



Individual NPDES Permit No. PAD070014

Permittee- M&G Realty, Inc.

COMMENT/RESPONSE DOCUMENT

March 10, 2023

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: 2100 North George Street, York, PA 17404

Application Number: PAD070014

Project Site Name: Rutter's Store No. 82

Project Site Address: NW Corner of Pleasant Valley Blvd. and Sabbath Rest Rd., Altoona, PA

Municipality / County: Antis Township, Blair County

Total Earth Disturbance Area: approximately 19.25 acres

Surface Waters Receiving New Stormwater Discharges: Sandy Run (HQ-CWF, MF), UNT to Sandy Run (HQ-CWF, MF), and wetlands (EV) The discharges will be conveyed from the site best management practices to the surface waters of the Commonwealth through an existing culvert under Sabbath Rest Road, then by a swale along U.S. 220 (Bus.) East Pleasant Valley Boulevard.

Project Description: Proposed construction of a Rutter's convenience store with fuel dispensing facilities, Parking Lot, and stormwater best management practices.

Effluent limitations and rate or frequency of the discharges: Upon issuance of the permit, 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 (Chapter 102). Rate of discharges as identified in the application and in accordance with Chapter 102.

The Department of Environmental Protection (DEP) made a tentative determination to issue an Individual NPDES Permit to the applicant named above on June 24, 2022. DEP held a public hearing on the NPDES permit application, tentative determination to issue the permit, and draft permit on August 4, 2022. Written comments for this application and draft permit were accepted through August 16, 2022.

Notice of receipt of M&G Realty, Inc.'s complete application was published in the *Pennsylvania Bulletin* on February 6, 2021. See 51 Pa.B. 691. Notice of DEP's tentative determination to issue NPDES permit PAD070014 and availability of the draft permit, Fact Sheet, and notice of the public hearing was published in the *Pennsylvania Bulletin* (pacodeandbulletin.gov) on July 2, 2022. See 52 Pa.B. 3684. Notice of the public hearing was also published in the Altoona Mirror on June 30, 2022 (print edition) and the Altoona Mirror on-line edition on July 5, 2022 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 July 2, 2022 *Pennsylvania Bulletin* publications.

On March 10, 2023, DEP issued NPDES permit no. PAD070014 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/Antis-Township-Rutter's-82.aspx>)

This comment response document contains the public comments submitted to DEP by 42 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).

Table of Contents:

List of Commentators 4

Comments regarding the Erosion and Sediment Control Plan 6

Comments regarding soil limitations and site geology..... 6

Comments regarding the Post-Construction Stormwater Management Plan 10

Comments regarding thermal or other water quality impacts from the proposed project stormwater discharges..... 12

Comments regarding petroleum product spills and other pollutant runoff from the proposed project 16

Comments regarding requests for a public meeting or public hearing 18

Comments regarding the project location/Land Use/Zoning..... 18

General Comments 23

LIST OF COMMENTATORS

1. Laura Jackson, VP and Conservation Chair
Juniata Valley Audubon Society
2. Bill R. Anderson, President
Little Juniata River Association
3. Sarah Chamberlain
Citizen & BelAire Estates Spokesperson
4. John Frederick, Environmental Director and Interim Twp. Manager
Antis Township
5. Jerry Green, President
John Kennedy Chapter Trout Unlimited
6. Clayton Good, Fisheries Biologist
Pennsylvania Fish and Boat Commission
7. Kyrrah Allender
Citizen
8. Andrew Allender
Citizen
9. Tyler P. Amy
Citizen
10. Lee Appleman
Citizen
11. Sandra Beck
Citizen
12. Sam Black
Citizen
13. Carolyn Breuner
Citizen
14. Peter Coutts
Citizen
15. Nathan Davis
Citizen
16. Noah Davis
Citizen
17. Todd Davis
Citizen
18. Paula Ford
Citizen
19. Chelsea M. Worthing
Citizen
20. Larry Hanelly
Citizen
21. Sandra Harshberger
Citizen
22. Paul Hasson
Citizen
23. Harry Irwin
Citizen
24. Josh Jadlocki
Citizen
25. Genie Hanelly
Citizen
26. Michael McElhinney
Citizen
27. Raymond McMullen
Citizen

28. Lee Owen II
Citizen
29. Lee Owen Sr.
Citizen
30. Dennis and Kathy Smith
Citizen
31. Nancy Stolz
Citizen
32. Richard Tate
Citizen
33. J.T. Temchack
Citizen
34. Nate Ulrich
Citizen
35. Jeffrey Wike
Citizen
36. Larry Woolheater
Citizen
37. Cameron Worthing
Citizen
38. Gary Miller
Citizen
39. Claire Holzner
Citizen
40. John Carter
Juniata Valley Audubon Society
41. Kim Gardner
Citizen
42. Lee Bryer
Citizen

Erosion and Sediment Control Plan

1. Comment: Sheet 06 of the ESPC plan appears to show a concrete washout facility being located next to an inlet for stormwater. Please clarify if this is correct and relocate if necessary. (Commentator 2)

Response: The Concrete Washout facility is appropriately located for use during construction and will be utilized prior to the asphalt surface installation. The Concrete Washout facility detailed on Sheet ES-08 is a DEP-approved specification.

Soil Limitations/Site Geology

2. Comment: The Erosion and Sedimentation Control Plan (ESPCP) narrative lists several troubling factors under Soil Limitations in regards to infiltration and excavation on the site. (2)

Response: Soil limitations are addressed in the Erosion and Sedimentation Control Plan Sheet ES-02. Should a sinkhole be uncovered or develop, a "Sink Hole Repair Detail" is shown in the Erosion and Sedimentation Control Plan Sheet ES-08.

3. Comment: Many of these "limitations" could result in the formation of sinkholes. In our view, the "resolutions" provided to deal with these problematic issues lead to more questions than solutions. (2)

Response: Soil limitations are addressed in the Erosion and Sedimentation Control Plan Sheet ES-02. Should a sinkhole be uncovered or develop, a "Sink Hole Repair Detail" is shown in the Erosion and Sedimentation Control Plan Sheet ES-08.

4. Comment: How will steel/concrete be protected from corrosion? (2)

Response: From the entirety of the comment, it is unclear as to what the context for concerns over corrosion of steel and concrete may be related to erosion control or post-construction stormwater management control. Corrosion protection is not a construction practice regulated by the 25 Pa. Code Chapter 102 regulations. Part C.IX.D. of permit PAD070014 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 has a duty to prevent pollution to waters of the Commonwealth. If corrosion of steel or concrete at a site would occur and presents a pollution risk to waters of the Commonwealth, the owner and/or operator of the site would have to take measures to prevent pollution to waters of the Commonwealth.

5. Comment: How and where will water be pumped if necessary? (2)

Response: The Comment is unclear as to the source of water in question. Concerning groundwater encountered during excavation and stormwater that may potentially pond in excavated areas, should the area require dewatering, the groundwater and stormwater will be pumped through a filter bag as detailed on the ESPCP Sheet ES-08.

