and I feel above me the day blind stars waiting with their light. For a time, I rest in the grace of the world and am free. Thank you. (39)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters.

DEP and the Huntingdon County Conservation District will routinely monitor the project during construction. Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth, including groundwater. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

146. **Comment:** I'm in oppose to this Permit and I'm going to ask some questions here and eventually would like answers. First of all, why is a permit being considered that allows stormwater to be collected on construction property and discharged to another property that is not part of the project or the ownership? Please show where the acceptance of this discharge is agreed to by the receiving property owner. The discharge is not planned as planned is not to the waters of the Commonwealth. There are other ways to discharge this stormwater other than what is proposed. Were there any alternatives considered at any time in this Permit Application? Who is responsible to monitor the discharges post construction for compliance with the permit if it's issued as it is drafted? What is the frequency of monitoring? Is the reporting available to the public? Who is responsible for the degradation when it happens? This room is filled with people that I think that know that it is inevitable that degradation will occur if this permit issued. Why has there been no site visit during the review by DEP for this Application? You recently issued almost an identical permit to Rutter's to build in Antis Township, Blair County. The construction began last week and already a deficiency in the ENS plans has been noted. An entire hillside is disturbed with no vegetation and no ENS controls because nobody visited the site to see that the water would run there. This is what happens when you rely on plans submitted with no field evaluation. As your agency name states, you should be protecting the environment. The issuance of this permit does exactly the opposite of that. Please listen to this group of people who are assembled here tonight. Protect Old Crow from being destroyed and deny this permit. Don't hide behind the letter of the law and pay attention to the intent of the law. Thank you. (71)

Response: The comments are acknowledged. The approval of coverage under this Individual NPDES permit does not convey any property rights, or any exclusive privilege. The proposed project discharges to wetlands, which are waters of the Commonwealth and are defined as surface waters in 25 Pa. Code § 102.1. DEP understands that PennDOT's review of the required Highway Occupancy Permit (HOP) includes drainage onto PennDOT property. Interested individuals may contact PennDOT District 9-0 for more information about the status of any HOP submitted for this project. For the purposes of obtaining a Chapter 102 individual permit or coverage under a general permit authorization, the applicant is not required to provide or identify their legal right to discharge stormwater onto an adjacent property. This permit does not convey property rights. Those rights are typically a private matter between landowners.

For long-term operation and maintenance of the PCSM BMPs, Plan Sheet 2 of the "Post-Construction Stormwater Management Plan" set indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also Indicates the subsurface infiltration facilities are to be inspected after a one (1) inch or greater

stormwater event. The property owner's long-term operation and maintenance of the PCSM BMPs must ensure that the discharge of non-stormwater discharges does not occur from the site. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth, including groundwater. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns, including whether local ordinances require specific criteria for where stormwater is discharged or whether the evaluation of alternative sites is required. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans and permit conditions.

DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023. Regarding the reference to E&S controls that were not included along a hillside slope at the Antis Twp. Rutter's project; the approved plans for the project required installation of E&S Controls in the referenced location. M&G Realty and their contractor failed to implement the approved plans. DEP subsequently took an enforcement action against M & G Realty and their contractor for those and other violations of their permit. The referenced enforcement document is available at DEP's Antis Township Rutter's No. 82 project website.

147. **Comment:** I'm offering testimony this evening on behalf of myself and my wife, Alice. We reside in Sinking Valley, near Altoona. We've been coming to Old Crow Wetland for about a quarter century now. We enjoy the wetland because of its bird life and because of its amphibians and reptiles. We really enjoy the plants of Old Crow and we believe that all those are threatened by this developer's proposal. Last year, in response to this threat there was an organization formed here called the Coalition to Save Old Crow Wetlands. So myself and my wife joined the Coalition immediately. Over the past year, the Coalition has grown to over 500 members. The Coalition has led field trips to Old Crow. We've had award-winning environmental educators such as Doug Wentzel of Shaver's Creek Environmental Center here on several occasions to do bird walks. Noted bird enthusiasts from Huntington County from the State College Bird Club have done walks here. We've circulated a Petition against this proposal, which has garnered more than 2000 signatures. As you can see, there's a tremendous amount of community opposition to this project. This wetland is not just an ordinary wetland that has only value for wildlife. This particular wetland really should be visited by people in the DEP because it is very accessible to everyone in the community, and it is used extensively by everyone in the community. Primary and secondary school students visit the wetlands with their schools. It's used by

Juniata College for environmental studies. It's used by Penn State Altoona. It's used by Penn State University Park. It has extensive uses for educational purposes. There's a trail network that's maintained there. There's a very large pavilion with picnic tables. As Chris Shook noted, there's a pollinator garden. Really thousands of people visit this wetland, and perhaps tens of thousands, even on a yearly basis, visit this wetland. It is the most visited wetland in all of Huntington County. It has the highest number of bird sightings of any location in Huntington County. More than 220 species of birds have been noted at Old Crow Wetland, and several of them are endangered and threatened in Pennsylvania. Now, what Rutter's wants to do is construct a seven-acre impervious surface. Right now, that seven acres is almost entirely grass with some trees and shrubs. It's going to be a drastic change in stormwater runoff from that situation. We're going to have stormwater runoff that's going to be contaminated by warmth in the summer, the asphalt parking lot in the heat of the summer will get very hot. That warm water will be discharged into the wetlands. Warm water contains very little oxygen, it's going to harm the aquatic life. The water also will contain gasoline. It'll contain diesel fuel. It'll contain antifreeze. In the winter, you'll have road salt runoff into the wetlands. The stormwater runoff from the wetlands will have a tremendous impact. In addition to the aesthetic degradation of having this facility immediately adjacent to the wetlands, there's no way you're not going to be able to see it. It's going to be everywhere. It's going to be right in your face. It's a massive truck stop. It's a truck stop immediately adjacent to the water. It's basically an aesthetic annihilation of this wetland. So we ask that based on those factors, you deny this permit. There's just no way, just commonsense dictates that there's no way that you could build a facility like that next to this wetland and not result in degradation of water quality. Lastly, I'd like to say that, too, recent cases which were mentioned earlier, that the DEP was reprimanded for not visiting sites and verifying permit applications, that definitely needs to be rectified. As far as I know, as far as yesterday, no one from the DEP has visited the site. And secondly, the DEP recently was sued by downstream states because of DEP's dereliction of duty in protecting the waters of the Commonwealth from degradation, resulting in contamination of streams entering the Chesapeake Bay. So this is the DEP's opportunity to rectify both of those efficiencies by visiting the site and by denying this permit so that we don't have further degradation. Thank you very much. (51)

Response: The comments are acknowledged. DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns, including whether local ordinances require specific criteria for where stormwater is discharged or whether the evaluation of alternative sites is required. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

148. **Comment:** I'm the President of the Friends of Huntington Borough Trails, which is a non-profit whose mission is to promote and protect our local trails and natural areas. The intrinsic value of nature is priceless. Every bit of wilderness has value to itself and its relationship to other natural systems. Natural areas such as Old Crow have value to us as well. We go to places like Old Crow to seek solace and peace of mind. Building a Rutter's adjacent to Old Crow will utterly destroy its intrinsic value in disturbing its natural systems via light pollution, noise pollution, pollution from runoff, et cetera, and will destroy its value to us as well as a place of solace. In this ever populating, ever-developing world, it is essential that we protect places like Old Crow lest we pave over everything that we hold sacred in exchange for dollar bills. The fact is, we don't need another gas station. The only significant economic benefit that could be reaped here is on behalf of Rutter's itself. This arms' race between Rutter's and Sheetz is, quite frankly, ridiculous. The real question is, do we want to live in a world with endless sprawl of gas stations and box stores, or do we want to do the important work of saying no to endless expansion and yes to gems like Old Crow? As evidenced by the number of people in this room, the numbers of signatures that have been gathered, and the fact that the people of this region have firmly rejected another development, namely the Hans Peninsula Marina Project, the people clearly say no to the Rutter's project. We urge you to say the same. Thank you. (67)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans and permit conditions.

149. **Comment:** I share my friends concerns for Old Crow Wetland, but I want to call your attention to a rather different kind of concern, and that has to do with traffic management. I want you to picture the sighting of what is going to be the only access to Old Crow, a dedicated stoplight at the base of a steep incline on Route 22, where westbound, eastbound traffic will be brought to a halt from a high rate of speed to zero; where westbound traffic attempting to climb a steep grade, bear in mind, we're talking trucks here, will have to accelerate from zero to a suitable highway speed. This stoplight, serving Rutter's Gas Station only, is right at the head of an on-ramp from Route 26 onto Route 22. I envision a traffic nightmare there as merging traffic crosses traffic trying to turn into Rutter's. So we

have tremendous potential at this location for accidents, for traffic fatalities, for other kinds of incidents, for road rage, for things that degrade the quality of our environment. Of course, this isn't simply a traffic nightmare. There are broader ecological implications of having this kind of behavior. Picture the increased fuel usage of bringing all those vehicles to a dead stop. Mind you, for the sole purpose of allowing vehicles to turn into Rutter's Gas Station. This stoplight will serve no other function. Imagine the increased air pollution. We all know that diesel trucks starting up from nothing spew out a lot more particulate. Imagine the increased noise pollution associated with this intersection. All of those trucks descending Route 22 are going to be applying their jake brakes. This is running right past Greystone Manor, right past Village District. Imagine the increased spillage of pollutants and toxins from accidents. There was a turnover accident at this very location just yesterday in the absence of a stoplight. Contaminants from any activity that happens in this vicinity is inevitably going to drain down slope, down gradient into Old Crow. So we have a multitude of sins, a multitude of issues associated with this site and with the sighting of a Rutter's in this location. And I would submit that environmental protection in a human sense and in a broader ecosystem sense, involves looking at far more than just stormwater runoff. Thank you. (70)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Concerns about traffic, traffic lights, and the HOP may be directed to PennDOT. As identified in Part B.III.H.-Other Laws of permit PAD310013: No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#). Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

150. **Comment:** I'm speaking here on behalf of the State College Bird Club. The measure of the quality of a wetland ecosystem such as Old Crow is in the diversity of plants, animals, insects, fungi, microorganisms, all of these leading - making a many-layered system of food webs. I'm here to talk about birds, which are at the top of these food webs and food chains and therefore serve as an indicator of the quality of the ecosystem. Birders have been visiting Old Crow for some 25 years. It's probably the most often visited birding location in the county, both regular local birders and many from outside Huntington County and even Pennsylvania. Annotated lists of all bird species and detailed numbers from over 2,300 such visits are recorded in database at Cornell University and provide a detailed assessment of the bird life there. To date, at least 222 species of birds have been recorded at Old Crow, from waterfowl herons, and sandpipers, to raptors and woodpeckers, to a very wide range of salt birds. Some are year-round residents, most are not. They are here in summer or winter and/or during spring and fall migration. Always throughout the year, there are different species coming and going depending on this wetland. Of the 222 species, approximately, 40 to 50 nests in or at or near Old Crow, dependent on the excellent and reliable sources of food and cover there. These include conspicuous species such as Canada Goose and Wood Duck and Bluebird, but an even greater number, the less conspicuous things like willow fly catcher, yellow warbler, tree swallow, Baltimore oil, and many, many more. Included in those 222 species are nine Pennsylvania endangered or threatened species, several of which are found regularly at Old Crow, and including, most notably American bittern, least bittern, gray egret, black-crowned night heron, yellow-crowned night heron and northern harrier. High-quality wetlands are not common in Huntington County. The most important component of a wetland like Old Crow is, of course, water and the load of pollutants it carries. In this case, the runoff from seven impervious acres of what is now a seven-acre grassy field, fuel-related hydrocarbons, salt and various particulates, as well as the possibility of a larger fuel spill, sometimes possibly even catastrophically so. Water from the footprint of this project will enter underground storage chambers, lined in part by just soil, gravel and rock. Most of the water and whatever pollution is carried with it will inevitably leach downhill into the wetland below, immediately within feet adjacent to the Rutter's pavement. My question simply, how can any entity justify giving approval to this project on the basis that it would not impact the wetland? Thank you. (35)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

151. **Comment:** My question simply, how can any entity justify giving approval to this project on the basis that it would not impact the wetland? Thank you. (81)

Response: The comment is acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

152. **Comment:** I'm from the village of Valley View in Centre County, here to oppose the stormwater plans for Smithfield Rutter's. First to M&G Realty, if you insist to build on this sensitive site, please be an environmental steward and good neighbor and add riparian wetland buffers to your stormwater management plans. A 30-foot wide riparian buffer would act as a filter for sediments and pollutants and help alleviate many impacts to the Old Crow Wetland. Conventional stormwater management infrastructure methods have become increasingly inadequate to address emerging pollution mitigation needs. Use of natural stormwater mitigation repairing buffers, naturalized swales and soil buffer additives such as biochars have been found to be effective. A bit of reengineering the stormwater retention and discharge areas could help mitigate impacts. I asked the Pennsylvania Environmental Protection Department to deny the permit for several reasons. Old Crow is a public natural resource of Pennsylvania, which must be conserved and maintained for the use and benefit of all Pennsylvania citizens as guaranteed by the Pennsylvania Constitution. The Stormwater Management Plan fails to control contaminated stormwater runoff from impervious surfaces and fails to conserve and maintain the Old Crow Wetland. Rutter's response to DEP's Technical Deficiency Letter fails to address NPDES Deficiencies. Rutter's has failed to respond proactively to correct deficiencies and is instead trying to dodge environmental issues by claiming that the site has no real significant impact due to the size of the site in relation to nearby natural groundwater infiltration areas. Rutter states that they do not believe construction will result in lost functions in values in the Old Crow wetlands. This argument fails to acknowledge or address stormwater discharges from multiple contamination hotspots that will impact the wetland. The plans lack sufficient infrastructure to mitigate seven acres of impervious surface stormwater runoff containing gasoline, diesel, glycols, hydrocarbon contaminates, including truck and automotive fluids from fuel spill hotspots that will discharge to Old Crow from two discharge points. Rutter stormwater discharges without further mitigation will impact the environmental health,

water quality and water quantity of Old Crow Wetlands tributary to the Juniata River. The DEP Technical Deficiency Letter contains recommendations described as strong to use native and pollinator species and plantings given the proximity of final discharge slope to the wetland boundary. The DEP has urged Rutter's to use best management practices for wetland and floodway revegetation after construction. These DEP strong recommendations are directly related to potential future environmental issues concerning impacts from the Rutter's erosion and sediment control and post-construction of stormwater management plans. Rutter's has mostly ignored DEP's strong advice to use a barrier of native species and pollinator plants as part of the stormwater plan. The revised plan does not appear to include a substantial or effective repairing buffer, but instead notes use of some unnamed native species and something called a level spreader to promote, what Rutter's describes, as a more natural discharge of stormwater. A 30-foot wide repairing buffer would provide natural infiltration of stormwater while helping to mitigate the vapors, fumes, lights and noise that will impact Old Crow Wetland. The Old Crow wetland is an important groundwater source to surface water component, supporting the health of the Susquehanna River Basin and the Chesapeake Bay watershed. Old Crow is at an important and sensitive intersection of critical water resources, including the nearby Murphy Spring source. As proposed, this project will cause inevitable environmental damage to the ecosystems, natural wildlife, hydrogeological systems, water quality and water quantity of the Old Crow Wetland. For Old Crow to remain vibrant and healthy, further steps must be taken to mitigate the impact from lights, noise, fumes, impervious surfaces, stormwater runoff, and automotive and truck fluids. Finally, there needs to be a record established of current environmental conditions at Old Crow. I asked for collection and analysis of wetland soil and water samples to establish baseline conditions at Old Crow prior to site development. And again, I ask Rutter's and M&G to please consider using a different site that's not so damaging to the environment. Thank you very much. (81)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Land use, including where development may occur in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns.