6. Comment: When will soil borings be conducted? (2)

Response: Site characterization, including soil borings, were conducted in November 2018, as shown in the "Geotechnical Engineering Report", dated November 19, 2018, generated by Advantage Engineers. The DEP notes that the report is titled "Geotechnical Report" on the DEP webpage for the project: (<https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/Anti-s-Township-Rutter's-82.aspx>).

7. Comment: According to the original application submission's engineers report (2018), onsite borings evidenced the existence of several potential problems dealing with excavation, blasting, etc. Will new studies change these findings? (2)

Response: The "Geotechnical Engineering Report", dated November 19, 2018, generated by Advantage Engineers met the current guidance outlined in the "Pennsylvania Stormwater BMP Manual", dated December 30, 2006, Appendix C and regulatory standards for evaluating geologic conditions.

8. Comment: How and when will a "study for Karst geology" be completed and how will they be remedied or fixed if found? (2)

Response: The "Geotechnical Engineering Report", dated November 19, 2018, generated by Advantage Engineers met the current guidance outlined in the "Pennsylvania Stormwater BMP Manual", dated December 30, 2006, Appendix C and regulatory standards for evaluating geologic conditions. A "Sink Hole Repair Detail" is provided on ESPCP Sheet ES-08.

9. Comment: The Geologic Formations/Soil Conditions section of the ESPCP states that the two primary formations found on this site are "subject to dissolution and the development of sinkholes and other karst-related features." They cite a book on sinkholes in Pennsylvania and an onsite reconnaissance not showing karst features in the area. It is our opinion that without diligent surveying/drilling/testing of the proposed construction site that no responsible conclusion can be in this regard. In fact, the 2018 engineering report warns that, due to the pervasive encounters with limestone during their exploratory drilling activities, that the potential of exposing and/or creation of sinkholes is very real and that contact of stormwater runoff with underlying bedrock is of particular concern. (2)

Response: The permittee used an accepted method for pre-development site characterization to analyze the site for pre-construction and post-construction stormwater runoff. All PCSM BMPs shown in the plan sheets have been analyzed by using the appropriate PCSM Spreadsheets and Supporting Calculations.

10. Comment: The Post Development Site Conditions section of the ESPCP states that stormwater runoff will drain similarly to how it drains pre-construction. We find this statement misleading at best since there is currently little or no visible runoff from the site. The section also describes only one proposed Rain Garden but the PCSM models indicate five such facilities? (2)

Response: The permittee used an accepted method for pre-development site characterization to analyze the site for pre-construction and post-construction stormwater runoff. All Six (6) PCSM Basins shown in the plan sheets have been analyzed by using the appropriate PCSM Spreadsheets and Supporting Calculations.

11. Comment: Lastly, this section discusses how runoff will be conveyed through storm sewer systems/channels thus providing "ample time" for the stormwater to be "significantly cooled down and diluted prior to reaching Tributary 16017 of Sandy Run." How much time is meant by "ample" and by what measure is the temperature "significantly" cooled down? (2)

Response: Potential thermal impacts from stormwater running off impervious surfaces are mitigated by infiltration practices which includes infiltrating of the first flush of potentially heated stormwater running off the impervious surfaces. The use of the culvert system shortens the duration the stormwater is exposed to potentially heated surfaces by capturing surface runoff through inlets and conveying the stormwater to the infiltrating facilities.

12. Comment: We suggest a multi-year monitoring plan be required for temperature and water quality chemistry of discharge from the site to ensure that there are no detrimental impacts to the HQ/CWF waters. This plan should also encompass the monitoring, including baseline studies, of Sandy Run and its tributary (16017). (2)

Response: 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 applicable regulations and DEP has determined that monitoring the stormwater discharge is not necessary. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

13. Comment: Part 3 of the Erosion and Sediment Control (E&S) Module 1 states that approximately 19 acres will be disturbed and other sections of the submission state approximately 15.8 acres of disturbance? (2)

Response: The discrepancy is acknowledged. The E&S BMP (Sediment Basin) was analyzed using an appropriate drainage area. The permit is issued using the earth disturbance acreage shown on the "Erosion and Sedimentation Control Plan" sheets for the total disturbance area needed to implement the approved plan.

14. Comment: After review of the Erosion and Sedimentation Control (ECSP) and Post Construction Stormwater Management (PCSM) plans as well as the geotechnical engineering report prepared by Advantage Engineers, LLC. (11/2018) for the project, the LJRA has the following questions and concerns: The engineering report states how difficult many of their boring attempts were due to the hardness/thickness of the limestone bedrock (e.g., only 2 of 10 proposed infiltration tests were able to be performed). They mention that the use of "pneumatic or hydraulic hammers" as well as blasting may be necessary to achieve the desired elevations for construction. The report also states that based on their exploration and published geologic data that "the bedrock surface beneath the project site is pinnacled with significant variation in the elevation of the bedrock surface over short lateral distances." How will the excavation and/or blasting into the predominantly limestone hillside potentially impact subterranean water flow to the streams, spring and wetlands (i.e. is there any connection)? Will paving over this landscape prevent or reduce subterranean flow to the protected features? (2, 31, 38)

Response: The application has demonstrated that there are no impacts anticipated to surface waters. Manipulation of the earth and changing the cover condition inherently changes the stormwater runoff and infiltration characteristics. Through the use of infiltration facilities, the permittee has demonstrated groundwater recharge will occur to maintain pre-construction subsurface hydrologic flow conditions. 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 applicable regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

15. Comment: After review of the Erosion and Sedimentation Control (ECSP) and Post Construction Stormwater Management (PCSM) plans as well as the geotechnical engineering report prepared by Advantage Engineers, LLC. (11/2018) for the project, the LJRA has the following questions and concerns: The engineering report warns that, due to the pervasive encounters with limestone during their exploratory drilling activities, that the potential of exposing and/or creation of sinkholes is very real and that contact of stormwater runoff with the underlying bedrock is of particular concern. How will the overall site be protected from this potential contact, especially the underground fuel tank locations? If sinkholes are encountered and/or created, how might this impact the streams, spring or wetlands? The report also mentions that excavation and cutting up to 23 feet into the limestone

formation will be necessary and could result in opening up springs or seeps. If encountered, how will this “new water” be handled to prevent contact with the limestone substrate? What about precipitation falling on the newly exposed slopes? How will any cracks in the pavement be prevented from allowing water to flow into the bedrock thus potentially creating a sinkhole? (2)

Response: Should sinkholes be encountered during excavation or otherwise form, a “Sink Hole Repair Detail” is shown in the Erosion and Sedimentation Control Plan Sheet ES-08. Should seeps be encountered during excavation, the seep will be directed around the site via the constructed channels and/or culverts. The newly exposed slopes will be stabilized with vegetation per the approved plan. The stormwater falling on the newly exposed slopes has been accounted for in the design calculations and will be managed by the post-construction stormwater management facilities. Repair of cracks in the pavement are the responsibility of the permittee. 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 \(pa.gov\)](http://www.dep.state.pa.us/storage_tanks). As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

Comment: Since the proposed project site is underlain with limestone, how can we be assured that excavation and blasting will not impact these sensitive wetlands and the species that depend on this habitat? (1, 40)

Response: The application has demonstrated that there are no impacts anticipated to surface waters. Manipulation of the earth and changing the cover condition inherently changes the stormwater runoff and infiltration characteristics. Through the use of infiltration facilities, the groundwater recharge volume is greater in the post-construction condition than pre-construction conditions. 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 use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

16. Comment: The specification for Rain Gardens in the E&S plan states that “native plant species with hydric tolerance” should be used but does not include a plant list. Can a proposed species (plant/tree) list be provided? We suggest that all proposed plantings on this site be native to our region. (2)

Response: The “Bioretention Basin Seed Mix” is shown on Sheet PCSM-06A of the ‘Post-Construction Stormwater Management Plan’ set.