Finally, DEP has considered the full impact of the project in accordance with our statutory authority and Article 1, section 27 of the Pennsylvania Constitution. During the permit review process for this authorization, the Department coordinated about this project internally with biologists with expertise related to wetlands, air program staff, storage tank program staff, and safe drinking water program staff. The Department coordinated with PennDOT about the wetland as well as traffic concerns. The Department also consulted with the Pennsylvania Game Commission regarding comments received about threatened and endangered bird species near the proposed project site. M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified. The Department coordinated with the local municipality about traffic, lighting, litter, and noise concerns. To provide for enhanced protection of water quality at the site, the Department inserted special conditions in the permit for the policing of litter and fuel spills at the site. Further, in order to provide enhanced protection of the wetland, a special condition was also inserted to require the permittee to implement the Lighting Photometrics Plan that is approved by the local municipality.

Additionally, the Department considered the permit applicant's compliance history. Specifically, the Department previously executed a consent assessment of civil penalty ("CACP" through which the permit applicant and co-permittee paid a \$73,153.00 civil penalty for violations which occurred during their/its construction of a different Rutter's project. The Department also ensured that the violations at the site were resolved before assessing the civil penalty through the CACP.

153. **Comment:** Thank you for the opportunity to be your voice for Old Crow Wetlands. My wife and I relocated here eight years ago after we retired. When we first visited Huntington, we knew that we had found our new home. One of the places that we love to visit here is Old Crow Wetlands. This hidden gem is a sanctuary to plants, for animals, for birds, amphibians and for transplanted city folks. It is home to over 200 species of birds, as you have heard, including at least a half-dozen endangered species. It embodies everything that we love about Huntington County and Central Pennsylvania. Learning that Rutter's plan to build a very large truck stop, slash, gas station, slash, restaurant, slash, beer distributor and grocery store adjacent to this fragile ecosystem, was distressing. Our community is rich in natural history, natural beauty, mountains, lakes, rivers, forests, grasslands. While some development is beneficial to the community, being a good steward of the Earth requires us to do this in an intelligent and thoughtful way, protecting the natural beauty of the area. Rutgers has an aggressive expansion planned over the next five years, building an additional 50 stores in Pennsylvania and surrounding states, adding to their current inventory of 82 locations. Their immediate plan calls for large truck stops in Blair and Huntington Counties. In both Huntington and Blair Counties, Rutter's is planning to build these immense facilities in the shadow of fragile ecological wetlands and

waterways, endangering these resources with pollutants and other hazards. While our communities recognize the value of new economic activity in terms of jobs, revenue and other resources, we expect our new neighbors to act responsibly and protect, rather than endanger our precious environment. There are many other sites where Rutter's can more safely operate this proposed facility. DEP is charged with protecting our environment and the Old Crow Wetlands, a jewel of our environment, is in dire need of your protection. DEP needs to protect its wetlands with over 200 species of birds, with wildlife, with native plants and pollinators, DEP needs to protect the sanctuary that nurtures our human spirit as well. If you're not going to protect this precious natural resource from the environmental risks of a neighbor harboring thousands of gallons of fuel, carbon monoxide, belching tractor trailers, stormwater runoff laden with hydrocarbon, why do you even exist? Please protect Old Crow. Please protect us. Thank you. (98)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns, including whether local ordinances require specific criteria for where stormwater is discharged or whether the evaluation of alternative sites is required. The DEP regulations that implement the NPDES permitting programs do not require a permit applicant to evaluate alternative sites. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans and permit conditions.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\)](#) Aside from the DEP diesel vehicle idling laws, PennDOT requires annual emission testing and inspection for certain other motor vehicle types. In addition, the DEP does regulate visible fugitive dust emissions from roads, streets, and parking lots. More information on the regulation of fugitive dust emissions can be located at 25 Pa. Code §§ 123.1 and 123.2. Further, if a person observes a potential visible fugitive dust emission, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](#) or by phone at: 866-255-5158. If the observed environmental condition constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

154. **Comment:** Thank you for calling this hearing. We have been encouraged for this hearing to only address the issuing of an NPDES Permit to Rutter's basically, that means how much nasty water will be coming off the fueling station, rolling down the slope to the Old Crow Wetland, and how do Rutter's plan to control it? If there were time available tonight, I'd prefer talking about some of the problems with the Rutter's proposed land development at the intersection of Routes 26 and 22, such as cutting off the top of the little hill there, which won't change the fact that runoff from a paved parking area will still rush down that hillside, thousands of gallons with every storm eroding anything in its path and warming the water of the wetland at the bottom of the slope. If there were time tonight, I would ask about the fact that Rutter's says there will be no new or increased discharge to non-surface waters. Will there be new water? Or I could ask about stormwater runoff going into the wetlands and being stored in tanks that have no bottom. So ultimately, all that discharge will leach into the wetlands and whatever is in the contaminated, salty oily, scummy water will go to where the amphibians now live and the birds drink. How can you store anything in a container that only has five sides, not six? I could ask about why a large company can collect and dump runoff onto Old Crow's property. Isn't that illegal? I won't be asking what the Department of Environmental Protection thought when they visited this site either, because I'm not sure they have visited it yet. We've all heard the phrases, I was just in the right place at the right time, or another one is, I was in the wrong place at the wrong time. For this project, there is no right time and there never will be, and this is definitely the wrong place. I served on the Huntington County Planning Commission for 30 years. I wasn't an engineer. I was an educator, but I learned a lot about land development appropriate planning, good stewardship, appropriate use of a property and when not to kill the golden goose. This proposed land development doesn't match any of those positive qualities. When someone pitched a development plan to the Huntington County Planning Commission, that didn't seem appropriate when it was missing too many parts or when it just didn't fit the property. It was scrapped. Not by us, because we only reviewed the proposal, but by the developer. This does not fit the proper use of the land. It's more trying to fit a square peg and a round hole. Ordinances say it's not good use of the land. The people say it's not a good use of the land. And if it happens, ultimately, the birds and animals who now use this land won't be able to be there anymore because it will be unhealthy. Please deny this permit. Thank you for your time. (33)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has and Smithfield Township may have authority to address the matter as deemed necessary.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

155. **Comment:** Rutter's claimed in their application that they will not impact Old Crow. That is simply not true. Paving over seven acres of grass and soil will dramatically increase the amount of surface runoff that enters Old Crow. Wetlands are extremely fragile ecosystems, and too much water can and will degrade them. Additional water over several years has major impacts on the health and condition of a wetland. Even the smallest flood can damage a wetland's water regulation capacity. This could lead to a higher water table, causing increased flooding. A wetland functions by cycling nutrients. The plants that inhabit a wetland absorb and fix these chemicals, releasing a safer form into the soil and air. An increase in water over a prolonged period of time will greatly decrease the amount of oxygen in the water and soil, altering the plant's ability to absorb nutrients. As the plants die, so will the insects. When the insects die, so will everything else. All of the food for migrating birds, amphibians and reptiles will be gone. Not only that, but increased runoff will affect Old Crow sediment load. Accumulation of sediment in wetlands affects wetland volume, water retention, and plant community structure by burning seed banks. This will alter Old Crow's hydrologic function, shorten its lifespan, and diminish its ecological utility as little as a half-a-centimeter of sediment is sufficient to significantly reduce emergence of both wetland seedlings and invertebrates, the primary food source of wetland-dependent vertebrates. Furthermore, when sediments diminish basin depth to less than one meter, tall, robust emergent perennials, such as cattails easily outcompete annual species to eliminate open shore and open-water habitats important to waterfowl. This isn't taking into consideration the chemical pollution that will be included in the runoff. Have you calculated the amount of anticipated runoff that will enter Old Crow as a result of seven acres of impervious surface directly adjacent in upslope to the wetland? Old Crow is currently at its water capacity, and adding any additional water would inhibit its ability to maintain appropriate design functions. Who is going to monitor the water depth, pre and post-construction? As it is, Old Crow is highly productive and biodiverse. It functions as it was designed. It provides habitat, flood control, groundwater purification and recreation with knowledge of basic wetland functions and hydrology. How do you justify approving this project and claim that Old Crow will not be impacted? And when it is, who will pay for the degradation of Old Crow? Will it be taxpayers? We know that Old Crow is a mitigation bank wetland with several projects invested. Will these projects be required to find new wetland banks when Old Crow no longer functions as intended? Please do your jobs as an agency. Visit the site and verify the information Keller Engineers provided. If you don't have the staff to conduct on-site evaluations, you shouldn't be issuing the permit. Thank you. (91)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations.

It's important to note that the Old Crow wetlands adjacent to the project site were designed with two mechanical water control structures and PennDOT manages the water levels to maintain adequate habitat and wetland goals accordingly.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

156. **Comment:** Many people have talked about the runoff and the problems with the toxic materials and all that. Somebody mentioned about the water being heated. If you got the sunlight coming down during the summer or anytime, and that asphalt becomes very, very warm and then the rain comes, that water goes into the wetland much warmer than it should. And you know that the problem with warming waters, loss of riparian zone and just global warming in general, it threatens all kinds of fish species, including our State Fish, the Brown Trout. Another point that somebody mentioned, the air pollution. I took some time and looked at the World Health Organization's statistics about Huntington and Huntington County, and it turns out we have some substandard air quality issues in Huntington, and one of them in particular, besides the particulates somebody else mentioned, is the nitrous oxide that's part of all diesel emissions. Nitrous oxide, when it combines with sunlight, forms an ozone layer. And that was one of the points in the World Health Organization's analysis that Huntington has too much lower-level ozone. I looked at the American Lung Association, their statistics or data about ozone. I knew that, or I had guessed and knew that respiratory problems like emphysema and asthma would be exacerbated by the ozone layer. I also found out, according to the - again, the American Lung Association, that it's also contributing to higher rates of heart attacks, strokes, infant mortality rates and premature births. So the ozone in Huntington is already substandard. It's going to affect the lives of people that work and live here. Many of the issues that I was going to talk about, I'm here with the Sierra club, by the way. Huntington is part of our Moshannon Group. Finally, what I just like to say is, I think everyone in this room, everyone, probably knows that this project could be developed somewhere way more appropriate than what's being proposed. I always like to ask, could they find a more inappropriate location for such a development? I have an issue. We have - one of our people I came down with has a pet emergency and so don't think we're too rude, but we have to go and get back to State College. Thanks for your time. (10)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has and Smithfield Township may have authority to address the matter as deemed necessary.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The evaluation of potential thermal impacts from stormwater runoff from a proposed project is one of the criteria that an applicant is required to identify and address. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

157. **Comment:** Good evening. When one considers all the facts that you're hearing tonight and will hear at a later time, no questions should remain about why it is inappropriate to develop a seven-acre paved parcel of land uphill and adjacent to Old Crow Wetland and within mere feet of its boundary to accommodate a convenience store and gas station and whatnot as I warrant here tonight. To think that such a project does not pose a threat to the ecology of the wetland is incomprehensible. But imagine for a dreadful moment that Rutter's is built. People pumping gas or diesel fuel into their cars, trucks and boats are not likely to think of environmental threats as they rush to get to their next destination, but the products these people are handling are unquestionably toxic and hazardous pollutants, hydrocarbons created from fossil fuels that will, without a doubt, get to the wetlands along with salt runoff from acres of paved ground. It is reported that Rutter's gave a sizable grant, many thousands of dollars to a conservation project in their home community of York, Pennsylvania. Why is it that Rutter's plans to come to this community without giving more thoughtful consideration to their environmental impact? Old Crow Wetland is an easily accessible area, a beautiful and natural green space in which people can escape the hurried sickness of this world. Why did Rutter's answer no to encroachment on wetlands impact of their project on the individual permit form? How can Rutter's justify this response? What is the mechanism to verify that there will not be any Chapter 105 issues, such as encroachment on the wetland by the Rutter's project? According to DEP, Huntington is an environmental justice community, Claire mentioned that, and there have been no public meetings to address community concerns. In fact, in their Building Permit Application to DEP, Rutter's responded not applicable to the question, have you addressed community concerns that were identified? This has been going on for years now. There have been lots of community concerns identified. Regarding stormwater discharge,

Rutter's did acknowledge on the individual permits that stormwater discharge would go into the wetlands during and after construction. Yet, later in the Application, Rutter's said there would be, quote, no new or increased discharge to non-surface waters in the wetlands. How does DEP explain this contradiction? As groundwater will be increased, how will DEP hold Rutter's accountable to the fact that PennDOT actually designed the wetland to hold a specific amount of water? Why is DEP not requiring Rutter's to send stormwater discharge away from the wetland? How will DEP require Rutter's to measure the volume of pavement runoff? How will DEP require Rutter's to prevent contaminated water from reaching the wetland? Are the proposed inlet filters designed to remove all hydrocarbons, antifreeze, et cetera, from the pavement runoff? Is DEP asking Rutter's, what is Rutter's definition of a significant rain event? And how soon after such an event will inspection and maintenance occur? How often will these filters be checked and replaced? Will DEP require Rutter's to pay for and test pavement runoff or contaminants and how often? Based on the Geotech Engineer's Report, does DEP agree or not agree that infiltration is really a viable and appropriate means of stormwater treatment? In the end, a quote from Shakespeare reminds us that time's glory is to calm contending kings to unmask falsehood and bring truth to light. Thank you. (100)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns.

No wetland impacts or encroachments into or along the wetland are proposed by the permittee, therefore, no water obstruction and encroachment permit is required under 25 Pa. Code Chapter 105. Since the only proposed discharges from the site are related to the earth disturbance activities, the proposed project is required to comply with the applicable provisions of 25 Pa. Code Chapters 92a. and 102. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth.

A portion of this comment questions Rutter's assertion that there will not be an increased discharge to non-surface waters and that an alleged contradiction exists. There is no contradiction. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth. The question about discharges to non-surface waters relates to surface runoff of stormwater onto adjacent property that is not defined as surface waters. This project discharges directly to surface waters. The question about discharges to non-surface waters within the application also does not pertain to groundwater. Rutter's is proposing to maintain surface discharges of stormwater to surface waters, the UNT to Juniata River via wetlands in a manner consistent with the regulations. Therefore, the permittee correctly completed the application. Further related to groundwater, it is unclear to the Department what the commentator is referring to when they state "...groundwater will be increased." The permittee's PCSM design approach manages stormwater consistent with the regulations, including the use of infiltration that mimics pre vs. post-construction conditions at the site.

FloGard +Plus Catch Basin Insert Filters are specified for the inlets and are engineered with sorbent pouches to remove primary pollutants from paved surfaces including

petroleum hydrocarbons. Plan Sheet 2 of the “Post-Construction Stormwater Management Plan” set also indicates the property owner is responsible for operation and maintenance of the facilities. The same sheet also provides how often the facilities will be inspected.

DEP and the Huntingdon County Conservation District will routinely monitor the project during construction and until a Notice of Termination is approved by DEP. Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth.

If someone observes a discharge of polluting substances that may be or is in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life, they may contact DEP to file a complaint through the DEP website at: [Environmental Complaints \(pa.gov\)](https://www.dep.state.pa.us/complaints/) or by phone at: 866-255-5158. If the observed discharge constitutes an emergency, DEP maintains a 24hr. hotline for reporting environmental emergencies. The DEP Emergency Response hotline number is 1-800-541-2050.

Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

158. **Comment:** Good evening, and thanks to DEP for having this public hearing to hear and hopefully understand the valid incredible concerns being voiced here tonight. The current plans show the southwestern edge of this project being built within feet of the wetland border. Has DEP personnel visited the site to see how close this border is to the project, to the wetlands? Just a few questions or recommendations if approved, at a minimum in the special conditions of the permit, shouldn't DEP require more of a buffer or transition zone between the two property lines? Can a border wall be required to reduce the impacts of trash, noise and other human activities to the wetland? Another idea would be planting several rows of large growing native trees, such as sycamore or white pine as a buffer. And lastly, as proposed, if this project isn't the poster child for permit denial, I don't know what is. Thank you. (67)

Response: The comments are acknowledged. DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with

the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. DEP notes there is no regulatory requirement to buffer or setback earth disturbance or construction activities from wetland boundaries. DEP has added Special Conditions to the permit to address the use and planting of native vegetation species at the site and to require implementation of the "Rutter's Trash and Fuel Spills Standard Practices for Store #93". The "Rutter's Trash and Fuel Spills Standard Practices for Store #93" includes the installation of a 6-foot high solid vinyl fence to assist in preventing trash from entering the wetland. The permittee has also provided a Landscaping Plan in which they plan to plant several native species of trees throughout the project site and including between the retaining wall and the Old Crow Wetland property boundary.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

159. **Comment:** I'm the Conservation Chair for Juniata Valley Audubon Society, and we're part of the Coalition of Save Old Crow Wetland. I represent over 600 Audubon members in Central Pennsylvania, which includes Huntington County. A critical part of our mission is to protect nature in our chapter area, especially birds in their habitats. We're very concerned about Rutter's Application to develop seven acres of impervious surface directly adjacent to Old Crow Wetland. I'd like to remind DEP that your mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health safety of its customers, of the citizens, through a cleaner environment. You are tasked to prevent pollution and restore our natural resources. Research shows that wetlands cannot be managed in isolation. Neighboring land use needs to be taken into account, and land use planning for conservation. Construction adjacent to wetlands has been shown to result in the significant loss of biodiversity and, of course, cause water pollution. Old Crow Wetland is a gem of biodiversity and recognized as a hotspot for birds, especially during migration. These migratory stopover habitats are critical for birds. Other people told you over 200 species of birds use as wetlands. And while we don't have any documentation that any endangered or threatened species actually breed there, we know this wetland is very important for endangered and threatened species of birds. On the individual NPDES Permit Application under stormwater discharge information, questions one and two, Rutter's responded that stormwater discharge will go into the wetlands during and after construction, but their response to question five, and I'll quote, and you heard this before, there will be no new or increased discharge to non-surface waters. This seems to be a definite contradiction, and I would challenge DEP to figure out just how this is going to work, because when stormwater from a paved surface where gas and oil and hydrocarbons are present, will carry pollution, and there's going to be an increased amount of discharge from the impervious surface. So we would like to know how Rutter's can come up with that statement? We think the increased discharge should be recognized as a very important negative impact to Old Crow Wetland, so how can DEP ignore this negative impact? We would like to know your answers. Furthermore, the NPDES Permit states that Rutter's may not discharge substances that are harmful to the water used by humans, animals, plants or aquatic life. Other people have already asked you this; how will DEP enforce this? How

will the monitoring be occurring? Research also shows that vegetative buffers are very effective in reducing erosion and pollution entering aquatic ecosystems, and Gary just asked this question; if DEP does approve the permit, can you require a vegetative buffer of native trees and shrubs? The Pennsylvania Fish Commission says that 35 feet are needed to effectively reduce pollution and erosion. So we would ask that you actually require a 35-foot vegetative buffer if this permit is approved, which we hope it is not. Thank you for the opportunity to speak tonight. (42)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

A portion of this comment questions Rutter's assertion that there will not be an increased discharge to non-surface waters and that an alleged contradiction exists. There is no contradiction. By state law or regulation, wetlands are both a surface water and a water of the Commonwealth. The question about discharges to non-surface waters relates to surface runoff of stormwater onto adjacent property that is not defined as surface waters. This project discharges directly to surface waters. Rutter's is proposing to maintain surface discharges of stormwater to surface waters, the UNT to Juniata River via wetlands in a manner consistent with the regulations. Therefore, the permittee correctly completed the application.

The DEP and Huntingdon County Conservation District will routinely monitor the project during construction and through Termination of the permit for this project.

Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Polluting spills and unauthorized discharges to waters of the Commonwealth are handled on a case by case basis by DEP. Specific remedial measures that may be needed in any given situation are based upon the specific circumstances of such unauthorized polluting discharges. Should future concerns arise about the nature of the discharge or whether the PCSM BMPs are functioning as designed, DEP has, and Smithfield Township may have, authority to address the matter as deemed necessary.

DEP notes there is no regulatory requirement to buffer or setback earth disturbance or construction activities from wetland boundaries. DEP has added Special Conditions to the permit to address the use and planting of native vegetation species at the site. The permittee has also provided a Landscaping Plan in which they plan to plant several native species of trees throughout the project site and including between the retaining wall and the Old Crow Wetland property boundary.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Therefore, DEP has determined that routine water quality monitoring of the stormwater discharge by M&G Realty, Inc. is not necessary.

160. **Comment:** Good evening, fellows, and thank you for convening this public meeting here this evening. My first question is one that's been repeated several times, and I go through it again; has anybody, the hearing officers, visited Old Crow Heron Area - or Wildlife area, which is near the proposed construction zone of the Rutter Store. Next question would be; has there been any studies and or research done which would support the need for such a large service plaza adjacent to the Old Crow Wildlife Area, which is highly probable of polluting the Old Crow Wildlife Area? I guess I need to back up. I'm a Retired Wildlife Conservation Officer. The next question I would ask is; with all the work which has been done to clean up the Chesapeake Bay, has anyone consulted with the Chesapeake Bay or any other groups involving in the cleanup regarding this proposal, which ultimately, is going to have effects on the downstream water? Next question is; is the hearing officers familiar with the history of the Old Crow Wildlife Area, an area which PennDOT established as a mitigation area for wildlife habitat losses as a result of highway construction? Has PennDOT, or any of their partners who were involved in the establishment of the Old Crow area, been invited to provide comments? The next question I would ask is; water runoff from the proposed Rutter's complex is ultimately going to wind up in the Old Crow Wildlife Area, has DEP's Bureau of Waterways and Engineering and Wetlands or anyone else done a safety review of the impoundment which is on the Old Crow Wildlife Area or the flood control dam that is there also? With the increased amount of water coming off of that seven acres of concrete or blacktop, it's sure to increase the amount of water in the Old Crow, and we all hear about the hundred-year flood. What happens if we have another hundred-year flood with the Old Crow and the flood control dam? The big question is, are we willing to allow the future of this magnificent, one of-a-kind wildlife area be subject to possible destruction by private industry? As the protectors and stewards of our natural environment, we must be willing to speak up for those critters which cannot speak for themselves. With all due respect, I ask that you deny the permit request for construction of the Rutter's Store Number 93 PA310013. Said denial would be in keeping with DEP's Bureau of Waters and Engineering's Wetland Mission Statement, to provide for the comprehensive regulation, permitting and supervision of dams, reservoirs and water obstructions and encroachments in order to protect the health, safety, welfare and property of the people, and to maintain the natural resources of Pennsylvania. And we've heard to hear about different locations, just a general background comment is; when the Walmart store just across the 26 from where this proposal is, was put in, it was granted and there was supposedly going to be a fueling station put in at Walmart, 200 yards from where this one is, will that ever come to fruition? Who knows? Secondly, there's an old truck stop within two miles of this proposed location that sits idle today, why not look at that option? And like I said when I started out, we all have made the question, have you visited the area? And I will tell you right here that I would extend a personal invite to give you a tour of this area if you would see fit. Please deny the permit. (90)

Response: The comments are acknowledged. DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns. Further, development projects throughout Pennsylvania, including gas stations, subject to the 25 Pa. Code Chapters 92a and 102 and adjacent to surface waters, including wetlands, have adequately managed stormwater to maintain water quality and protect the designated and existing uses of waters of the Commonwealth. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations, both during and after construction.

DEP has consulted with PennDOT and has received comments from PennDOT about the proposed project. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The DEP is not clear on what is meant by a 'Safety Review' of the impoundments in the wetlands. It's important to note that the Old Crow wetlands adjacent to the project site were designed with two mechanical water control structures and PennDOT manages the water levels to maintain adequate habitat and wetland goals accordingly. In addition, PennDOT regularly inspects the impoundments to assess any maintenance needs of the impoundments and is responsible for the integrity of the dams and impoundments at the Old Crow wetland site.