17. Comment: The application’s geologic reports identify the presence of shallow bedrock and the presence of karst geology. Given the topography of the site and significant excavation depths required, the PFBC has concerns that the formation of sinkholes and/ or fractures of bedrock could cause degradation to groundwater and potentially result in an adverse impact to the aquatic resources in Sandy Run. The PFBC recommends that reviewers closely examine this potential for impacts to water quality and recommend additional protections or avoidance measures as appropriate. (6)

Response: 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 applicable regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

18. Comment: The report [Geotechnical] found the majority of the site is underlain by limestone. Excavation and removal of this type of rock could require extensive hammering and even blasting to meet their desired depth for construction. The report warns repeatedly of the hazards involved with such excavation and the formation of sinkhole development and groundwater impacts. These findings alone should give great pause and concern when considering approval of this project. (38)

Response: Development projects subject to the 25 Pa. Code, Chapters 92a and 102 in areas with limestone geology and karst topography have successfully managed stormwater throughout Pennsylvania to protect, maintain, reclaim, and restore water quality and the designated and existing uses of waters of the Commonwealth. 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. In addition, should sinkholes be encountered during excavation or otherwise form, a "Sink Hole Repair Detail" is shown in the Erosion and Sedimentation Control Plan Sheet ES-08. The permit does not authorize pollution to groundwater, a water of the Commonwealth. A site owner and operator has a duty to prevent pollution to waters of the Commonwealth.

19. Comment: I fear dynamite blasting during construction will crack the cement sidewalks around in-ground swimming pools and properties as well as the foundations of all homes in this residential area. Who would be financially responsible for dynamite blasting damage?(22, 31)

Response: Blasting is regulated by DEP's Bureau of Mining Programs. For more information about Pennsylvania's blasting and explosives program and to obtain DEP contact information for these programs, please visit the DEP website at: [Blasting and Explosives \(pa.gov\)](http://www.pa.gov). As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

Post Construction Stormwater Management Plan

20. Comment: In the Stormwater Analysis - Runoff Volume section of the PCSM Module 2 an infiltration value of 0.25 in/hr is used in calculating infiltration credits for BMP's 1-6 (rain gardens/bioretenion basins) however, in the following infiltration section states that 15 infiltration tests were completed and no infiltration occurred due to bedrock. Given this fact, it is puzzling how any "infiltration credits" can be given for these features? (2)

Response: The infiltration results on Page 9 of the "Geotechnical Engineering Report", dated November 19, 2018, generated by Advantage Engineers, were utilized in determining the infiltration value. The 0.25 inches per hour value used in the calculations is a factored, conservative value to account for variability in the geology. Infiltration is possible in rock areas, with the typical construction technique being to excavate below the design basin bottom elevation and backfill with a suitable soil material a minimum of 2 feet deep. The Outlet Details provided on Sheet PCSM-06A, show the basins will be constructed utilizing the typical construction technique.

21. Comment: After review of the Erosion and Sedimentation Control (ECSP) and Post Construction Stormwater Management (PCSM) plans as well as the geotechnical engineering report prepared by Advantage Engineers, LLC. (11/2018) for the project, the LJRA has the following questions and concerns: Most if not all stormwater runoff from the site will be directed towards a tributary of Sandy Run and its adjacent wetlands. It appears that the PSCM plans call for two stormwater management facilities, one above ground (rain garden) and one large underground system. (2)

Will these facilities and associated Terra Kleen products prevent release of hydrocarbons and other chemicals from impacting the streams/wetlands?

Response: The operator of the facility will have a “Preparedness, Prevention, and Contingency (PPC) Plan” for the accidental release of chemicals that are found within a fueling facility. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins.

22. Comment: In the summer months, how will pavement runoff (stormwater) with potentially high and lethal water temperatures be adequately prevented from being discharged?

Response: The Department has determined that the permittee has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining a Ch. 102 NPDES permit for this project. Potential thermal impacts from stormwater running off impervious surfaces are mitigated by infiltration practices which includes infiltrating of the first flush of potentially heated stormwater running off the impervious surfaces. Additionally, the use of the culvert system shortens the duration the stormwater is exposed to potentially heated surfaces by capturing surface runoff through inlets and conveying the stormwater to the infiltrating facilities.

23. Comment: Who will be responsible for the monitoring and maintenance of these facilities? How often will they be checked?

Response: Plan Sheet PCSM-02 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 basins are to be inspected after a 1 inch or greater stormwater event.

24. Comment: Will the rain garden stormwater facility basin be lined to prevent infiltration?

Response: The facility will not be lined to prevent infiltration, because the BMP is designed and intended to allow infiltration, because the raingarden is designed to allow infiltration.

25. Comment: How will any leakage from the underground gas/diesel tanks be detected and prevented?

Response: 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 \(pa.gov\)](http://www.pa.gov). As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

26. Comment: Will there be a required maintenance program as part of the Preparedness, Prevention, and Contingency (PPC) Plan? If so, how and who will be responsible for ensuring this program is carried out properly?

Response: 25 Pa. Code § 102.5(l) states—A person shall prepare and implement a PPC Plan when storing, using or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes or hazardous materials onto, on or from the project site during earth disturbance activities. The PPC Plan shall be available upon request by the Department or Conservation District. PPC plan is defined in both 25 Pa. Code § 102.1 and Permit PAD070014 Part A.I.-Definitions. Part C. VIII.-Implementation of Permit Requirements of PAD070014 further provides for the requirements and responsibilities of the permittee and any co-permittees, including in regard to the PPC Plan. A PPC plan will be available onsite for the permittee and operators of the facility to follow should there be an accidental release of chemicals or other materials required to be included in the PPC Plan. The permittee and co-permittees are responsible for ensuring the plan is implemented in the event a spill occurs.

27. Comment: In the engineers report, we wonder if the 2yr Storm Event Change in Runoff Volume calculations are appropriate and accurate given they were done in 2018 and with the increase in seemingly more intense and heavier rain events we are now experiencing?

Response: The design methods and applicable regulations have not changed since 2018.

28. Comment: After review of the PAD070014 NPDES application, the PFBC would like to highlight some potential concerns for the Department to consider during the review of this application. The primary discharge point for the site is at an existing stormwater culvert under Sabbath Road near the intersection with East Pleasant Valley Boulevard. The outlet of this culvert is approximately 300 feet from an unnamed tributary to Sandy Run and the existing channel that will convey the additional stormwater generated on the site offers little to no buffering capacity. This lack of buffering capacity will not provide any additional protection of the aquatic resources in the event that sediment or other pollutants are discharged from the site both during and post construction. (6)

Response: The Department has determined that the permittee has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining a Ch. 102 NPDES permit for 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. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

29. Comment: Related to the large amount of stormwater runoff that will be generated from the impervious surfaces of the project, which equates to approximately 14 football fields, I would question the validity of the data used in the model. The NOAA Atlas-14 data has not been updated for years, thereby significantly underestimating rainfall amounts and storm frequency, especially given recent changes in our climate. The use of inaccurate data in modeling could have dire consequences in designing stormwater BMPs, especially in the ecological sense, such as this one. (38)

Response: Use of the NOAA Atlas-14 rainfall and storm event data is an accepted source for designing stormwater BMPs, both for erosion and sedimentation control and post-construction stormwater management. The permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the applicable regulations.

30. Comment: As DEP is aware, the proposed project is only a fraction of the property being planned for development. If totally developed, runoff on the other 100 acres are approximately 70 football fields of impervious surface could be directed to Sandy Run in the future. Will the infrastructure currently planned to carry runoff through Sabbath Rest Road be adequate for future development? (38)

Response: DEP cannot speculate as to what may or may not be developed on the rest of the property in the future. Additional development of this property would be subject to all applicable DEP statutes and regulations, including 25 Pa. Code Chapter 102. The owner of the infrastructure under Sabbath Rest Road is responsible to ensure adequate carrying capacity of the structure.

Thermal or other water quality Impacts from proposed project Stormwater Discharges

31. Comment: Sandy Run provides a significant amount of coldwater flow to the Little Juniata River which is a popular fishing and kayak destination for enthusiasts that come from all over the Eastern United States. In addition, 13 miles of the river is designated as a Class A wild trout fishery by the PFBC and the LJRA is working hard to expand this designation for the entire river, which supports

wild trout. The river is important economically, especially for the fact it brings in many fishermen that pursue wild trout. They stay in our hotels and hire our local guides.

Any degradation to the water quality of Sandy Run would be detrimental to over 20 miles of the Little Juniata River. (5)

Response: 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 regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

32. Comment: We're concerned that Rutters' proposed plans are not accurate for certain circumstances, such as a large rainfall in July or August when there's a lot of possible route to run off of.(2)

Response: To the extent that the commentator is referring to large rainfall during the summer season and the project having impervious area that may produce warm or hot water runoff, the Department offers the following response. The permittee proposes to manage runoff rate consistent with the rate and volume management and water quality requirements in 25 Pa. Code § 102.8. The regulations at 25 Pa. Code § 102.8(g)(2), in part, require an analysis demonstrating that the PCSM BMPs will manage the net change for storms up to and including the 2-year/24 hour storm event when compared to preconstruction runoff volume and water quality. 25 Pa. Code § 102.8. The regulations at 25 Pa. Code § 102.8(g)(3), in part, require an analysis demonstrating that the PCSM BMPs will manage the net change in peak rate for the 2-, 10-, 50-, and 100-year storm events in a manner not to exceed preconstruction rates. Further, the permittee proposes infiltration facilities that treat any potential thermal impacts of the stormwater runoff. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

33. Comment: The large spring adjacent to the proposed site provides consistent, large quantity of cool, clean water to the adjacent EV wetlands and the Little Juniata River. Any negative impact to these irreplaceable resources would dramatically affect the wetlands and wipe out the Class A fishery that depend on this critical inflow, especially during hot and low flow summer months.(38)

Response: The permittee proposes to manage runoff rate consistent with the rate and volume management and water quality requirements in 25 Pa. Code § 102.8. Further, the permittee proposes infiltration facilities that treat any potential thermal impacts of the stormwater runoff. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

34. Comment: We're quite concerned about the warm water coming down through Sandy Run and the trout.(2)

Response: The permittee proposes to manage runoff rate consistent with the rate and volume management and water quality requirements in 25 Pa. Code § 102.8. Further, the permittee proposes infiltration facilities that treat any potential thermal impacts of the stormwater runoff. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

35. Comment: This 19 acres is crucial to maintaining the water quality of the Little Juniata and its main tributaries, Sandy Run. (7, 8)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. Additionally, the 19 acre site represents approximately 1.3% of the drainage area to UNT to Sandy Run, to which the site discharges. Further, the site represents approximately 0.3% of the drainage area of Sandy Run at the confluence of the UNT with the main stem of Sandy Run.

36. Comment: The project would have devastating impacts on other areas of the Chesapeake Bay watershed.(7, 8)

Response: 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 applicable regulations.

37. Comment: Hot water runoff along with oil, gas, and chemical runoff is a certain threat to these waters and the plant and animal life within the area and beyond. (7, 8, 22)

Response: The permittee proposes infiltration facilities that treat any potential thermal impacts of the stormwater runoff. The operator of the facility will have a "Preparedness, Prevention, and Contingency (PPC) Plan" for the accidental release of chemicals that are found within a fueling facility. The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins.

38. Comment: The location of this project is extremely close to Sandy Run and we see the potential for damaging runoff from the initial construction and permanent parking area that could affect the water quality of Sandy Run, which would in turn would affect the water quality and natural habitat of the Little Juniata River. (5, 16, 22)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

39. Comment: Not only are the recreation opportunities incredible, but the Little Juniata watershed is one of the healthiest in the East which makes the intrinsic value of the river and its tributaries (i.e. Sandy Run which this project would impact) too precious to risk. Pennsylvania has enough compromised streams and rivers. Why ruin one of the few remaining Class A coldwater fisheries? (12, 16, 24, 33)

Response: 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 regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

40. Comment: It took decades for the Little Juniata River to recover and become one of the East's premier trout streams. The sustainable population of wild brown trout and the macroinvertebrate life in the river is a true treasure and contributes to the wellbeing of the entire ecosystem. This river's

health is precarious, and the proposed Rutter Store will most certainly compromise the river and its residents, humans and otherwise. (17)

Response: 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 regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

41. Comment: I urge you to help keep the river clean and healthy. (17)

Response: 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.

42. Comment: This plan would ruin an "exceptional value wetland" and destroy hundreds if not thousands of trees and green space.(20)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

43. Comment: Rutters store #82 could cause issues with the little Juniata River which is such a valuable resource to PA.(26)

Response: 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 applicable regulations.

44. Comment: I strongly disagree with Bill Anderson about his opinion on the runoff. The water will go into a holding pond before it runs into the stream. The temperature would not be nearly as hot as he claims, besides the stream is a good piece away.(35)

Response: 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.