161. **Comment:** Thank you for having all of us tonight. I'm a Senior at Juniata College. When I heard that Old Crow was at risk of having a large truck stop and gas station built uphill of it, I felt powerless. This semester came along and it was time to work on my capstone study. I decided to base my capstone on the birds at Old Crow, thinking that maybe if I cataloged the bird diversity at Old Crow as thoroughly as possible in the present and in the past, maybe I'd be able to offer a point of reference in the case of disturbance in the fauna at the wetlands. A colleague and I went out to Old Crow every Saturday morning for seven weeks and sorted through ten years of historical e-bird data in order to generate results, saying, this is what you should expect at this time of year. We learned that a significant number of species, and many individuals of those species passing through the area, rely on Old Crow for their wintering grounds, migratory stopovers and breeding grounds. Not to mention the several species that use the wetlands as a year-round habitat. From blackbirds to buffalo heads, to swallows and sparrows of multiple species, but that's not all we did. We also sorted through all of the historical e-bird data for Old Crow from 1998 to this past week in order to determine how prevalent the Pennsylvania threatened and endangered species are there. We found that virtually all of them have utilized Old Crow's habitat at

least once, many several times. And sightings have been increasing over time. Great egrets, American bitterns, short-eared owls, you name it. Now, if a truck stop and gas station were to be built there, that could all go away in the relative blink of an eye. Not only did we do this study to pass our Capstone course, but in order to have a voice. We want not only our plate to be heard, but for those of the birds to be heard as well. People from all over Pennsylvania and other states travel to Old Crow Wetland to see its wildlife, and birds from all over the Americas stop at Old Crow Wetland for its nurturing hand. Hopefully, our work can be of use. My study has been submitted as a public comment. Thank you. (20)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning, not by DEP. Concerned parties may confer with the municipality about these concerns.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations, both during and after construction.

The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

162. **Comment:** I'm here, I'm opposed to the construction of a truck stop gas station on the property near the Old Crow Wetland. A few weeks ago, I attended a bird walk at Old Crow. I was captivated by all the creatures there using this space, and they were thriving in this space. During my visit, I happened to notice some geese that were on the bank where this proposed truck stop might be one day. I envisioned what that would look like, and I didn't like what I saw. However, more concerning, I thought about the potential unseen hazards that will present themselves should this project be approved. What lies beneath that has the potential of poisoning this pristine wetland? That is a PennDOT bank mitigation wetland created in 1997, and it's a successful one. Rutter's plans call for infiltrating potentially contaminated stormwater into the ground where it will inevitably reach the groundwater that feeds into the Old Crow Wetland. Why choose to put this wetland at risk and contamination of and threaten its vitality? Why is DEP not looking at the totality of the impact of stormwater on the wetland and the surrounding environment? Watching the news each day only brings more urgency to this matter, as more land and more freshwater

suffer the adversities of what were originally thought to be well-designed plans. Thank you. (29)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Further, Part C.IX.D. of permit PAD310013 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the permittee to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the permittee to ensure that various personnel understand the requirements of the permit, including the PPC plan.

163. **Comment:** First, thank you for hosting, holding this meeting tonight. I appreciate you being here. Second, I would like to thank Rutter's for this outlandish proposal because without Rutter's and this proposal, I, as a community member, I live in Northern Huntington County up near McAlevys Fort. I never realized how caring, eloquent, intelligent this community is until tonight. The amount of work they put into the questions that they put before you is just amazing to me. I am inspired to be a part of this community, truly. So thank you to this community. As an individual, Old Crow for me, I raised two sons in the Huntington Area School District and as a coach for soccer and little league baseball, you know, there are times when you need a break in between the double header or whatever and you need a place to go and so Old Crow has been that place for me as a place to escape and just be in touch with nature and there is no place like it in Huntington. There really is not. It's a place of - again, it's an oasis. So you know, there's a mental health crisis in this country. People need green spaces, and Old Crow is one of those spaces that needs protecting just for that reason. As a professional, I've worked for 32 years as an environmental educator. I had the privilege of working for Penn State and Shavers Creek Environmental Center. As an educator, again, there is no place like Old Crow. I have been asked by the Huntington County Conservation District to join them in the field to be a part of an environmental science high school class. It's close to the high school again, it's just an amazing place. So to walk with high school students at Old Crow as a teacher and the Conservation District, I don't know where else I would do that as an educator. Department of Environmental Protection, I know you care about the environment, and Old Crow is one of those places that allows the citizens of the

Commonwealth to see what environment means in a functioning ecosystem. I know of no other place that is quite like Old Crow. I would ask you to truly consider this proposal and please reject it for just the simple if you -. I'd love to take you to Old Crow. Tonight, I walked with a group of people. We saw three gray egrets there tonight. Where else in Huntington do you find three gray egrets? They really - that place is what it means to protect an environment. Thank you for your time. (105)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

164. **Comment:** I am a senior at Juniata College, graduating this May with my degree in Environmental Advocacy. My project partner, Elizabeth Bailey, and I, have completed our capstone project on the water quality of Old Crow Wetland, pre and post- development. I am presenting our introduction and methods to our project. Our project created an assessment of the current water quality in Old Crow Wetland. In addition, we were able to statistically predict how that water quality is likely to change if the proposed development uphill of it would go forward. Despite only covering about six percent of the Earth's surface, wetlands are among Earth's most important ecosystems for plants, for animals and for us. Over 40 percent of known plant and animal species live in, breed in or migrate through wetlands. Wetlands also provide invaluable ecosystem services, such as water purification, carbon storage and flood control. It is because of those reasons that our mission is to study Old Crow Wetland and to protect its value. pH and total dissolved solids are both capable of having a significant effect on the health of a wetland. The Environmental Protection Agency has a standardized listed range of healthy pH within a freshwater ecosystem, where it would be 6.5 to 9 is considered healthy. Any higher or lower can see significant die-offs within the ecosystem of plants and animals, killing the wetland and preventing it from providing its ecosystem services. Meanwhile, Chapter 93 of the Pennsylvania Code entitled Water Quality Standards, allows for a maximum of 750 milligrams per liter of total dissolved solids within freshwater. Any more and the overall water quality will decrease. As total dissolved solids are well known to affect other water quality parameters such as conductivity and Ph. Beginning in February and ending in 9 April of this year, my project partner and I spent seven weeks studying Old Crow. We picked two sites within Old Crow to do water testing. One still site from within Old Crow's main pond, and one flowing site where water exits a drain pipe and into the wetland. In addition, we studied three other freshwater ecosystems within the Huntington Area. The purpose of including these other sites was to have additional water quality data to compare Old Crow to in order to properly assess its health. These sites included a small wetland beside the mitigation pond near Walmart, a pond at Woodcock Valley Community Park, and a small wetland on Juniata College's campus. We visited each site once a week. At

each visit, we tested the water for a wide variety of water quality variables, hoping to create as comprehensive of the water health assessment as possible. Samples were collected from each site each week to test at Juniata College's lab for ion and sulfate levels, and other parameters were measured on-site with a handheld multi-parameter probe. In addition, we collected two samples from each location to run through an ICP-OES. One was taken five days with no significant precipitation, and the other was taken within 24 hours of heavy precipitation. This was done to determine if runoff from nearby developments had a significant effect on water quality within our test sites. By the end of those seven weeks, we had a comprehensive data set on the water quality within Old Crow, and of the parameters we tested for. We found pH and total dissolved solids to be the most statistically significant and important to discuss, and we concluded this; Old Crow is already at its limit. The standards for pH and total dissolved solids are results of extensive professional discussion and research and were implemented to protect Earth's delicate and vital ecosystems. We now provide you with our own extensive and professional research to uphold these standards and to protect the ecosystems our community considers vital. My project partner will now provide you with the results of our project. Thank you all very much for your time. (76)

Response: The comments are acknowledged. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