45. Comment: There is no way to properly deal with silt, sediment, chemical and hot water runoff. The negative effect it will have on the environment and fishery is far too much. (37)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

46. Comment: Preserve Sandy Run! How many Class A Wild Trout Streams does this state have? Not so many that this can be sacrificed to a convenience store.(13)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

47. Comment: The proposed Rutter's would include 19 acres paved over, parking for 50 trucks, and is a very large truck stop for this location. Stormwater flowing off all of the pavement would flow to a tributary and then Sandy Run, which is high quality. No matter what, this will have an impact on the trout in this stream and there will be thermal and particulate pollution.(39)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

48. Comment: Rutter's also wants to sell out blocks to the other 119 acres and presumably all of that will be developed and there will be more impermeable surface for the water to drain into these streams.(39)

Response: DEP cannot speculate as to what may or may not be developed on the rest of the property in the future. Additional development of this property would be subject to all applicable statutes and regulations, including 25 Pa. Code Chapter 102.

49. Comment: I am extremely concerned about the proposed Rutter's Truck Stop. Most importantly, it will be devastating to the environment – wetlands, trout streams, birds, other “critters”, air quality, etc.(31)

Response: 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

50. Comment: Once completed, the Rutter's stop would include 70 acres of impervious surface. Each rain would send heated water into the wetland and Sandy Run, and eventually into the nationally known Little Juniata River. This would destroy a thriving wild trout population in the Little Juniata and destroy a crucial spawning area in Sandy Run, Please do not permit the development of Rutter's 82. It would be an environmental disaster of immense proportions. (32)

Response: The permittee's proposed project will result in 7.33 acres of impervious area at the project site. 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 applicable regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

Petroleum Product Spills and other pollutant runoff from the proposed project

51. Comment: Since Sandy Run is High-Quality Coldwater stream and a Class A Wild Trout stream with adjacent Exceptional Value Wetlands, we understand that any proposed construction is not permitted to degrade this Exceptional Value Watershed. However, building a large trucking facility with underground diesel storage tanks has the potential to cause substantial damage to the downstream environment, which would be the Sandy Run stream and wetlands. (1)

Response: The receiving surface waters for the proposed project are Sandy Run, and the UNT to Sandy Run, which both have designated uses of High Quality-Cold Water Fishes, Migratory Fishes, as identified in 25 Pa. Code § 93.9n. The associated wetlands are classified as Exceptional Value in accordance with 25 Pa. Code § 105.17(1)(iii).

In accordance with the Commonwealth's Antidegradation Requirements at 25 Pa. Code § 93.4a(c) and (d), Protection for High-Quality Waters—The water quality of High Quality Waters shall be maintained and protected, except as provided in § 93.4c(b)(1)(iii) (related to implementation of antidegradation requirements);and Protection for Exceptional Value Waters—The water quality of Exceptional Value Waters shall be maintained and protected. through implementation of the BMPs and the approved plans.

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

52. Comment: We are concerned that large stormwater events will contaminate this Exceptional Value Wetlands area, especially since runoff from the proposed parking lot will be directed toward this area. What type of pollution controls will be in place to filter out any hydrocarbon pollution? How will these structures be maintained and inspected? (1, 40)

Response: The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. Plan Sheet PCSM-02 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.

53. Comment: My specific concerns are for the inevitable runoff to the unnamed tributary to Sandy Run, to Sandy Run, and to the local wetlands. I'm especially concerned about the possibility of oil, gas, and other pollutants from the gas station and also about the use of salt in winter to control ice. These are devastating to freshwater fish, reptiles, amphibians, and on up the food chain. (18)

Response: The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. 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 designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

54. Comment: Commentators express concerns with the amount of debris, pollutants, and gas/diesel, antifreeze, brake fluid, etc. spills which will collect on the pavement and eventually flow into Sandy Run. Over time, these pollutants will disturb the wildlife and ecosystems of Sandy Run and the downstream Little Juniata River (14, 38)

Response: The PCSM BMPs include manufactured devices to separate sediments, oils, and debris from the stormwater prior to entering the stormwater basins. 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 designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

55. Comment: Leakages from offsite underground fuel tanks into the underground, groundwater systems is another real concern. In fact, Rutter's has had two such leaks recently documented in York County. This should not be allowed to happen at this site. (38)

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 permittee has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. 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 \(pa.gov\)](https://www.dep.state.pa.us/storage-tanks) Further, as identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

Requests for Public Meeting/Public Hearing

56. Comment: The DEP should hold a public meeting or public hearing to allow the public to voice their concerns with the proposed project. (1, 2, 3, 5)

Response: On August 4, 2022, DEP held a public hearing on the NPDES permit application, tentative determination to issue the permit, and draft permit. Written comments for this application and draft permit were accepted through August 16, 2022.

57. Comment: Thank you for holding this public hearing and for hearing our concerns about this proposed truck stop near Sandy Run.(40)

Response: DEP acknowledges the comments and is committed to public engagement and participation during DEP's review of permit applications.

Land Use/Zoning

58. Comment: The increase in truck traffic from this proposed project will increase the chances for accidents that could result in the spillage of other toxic chemicals or other class of materials.(38)

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 Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Concerned parties may confer with the municipality and PennDOT about these concerns.

59. Comment: Commentators are concerned the development of the property will increase noise pollution. While development of the truck stop may not directly impact our neighborhood [BelAire Estates], outparcels sold for commercial, industrial or residential development will decrease property values and negatively affect the environment and safety of BelAire Estates. Although outparcels will be separate projects from the proposed project, we urge relevant resource agencies to consider the cumulative impacts of all proposed and future development of the property. (3.)

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

60. Comment: Commentators are concerned the development of the property will increase light pollution. While development of the truck stop may not directly impact our neighborhood, outparcels sold for commercial, industrial or residential development will decrease property values and negatively affect the environment and safety of BelAire Estates. Although outparcels will be separate projects from the proposed project, we urge relevant resource agencies to consider the cumulative impacts of all proposed and future development of the property. (3, 40)

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.

61. Comment: I would like to register my great dismay and serious concerns regarding the proposed Rutters truck stop at Sabbath Rest Road in Altoona PA (Bellemeade area) There are SIGNIFICANT environmental issues with this proposal.

In addition, the Bellemeade area has a great number of lovely, well maintained homes (which are a significant source of tax revenue to the Bellwood School District and community).

Having an all-night truck stop in that close proximity would cause a great reduction in property values to this lovely neighborhood. (21)

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

62. Comment: Why do we need to place macadam on acres and acres of pristine land? Why would we need to pollute the air, ground and runoff with diesel fuel? Nowadays, our government is trying to instill in each and every one of us that our planet and how we take care of it is crucial. This is not the place for such construction. It will cause major pollution, noise, crime and deadly roads. Please take your jobs and responsibilities seriously and do not give out permits to destroy all of this.(30)

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. 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 requires 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 regulations. The designated use

of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

With respect to crime, the commentator may confer with the municipality and Pennsylvania State Police with concerns regarding potentially increased crime in the area. With respect to noise and roads, the commentator may work with the municipality regarding these concerns.