165. **Comment:** I am a Senior at Juniata College graduating in ten days with my degree in Wildlife Conservation. I'll be discussing the results of Sarah and I's projects. We conducted statistical analyses of our data in Excel and JASP and found the most important results in levels of total dissolved solids. Of all the sites we tested, the small wetland beside the Mitigation pond near Walmart had the highest TDS readings overall at 990 milligrams per liter. This greatly exceeds the minimum of 750 milligrams per liter as set by Chapter 93 of the Pennsylvania Code. Old Crow is not far behind, having consistent TDS readings just below the maximum level. Additionally, the effect of location on TDS is statistically significant. A range of TDS values can be predicted based on the site of data collection, again, reflecting results. That Old Crow Wetland has nearly as high of readings as the wetland near Walmart's Mitigation Pond. This is especially relevant given that the Walmart wetland site is directly downhill of a major gas station. If construction proceeds as planned, Old Crow will be in a nearly identical situation to the Walmart Pond, where construction of Rutter's would increase Old Crow's TDS levels past the current Pennsylvania Code standard. Because the EPA sets the healthy range of pH in freshwater ecosystems between 6.5 to 9 to prevent damage to those ecosystems, proper construction and maintenance procedures require pH correction to meet those standards. Standard pH correction practices are often implemented by large developments, like the proposed

Rutter's, and are designed to release total dissolved solids into the water by passing that water through a filter of granular metals to neutralize the pH. Other developments in this area that run off into Old Crow already use these methods to mitigate for pH. Were Rutter's to follow suit, however, Old Crow, which is already just below the healthy limit for TDs, would be pushed past it, resulting in die-offs of plants and animals and a degradation of the wetland as a whole. A report written by Keller Engineers, Incorporated was recently released on this construction, which also analyzed how Old Crow might be affected if the trucks that were built as planned. Their report states that the TDS levels in Old Crow Wetland are expected to double during and post-construction. This will push Old Crow far over the EPA's limit and will cause damage to its flora and fauna, and ecological services to the community. As a result of our study, we were able to predict with statistical significance that if further development takes place uphill of the Old Crow Wetland, the TDS levels are likely to rise beyond what the EPA considers healthy, and the pH is likely to lower below what the Pennsylvania Code has deemed acceptable. We will not deny that if Old Crow were a healthier ecosystem, it would be possible to mitigate for this increase and decrease. However, as our research has shown, Old Crow is a Wetland teetering just below the line of what is considered acceptable. By the admission of the Keller Engineer's Report, if the proposed Rutter's is constructed as planned, runoff into Old Crow is expected to double, doubling the amount of total dissolved solids that it has to contain. At its current state of health. Old Crow cannot handle this increase. Rutter's can claim what they like, but this data is true. Old Crow was created by PennDOT as a mitigation project. Its original purpose was to accumulate runoff from development and industry, and it is currently serving that purpose well. However, it cannot accommodate a doubling in runoff. If runoff were to double as the Engineer's Report suggests, the wetland could not survive unless they were also to double in size, which is not feasible. It should also be mentioned that the predicted doubling in runoff is based only on a typical two year, 24-hour storm period. Should we see rainfall at higher levels than that, which is entirely possible, as average annual precipitation in Pennsylvania has increased in the past ten years, those results could be even worse. Furthermore, Old Crow has become more than just a mitigation project in the decades since its construction. Not only does it provide ecosystem services in the form of flood control, water purification, and carbon storage, it has become a habitat for a multitude of plants and animals and a beautiful site within the Huntington community. Rutter's have stated that Old Crow represents only three percent of the watershed, and that is true. It is our three percent in this time and this place. It is a three percent that is worth protecting. To conclude, Old Crow, as it currently stands, cannot handle the increase in total dissolved solids that a proposed construction will create. If construction goes forward as planned, all of the benefits provided by Huntington's wetland will disappear. And anyone who wishes to have a copy of our research paper may see me after this meeting. Thank you for your time. (4)

Response: The comments are acknowledged. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and

treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

166. **Comment:** I did not know if I was going to speak tonight because I don't believe that you all are actually going to listen to anything that I say, take it into consideration and I don't believe that it will influence any of your actions and those feelings are based on my previous experience with the DEP. In 2016, your agency issued Chapter 105 Permits for an interstate pipeline project. My family was one of many impacted by that company's project. Before any destruction took place, my family begged your agency to visit the site because we knew that information in the Permit Application was wrong. It wasn't until destruction began, and the property owner was in jail for trying to protect her own property, that your agency finally sent someone to the site. Even after that site visit, DEP still stood by the obviously inaccurate information on the environmental permit applications for the project. My family was subsequently forced to sue your agency for issuing that bad permit. We won. Your agency appealed, and were dragged along all the way to the Pennsylvania Supreme Court in an effort by your agency to reduce the amount of fines that they were held responsible for. In my opinion, in their Decision about that appeal, the Supreme Court read your agency for filth, deservedly. They told you to do better. Yet, here we are again. All these people talking at you, while you plan to allow a corporate rivalry to dictate the state of our environment. Here we are again, begging you to do your job and protect the environment and the people who depend on it for their own health and well-being. So my questions for you are; why did you join the DEP? What were you thinking when you applied for your job? Was it just about a paycheck? The status as a public official? Was there any love and respect for the environment in your heart? Do you sleep well after listening to hours of people begging you for protection, knowing that you're not going to provide it? Do you want that to be your legacy? (32)

Response: The comments are acknowledged. DEP believes the commentator has misconstrued or misunderstood the holding of a recent Supreme Court decision. In any event, DEP and the HCCD have taken appropriate measures to verify that the permit application information is correct, including a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023.

167. **Comment:** This is more a rehash of what everyone else has said. We all know how important wetlands are and the DEP knows that wetlands protect our water and animals. Wetlands are so important that the Pennsylvania Department of transportation created Old Crow to mitigate the damage they caused the wetlands during road construction. The mission of the DEP is to protect the health of the environment. Also is the EPA has now required it to improve the quality of water flowing in the Chesapeake Bay. (27)

The recent rating of the Chesapeake was D-plus. An annual crab dredge counted the least number of blue crabs in 33 years. How can the water quality be improved by allowing

truck stop to run pollution into the wetlands. Corporate entities are required to make profit and spend the least they can to protect the environment. They do what they are compelled to do and no more.

Constant inspection is required. Up to yesterday, the DEP had not had enough time and personnel to inspect this site at all. How will the DEP protect Old Crow Wetland if it lets construction go ahead? Rutter's will run at 24 hours a day, night - day and night producing noise, light and various chemical pollutions. In what possible way can Rutter's benefit the taxpayer-created wetlands? My taxes. Your taxes created them. Now corporation promises it will value them. I'm smart enough to know that they will try to avoid any costly regulation. There are infinite ways a truck stop in its continuous line of vehicles will degrade our taxpayer created wetlands; Diesel and gasoline fuel tanks, can and will the pipes in these break, when old tanks are removed from gas stations that have sold, the DEP many times require the soil to be trucked out and clean material to replace it. The soil on neighbor's property isn't tested, but it is logical to assume that it is polluted by the fuel that leaks from the tanks. This is proof that the tanks at Rutter's would be a clear and present danger to our taxpayer-created wetlands. Every night the animals in the wetlands will be assaulted with bright light. Study after study has proved that this is a health hazard to animals and insects. Animals communicate with sounds and the constant noise of the Rutter's property will disrupt this communication. A required wall and buffer zone should be required to approve this permit. Protecting the health of the environment is the mission of the DEP. The permit for storm runoff should judge the ability of water from the storms to an area downstream from the wetlands. Storms are getting larger and carrying more water because of warmer temperatures. The runoff from a large gasoline polluted parking lot will in no way protect the taxpayer created wetlands. There are businesses all around Old Crow. This is the only wetlands. Only one place needing protection. Please, DEP, do your job. Protect our wetlands, help improve the Chesapeake Bay, protect our invested tax money and the 221 species of bird and various animals that live in Old Crow. Thank you.
(27)

Response: The comments are acknowledged. DEP and the HCCD conducted a site visit to the proposed Rutter's 93 site and Old Crow wetlands on August 15, 2023. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. The stormwater management criteria in Chapter 102 require management and treatment of stormwater discharges for rate, volume, and water quality in accordance with the regulations prior to discharge of the stormwater to surface waters. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of the UNT to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site

and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

Regarding concerns about noise, DEP conferred with Smithfield Township and was advised that Smithfield Township does not have a "noise" ordinance within their SALDO or elsewhere in their ordinances.