63. Comment: I am against or would like to protest or oppose the construction of a Rutters on the proposed site. (7, 8, 12, 15, 16, 17, 18, 20, 24, 25, 34, 37)

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

64. Comment: It would be irresponsible to allow this important parcel of land to be developed. (7, 8)

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

65. Comment: A gas station/truck can be built elsewhere. (12, 13, 22, 24, 30, 33)

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

66. Comment: I'm very much for appropriate development, but not for the excessive ocean of pavement that M&G Realty has proposed for this site. (9)

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

67. Comment: The competition between the two chains [Sheetz store 5 miles away] is not a reason to put this truck stop where it does not need to be built.(25)

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

68. Comment: The proposed project is not needed; motorists traveling either Old 220 or I-99 are not underserved. There are several gas/convenience store options in the vicinity in either direction. (10, 18, 20, 25, 26)

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

69. Comment: I fish the Little J. off the Bellwood exit on a regular basis. You can buy gas anywhere, but wild trout can't live anywhere. The Little J. has had a tough road through the years. Please don't add to it by building a gas station that can be built elsewhere.(36)

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. Municipal planning and zoning is not regulated by 25 Pa. Code Chapter 102.

70. Comment: The project as described in the NPDES application misrepresents the type of project it actually is. The project is actually a truck stop with a gas station and convenience store. Parking spaces for tractor trailers and diesel gas pumps for these tractor trailers appear to occupy over 50% of the disturbed land, thereby indicating the majority use of this land. (14)

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

71. Comment: The project is not appropriate for this location and especially now in the times of climate change. I think DEP should take our concerns seriously and should not issue a permit for this project. (22, 39)

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. 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 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.

72. Comment: The natural world is so much more valuable than any proposed development. It is not worth the risk of creating runoff water that will damage Sandy Ridge wetland, which is an exceptional value wetland that provides a home for the native brown trout. Currently, this is a healthy viable wetland. Despite any mitigation planning that may take place, there's just simply no such thing as zero impact. (41)

Response: DEP acknowledges the comments. 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. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested 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 applicable regulations.

73. Comment: I will ask if there are other actions that benefit communities, including adopting highway cleanup areas to ensure our roads are free of trash and about how development of the outparcels will impact our neighborhood. (3)

Response: DEP acknowledges the comment and recognizes the comment is directed toward M&G Realty, Inc. 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. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested parties may confer with the municipality about these concerns, both for the current development proposal and for any future development proposed for the outparcels.

74. Comment: I beg you to reconsider approval of this insane proposal. Rutters already has a truck stop in another area of Altoona, plus a smaller venue in a second location on 6th or 7th Avenue, both of which could serve any drivers coming through. Rutters' main objective is to compete with Sheetz in this area without any regard to the disastrous impact this could cause to the citizens of this area.

I know that "Money talks" but please don't let it talk us out of a beautiful area of lovely homes, and inflict a tragedy of harm to some important wetlands and other environmentally important areas.(21)

Response: DEP acknowledges the comments. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

75. Comment: Walmart withdrew its proposal in 2008 for the same environmental reasons. Why would now be any different? (22)

Response: DEP acknowledges the comment. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

76. Comment: The wildlife would be greatly effected and displaced by this proposal.(22)

Response: DEP acknowledges the comment. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Interested 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.

77. Comment: The proposed location would be a horrible place to develop a Rutter's truck stop. It would be on an EV wetland area, and the development would ruin this area.(32)

Response: The proposed Rutter's store is not proposed to be built on an EV wetland area.

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 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

78. Comment: I'm no economist but I'd be willing to bet that just about any local or frequent traveler to the area would rather have a world-class fishery nearby than another gas station, especially one that has such an astounding pavement footprint. (9)

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

79. Comment: We also urge Rutters to scale down their proposed development by abandoning overnight tractor-trailer parking, establish a buffer between our neighborhood and any future development, take steps to decrease traffic pressure on Sabbath Rest Road, and use every available technology to reduce light and noise pollution. All of these steps will protect a prime asset of Antis Township. (3.)

Response: The commentator may work with the municipality regarding these concerns.

General Comments

80. Comment: The LJRA is very concerned about the potential negative impacts the construction and operation of this facility may have on Sandy Run, its tributaries, a large spring and associated wetlands. These features are located across Sabbath Rest Road (just south of the proposed Rutters site) on property primarily owned by the Pennsylvania Fish and Boat Commission. Sandy Run (and its nearby tributaries) are listed as having an Existing Use as a High Quality Cold Water Fishery (HQ/CWF) and are classified as Class A trout waters (containing a naturally reproducing wild trout population). The large spring upwelling connects to Sandy Run and provides a vast amount of high quality cold water to the stream and to the Little Juniata River (located just downstream) that is necessary for wild trout survival. This unique feature is especially critical during hot summer months. (2)

Response: The stormwater management criteria in Chapter 102 requires 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

81. Comment: The Proposed Rutters development project will introduce increased traffic, especially tractor-trailer traffic, to Sabbath Rest Road and Old Sixth Avenue. Sabbath Rest Road is currently a narrow, two lane road with restricted site lines. It is a main corridor for the Pinecroft Fire Department to respond to emergencies in the Bellemeade section of the township as well as accidents on I-99. (3, 22)

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 Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

82. Comment: Increased traffic on this rural road will be detrimental to ingress and egress to the BelAire Estates neighborhood, increase risk of accidents on existing blind curves and may cause critical delays to emergency response vehicles. (3)

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 Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

83. Comment: The proposed project will pose many traffic problems at this busy intersection that serves the Bellwood and Altoona area with access to I-99. Old Route 220 is absolutely not adequate to support truck traffic. (25)

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 Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

84. Comment: The proposed project will pose many traffic problems at this busy intersection that serves the Bellwood and Altoona area with access to I-99.(21)

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 Pennsylvania Department of Transportation (PennDOT) manages Highway Occupancy Permits (HOP) in addition to potential municipal approvals. As identified in Part B.III.H.-Other Laws of permit PAD070014: 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.

85. Comment: Commentators are especially worried with losing the rural character of our neighborhood by any cutting of trees bordering our properties. We therefore urge Rutters to act as good neighbors by establishing, in perpetuity, a 300-ft wide natural buffer surrounding our entire neighborhood. The buffer would enhance the township by protecting property values and adding important open space. (3)

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

86. Comment: Commentators are concerned about increased crime associated with overnight truck parking and the proposed facility. Many families with small children make our neighborhood [BelAire Estates] their home and their safety is a priority. Antis Township does not have its own police force and must rely on the State Police in Hollidaysburg, 12 miles to the south. Our proximity to the Rutters' site coupled with lack of a police presence makes us especially vulnerable. (3, 31)

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 commentator may confer with the municipality and Pennsylvania State Police with concerns regarding potentially increased crime in the area.

87. Comment: We worry about trash in this development, not only blowing into the wetland and harming wildlife, but also an increase in unsightly trash along the road.(3, 32)

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. NPDES Permit PAD070014 contains conditions for the proper management and disposal of waste generated during construction of the project, including that waste generated by or from the implementation of the erosion control and post-construction stormwater best management practices. Concerned parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address any trash and litter concerns.

88. Comment: Having a lot of trucks with their engines running for heat in the winter months all night would also pose a health hazard from exhaust fumes, not to mention the noise factor which could be terrible for nearby residents.(21)

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. 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)

89. Comment: This area of concern provides much-needed breeding habitat and other resources for 14 Species of Greatest Conservation Need in Pennsylvania, as well as one Sensitive Species designated by the Pennsylvania Game Commission and one Sensitive Species designated by the Pennsylvania Fish and Boat Commission.¹ The two Sensitive Species were not named in the report, due to the need for greater protection, but are monitored by federal and state agencies. (1, 40)

Response: M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index 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.

90. Comment: The Conservation Opportunity Area Report generated for this area does list species that rely on two important habitats found in this area: Palustrine Forested habitats and Emergent Wetlands. The Virginia Rail and the Sora are two bird species that likely breed in the emergent wetlands found along Sandy Run, and would be negatively impacted if a pollution event would occur. Members from Juniata Valley Audubon Society have observed both species utilizing the Emergent Wetlands. (1, 40)

Response: M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index 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.

91. Comment: Even more bird species of Greatest Conservation Need rely on the Palustrine Forests along Sandy Run as breeding habitat: Wood Thrush, Gray Catbird, Black-throated Green Warbler, Louisiana Waterthrush, Winter Wren, and Scarlet Tanager. This area may also provide habitat for other bird Species of Greatest Conservation Need: Willow Flycatcher, Purple Martin, Brown Creeper, Black-throated Blue Warbler, and Golden-winged Warbler, to name a few. (1)

Response: M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index 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.

92. Comment: Additional Species of Greatest Conservation Need have been confirmed in the wetlands by members of Juniata Valley Audubon Society are Black-and-white Warbler and White-throated Sparrow. (1)

Response: M&G Realty, Inc. conducted the required Pennsylvania Natural Diversity Index 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.

93. Comment: I have lived on the piece of ground behind where Rutter's wants to construct an enormous and very detrimental major truckstop for over 30 years. We have enjoyed the many species of wildlife, birds and flora and fauna that this piece of land is home to. The Sandy Run wetlands are home to so many species of fish, birds, toads, frogs, snakes and assorted wildlife. We believe the construction of this monstrosity will destroy the habitats and peace and quiet of the area. (30)

Response: The stormwater management criteria in Chapter 102 requires 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 designated use of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

94. Comment: The PFBC appreciates the opportunity to provide these comments and recommends that should this application be approved that the site will be closely monitored both during and post construction to ensure that all best management practices are functioning as designed to prevent degradation to the valuable aquatic resources of the Little Juniata River and Sandy Run watersheds. (6)

Response: The comment is acknowledged. The Blair 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 Blair 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, Chapter 102.8(k.)). The critical stages are identified in the approved PCSM plan. Lastly, 25 Pa.Code, Chapter 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. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

95. Comment: Please prioritize our natural resources and what these beautiful areas bring to our region. Please consider the environmental costs and the consequences that would follow and prevent construction on this site. (7, 8, 19, 20)

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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

96. Comment: I drive by this proposed site every day on my way to work and I would be disturbed to see such a massive, pollution collecting and concentrating project come to fruition. (14)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations.

97. Comment: Please consider denying or rejecting the NPDES permit for M&G Realty for Rutter's Store #82. (9, 10, 14, 18, 40)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations.

98. Comment: I have a Rutter's Reward card. I am happy that they moved into Blair Co to offer healthy competition to the other convenience stores. However, the environmental impact of this store is too great to be allowed. Several years ago a different retailer abandoned plans at the same location due to environmental concerns. (10, 20)

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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

99. Comment: I/We are in favor of this Rutters 82 project @ the Pinecroft/sabbath rest road intersection. (11, 28, 29, 35)

Response: The comment is acknowledged.

100. Comment: My wife and I own a home and have lived here since 1976, 46 years, and we are both in favor of building this proposed Rutter's. Our home is located within a mile of this proposed building site. We feel that this development will help the local economy by providing jobs, and either lowering my taxes or maintaining them at present level. Also, will create competition among similar type's stores in the area that will either drive down prices or keep them from increasing.(27)

Response: The comment is acknowledged.

101. Comment: The sooner we transition away from fossil fuels, the better. It is high time we took environmental protection seriously. (18)

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.

102. Comment: Please do not destroy the wetlands, and let Rutters know they are not welcome. (25)

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 their project will manage stormwater runoff from the project consistent with the regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

103. Comment: Please rule in favor of the store. We need more jobs. (35)

Response: The comment is acknowledged.

104. Comment: The information given shows the project will directly harm the surrounding environment. The health of the river [Little Juniata] is far more important than a gas station.(37)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

105. Comment: Having spent so many days for over a decade fishing the river and its tributaries, I am a firm believer that damaging it in anyway will only hurt the river and communities that line its banks for miles. I have seen this river improve so much over 2 decades. Doing this will only serve to undo years of hardworking for conservation.(37)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

106. Comment: As an individual who grew up on the Little Juniata River and who loves the recreation opportunities of the river, I believe the Rutter Store #82 in Antis Township is an extreme danger to this unique and valuable natural resource. (12)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

107. Comment: Expected project parking for 53 trucks means paving with contaminated runoff, noise, trash, litter, and light pollution 24/7. (13, 31)

Response: 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. NPDES Permit PAD070014 contains conditions for the proper management and disposal of waste generated during construction of the project, including that waste generated by or from the implementation of the erosion control and post-construction stormwater best management practices. Interested parties may confer with M&G Realty, Inc., the municipality, PennDOT, and the Pennsylvania State Police to address the trash and litter concerns.

108. Comment: Rutters has a poor reputation on the environment. (13)

Response: DEP conducts a compliance history check as part of the permit review process and prior to making a decision on a permit application. DEP conducted such a review in this case and did not find any violations that would preclude issuance of the permit.