168. **Comment:** When I walked in here today, I was asked to do an interview with WTAJ, after which, I was verbally confronted by one of the firemen that use this facility sitting in the back, and he told me that we all have it wrong, that this is not a truck stop. By definition, a truck stop, and I looked it up just to clarify, is a large roadside service station and restaurant for truck stops and driver --- I'm sorry, for drivers to stop and take care of business. Let's call a spade a spade here. He shoved his finger in my face. I thought it was very inappropriate. I'm an outdoor writer for several magazines in Pennsylvania. I'm an illustrator for the Pennsylvania Fish and Boat Commission, and I am the artist of the 2021 Pennsylvania Duck Stamp, Waterfowl Management Stamp, which has saved over 5,000 acres of wetlands in Pennsylvania. I can tell you also that my group, Friends of Tipton Wetlands has adopted over half-a-dozen wetlands that were mitigated by PennDOT and we have a contractual obligation to pick up litter at these locations. I have already spent hours of sweat and blood putting up bat boxes for endangered bats of which Old Crow is our biggest chance of bringing back the little brown bat. Seven miles from this location, we have a population of little brown bats that are showing resistance to white nose syndrome, and I specifically had a friend, my friend Terry, drove from Erie to help install these because of this. Now those bats threaten - their entire future is threatened by light pollution, potential light pollution. Rutter's successfully won a case near my home in Pinecroft where demolition of forested habitats has already begun the ruination of my favorite hawk-watching site, as one of Blair County's top birders. Last year, I got to watch a family of red tail hawks feed their young in the very spot where the Rutter's is going to go there. Several rare species of ducks that only pass through the State at a certain time of year were also viewed at the adjacent wetland behind Martins, of which the water quality will be diminished, but we're not here to talk about that one. As a published wildlife artist and writer, I'm hoping for a positive outcome for Old Crow. As I work on my next painting featuring the Old Crow Wetland, what image will I feature in my background? Will it be a grassy field used by the families of Canada Geese and grassland birds, or will the painting contain an image of a hideous truck stop? Or how will the DEP's involvement in Rutter's encroachment be remembered by our children and our grandchildren? Our area is being paved over, unnecessarily by two highly-competitive companies, and when does it end? Every doorstep, every place I go to bird, there is a Rutter's or a Sheetz. I'm not anti-Rutter's. I'm not anti-Sheetz, but I can walk from Bellwood Sheetz to the new Rutter's

location to Greenwood Sheetz by foot, so nobody's in danger of not having gas or running out of gas between those locations. Furthermore, these places sell overpriced junk food, liquid sugar with bubbles in it, lottery, gambling and attract, as somebody that worked for the company for five years, Sheetz. attract sometimes the wrong kinds of folks in your community. It really brought me out of my shell. 221 bird species use Old Crow as a stopover. Now, the U.S. Fish and Wildlife Service doesn't consider it vital because it's a stopover. If you have points A, B, and C and you remove point B, which is where these birds are resting, which is Old Crow, how do we -? What do we do? Where do we go from there? If we can - as we sit here to contest this eyesore, the fastest-known endangered little bat population has a chance, it's going to be up to you guys and your decision on this Permit, whether this species can bounce back and greatly reduce the amount of West Nile Virus which has decimated our State Bird, the Ruffed Grouse, population, as well as bald eagles. I'm also a permitted wildlife capture and transporter through the Pennsylvania Game Commission and I bring wildlife to rehabilitation. The number of birds yearly that we get affected by West Nile only increases. If constructed, the bright lights of Rutter's will confuse, attract, harm insects, birds, bats and nocturnal creatures that rely on this wetland to survive. One thing I find ironic is that on DEP's Facebook page this morning, they shared an image of how litter, trash and pollution enters our waterways through storm drain and runoff. How on earth can DEP even consider approving this truck stop for Old Crow Wetland when you share such information with the public? Thank you for your time. (46)

Response: The comments are acknowledged. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality about these concerns, including noise. Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police about the trash and litter concerns. The following litter policing plan was provided in the application:

Trash - At Store 93, a 6-foot-high solid vinyl fence will be placed at the top of the retaining wall that is adjacent to the Old Crow Wetlands. This fence will intercept trash from blowing onto the adjacent property. Additionally, the parking lot is "policed", by employees, a couple (or more) times per day to pick up trash, empty trash cans, etc. These practices will minimize any trash that leaves our site.

Interested parties may confer with M&G Realty, Inc. and the municipality about noise pollution concerns.

The permittee prepared a lighting plan as part of the municipal land development process and if approved by Smithfield Township, will have to comply with the municipal lighting ordinance in Smithfield Township as part of Smithfield Township's land development approval. The lighting plan notes that lighting must face downward and inward on the site and be shielded to minimize light transmission to adjacent off-site properties. The lighting plan shows that light transmission in and along the wetland boundary of the site to be approximately 0.1 foot candle. Rutter's has stated that they will install a six (6') high solid fence along the wetland facing side of the site. The solid fencing will further mitigate light

transmission toward the wetland from vehicular traffic within the footprint of the project site. Concerned parties may confer with the municipality about land development and lighting concerns. DEP has also inserted a Special Condition into permit PAD310013 that requires the permittee to comply with the version of the lighting plan approved by Smithfield Township.

M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index (PNDI) search to identify potential Threatened or Endangered (T&E) Species that may be present at or near the project site and any potential impacts to such species. No potential conflicts with T&E Species were identified.

169. **Comment:** Most of my points have been touched on really well and really eloquently by everybody else here tonight. So I'm going to kind of cut this down a little bit. I think everyone's done a really great job about expressing that Old Crow is fragile, it's important and it's vital. One of the big things that I was most concerned about that people have brought up is the fact that the stormwater runoff is designed for, as Chris said, 2.66 inches of rain. I don't know if you guys have noticed, we haven't seen the sun for about two weeks now. So Pennsylvania gets a lot of rain. One of the things I did find today was the Pennsylvania Climate Change Impact Assessment Update. This was written for the DEP, presumably to guide your decision-making process, I'd assume. It talks about the incidence of extreme precipitation observations in Pennsylvania, and it says the rate of this increase is highest - higher than the rate of increase of average precipitation. So while the amount of rain that we are getting is going up to an even greater extent, the amount of extreme rain events are increasing even more often. This upward trend in extreme precipitation in the Northeast United - in the U.S., in the Northeast U.S., is greater than any other region of the U.S. One study reports that heavy precipitation has increased by more than 70 percent between 1958 and 2010, and I think we have every reason to expect that's going to increase by even a greater number. The other incident that I found was important here. Climate assessments for the U.S. Northeast have generally projected an increase in the frequency and severity of intense precipitation episodes. This is the potential to overwhelm combined stormwater and wastewater systems of urban areas, leading to combined outflows that are harmful to water quality. And the recommendation listed in here is that the Commonwealth should continue incorporating anticipatory projections of extreme precipitation as it updates its best management practices for stormwater system and engineering. So this is the report that was recommended to the DEP. And my question is, if Rutter's systems are considered adequate, at what point are they not? At what point are they required to go back and redo them as these projections increase? As the hundred year storm becomes a 50 and 25 to 10- year storm? And how many times they are allowed to be overwhelmed before they'll be required to do something differently? Is there a certain amount of time that they can be overwhelmed, that at what some point you say, that's enough? So I think all the rest of my points here were made, like I said, more eloquently by everyone else here, but - and that was pretty much it. Thank you very much for your time. (13)

Response: The comments are acknowledged. The permittee has demonstrated that the project will manage stormwater runoff from the project consistent with the regulations at the time of permitting using current rainfall data. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. There is not a requirement to re-evaluate or redesign stormwater management plans in the future after the permit issuance to address potential future climate change. The designated and existing uses of the to Juniata River, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plan.