109. Comment: While I am not a fisherman, I am concerned about the state of our natural resources in this area and wish to protect them for future generations. (14)

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 their project will manage stormwater runoff from the project consistent with the applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

110. Comment: The high-quality cold water fishery, exceptional value wetlands and a class A trout fishery are the three highest classifications or rankings that DEP and the Fish and Boat Commission have for natural resources and therefore, by policy, deserve the agency's upmost protections. Approving this permit and allowing this project to proceed would be in direct opposition to those same policies. (38)

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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

111. Comment: One of the things that John Kennedy [TU] is concerned with is you have something with exceptional value, we believe it should have exceptional protection.(5)

Response: DEP acknowledges the comments. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

112. Comment: So we would ask that when you look at the exceptional stormwater protection because we feel that could be a very detrimental issue to that wetland as far as breeding grounds because it's a lot of brown trout that breed there, but also it is a main cold water feed into the other section of the Little Juniata River.(5)

Response: DEP acknowledges the comment. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

113. Comment: I concur with all of the other speakers tonight that talked about their concerns about the impacts to the exceptional value wetlands of Sandy Run.(3)

Response: DEP acknowledges the comment. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

114. Comment: So I ask those tonight that are here to think about what it means to be a good neighbor. Presumably, you're going to build you development and leave, and then those of us who live here are going to have to deal with the consequences, both positive and negative. But I'd like to challenge you to think of your actions, not without consequences, but as part of the community you belong to. Your website states that Rutter's is, quote, recognized as the leader with the latest advancements in technology and sustainability, end quote. Considering sustainable technologies like porous pavement, rain gardens and so on when you construct your facility. And that will definitely help water quality in Sandy Run, especially temperature. (3)

Response: DEP acknowledges the comment and recognizes the comment is directed toward M&G Realty, Inc. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

115. Comment: Will Rutter's consider easements to protect property values and value of life for the adjacent properties?(3)

Response: DEP acknowledges the comment and recognizes the comment is directed toward M&G Realty, Inc.

116. Comment: I'll ask you [Rutter's] to consider this an open invitation from us, your neighbors, to meet and discuss our concerns and create a solution for the benefit of everyone in this community. We'll be waiting to hear from you. Thank you. (3)

Response: DEP acknowledges the comment and recognizes the comment is directed toward M&G Realty, Inc.

117. Comment: I grew up in Birmingham, along the Juniata River. When I was a kid, the Little Juniata was bad, with all the pollution. But over the years, the river improved with the pollution of it. So our concern is that we don't want to see it start going the other way, because it's one of the foremost trout streams now in Pennsylvania. It's very concerning it might not go that route if this Rutter's store takes place. Thank you.(42)

Response: DEP acknowledges the comments. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

118. Comment: The environmental terrorism had been addressed in depth at the public hearing and cannot be strongly stressed enough by this email. It would be a MAJOR disaster to the area's environment.(21)

Response: It is unclear to DEP what environmental terrorism was addressed at the public hearing. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

119. Comment: I live 1 mile from where this is proposed for a Rutters store. I am for it 100%. For people that are only worried about the fish in the creek, obviously don't live around here. If they did, they would know that they spread tons & tons of bio-solids on the ground around here & none of it is plowed under. A heavy rain, and it ends up in the creek also. I am concerned about what chemicals are in it (flushed medications). I know you will say it's monitored, but I'm sure not every single pound. Other States are looking into this and are seeing that this could be a problem.

Also, I have pictures of pure cow manure runoff where the foam is 3 feet high. And again, it all ends up in the creek that goes to the little Juniata river.

I don't know why people would be so concerned about runoff from a Rutters store when they're is a more serious problem that is not addressed.(23)

Response: DEP acknowledges your comment about the proposed facility. With respect to Biosolids, DEP regulates biosolids through our Bureau of Clean Water. For more information on DEP's biosolids program, please visit the DEP website at: [Biosolids Program \(pa.gov\)](https://www.dep.state.pa.us/biosolids/)

With respect to manure runoff, DEP regulates the management of manure via 25 Pa. Code Chapters 91 and 92a, and The Clean Streams Law of Pennsylvania provides DEP's statutory authority to regulate pollution of Waters of the Commonwealth, including manure as a source of pollution. Anyone who observes manure runoff into a Water of the Commonwealth may report the incident to DEP through a complaint report. Complaints may be filed through the DEP website; and each regional office also maintains an Emergency Response phone number. To file a complaint online or obtain DEP complaint filing contact information, please visit the DEP website at: [Regional Resources \(pa.gov\)](https://www.dep.state.pa.us/regional-resources/) and select the region for the location where you observed the water pollution concerns, including manure runoff. The DEP Southcentral Region 24Hr. Emergency Response Hotline is 1-800-541-2050.

120. Comment: I did not attend the meeting at the Pinecroft Fire hall where this matter was discussed, but read about it in the local newspaper, and from what I read people objected to this proposal because the land where the store is to be built will cause water running off of the land into the Little Juniata River and hurting the fish. I do not understand how this will happen since the proposed property will have the surface blacktopped and this will seal the ground and the water will just run off without causing any harm. Also, what about all the other business that are built right up against the River, no one has complained about them causing any problems especially the nursery business, which in all probability use chemicals to help grow their plants, and a horse farm that has animal waste laying on the ground, whereby all the water would run off into the River. Plus, at the present time, Penn Dot is storing, on private land, close to the River a large pile of asphalt that was ground off of the roadways, which in my opinion would have containments in the water runoff.(27)

Response: DEP acknowledges the comment. 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.

121. With respect to manure runoff, DEP regulates the management of manure via 25 Pa. Code Chapters 91 and 92a, and The Clean Streams Law of Pennsylvania provides DEP's statutory authority to regulate pollution of Waters of the Commonwealth, including manure as a source of pollution. Anyone who observes manure runoff or other pollution into a Water of the Commonwealth may report the incident to DEP through a complaint report. Complaints may be filed through the DEP website; and each regional office also maintains an Emergency Response phone number. To file a complaint online or obtain DEP complaint filing contact information, please visit the DEP website at: [Regional Resources \(pa.gov\)](#) and select the region for the location where you observed the water pollution concerns, including manure runoff. The DEP Southcentral Region 24Hr. Emergency Response Hotline is 1-800-541-2050.

122. Comment: Furthermore, in the past when Interstate 99 was being built, Penn Dot and the contractor, dug up rocky fill dirt from the land adjacent to the proposed Rutter's site. They would use dynamite to blast the soil loose to dig up the rock to be used on the new highway. This blasting would be weekly and sometimes on a daily basis. Sometimes the blasting was so powerful that the shock waves shook my house to the effect that I would go outside and look up at the roof because I thought something landed on it. At no time did anyone complain about this causing any problems with water runoff into the River.(27)

Response: DEP acknowledges the comments. For more information about the regulation of blasting in Pennsylvania, review the response to Comment 18., above.

123. Comment: I would greatly appreciate that the EPA does not grant approval for this project.(31)

Response: The United States Environmental Protection Agency (EPA) is not reviewing this permit and has not taken action on this permit. DEP acknowledges the comment and believes that the commentator meant to reference DEP and not EPA. 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. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.

124. Comment: As an individual who grew up on the Little Juniata River and who loves the recreation opportunities of the river, I believe the Rutter Store #82 in Antis Township is an extreme danger to this unique and valuable natural resource. Based on the potential environmental consequences of the proposed development, I am strongly against the building of Rutter's #82 in Antis Township.(33)

Response: DEP acknowledges the comments.

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. 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 applicable regulations. The designated and existing uses of Sandy Run, the UNT to Sandy Run, and the associated wetlands will be protected and maintained through implementation of the BMPs and the approved plans.