

June 30, 2023

Mr. David Koerner
Prologis, L.P
7584 Morris Court
Allentown, PA 18106

Re: Technical Deficiency
7464 & 7600 Linglestown Road
Application No. E2203223-002
APS No. ID No. 1080331
West Hanover Township, Dauphin County

Dear Mr. Koerner:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and has identified the following significant technical deficiencies.

Technical Deficiencies

1. The Environmental Assessment Form provided is not the most recent version. Provide an updated form. *[25 Pa. Code §105.21(a)(1)]*
2. Trash in and around the open water pond and wetlands was identified in the application. Clarify what the trash consists of, if its removal is planned, and clarify if any temporary or permanent impacts to Waters of the Commonwealth will occur as a result of the removal. *[25 Pa. Code §105.21(a)(1)]*
3. On March 31, 2023 the U.S. Fish and Wildlife Service listed the Northern Long Eared Bat as an endangered species. To ensure there won't be any impacts to protected species, please provide an updated PNDI search receipt for the project, dated April 1, 2023 or later, along with any associated agency clearance letters. *[25 Pa. Code §§105.14(b)(4)]*
4. The Environmental Assessment states that the site is not located in the vicinity of any local parks or recreation areas. However, based on public comments DEP received, a recreational area, the Twin Brooks Horse Riding Association, is located immediately west of the property. Identify potential impacts to this recreation area and provide a plan to minimize the impacts. *[25 Pa. Code §105.14(b)(5)]*
5. The following deficiencies relate to the alternatives analysis *[25 Pa. Code §§105.16a, 105.18a(b)(2) & 105.18a(b)(3)]*:
 - a. Clarify why the use of a multi-story parking garage for employee parking to limit impacts to waters of the Commonwealth is not a practicable alternative.
 - b. Clarify why the use of additional retaining walls to limit impacts to waters of the Commonwealth are not practicable alternatives.

- c. Explain why the use of a span structure to limit the impacts to Wetland C is not a practicable alternative. It's acknowledged that additional culverts are proposed but they may disrupt the flow regimen and/or be an impediment to passage of terrestrial and aquatic species when compared to a span structure.
6. The following deficiencies relate to the plans showing the proposed crossing of Wetland C. [25 Pa. Code §§105.18a(b)(1) & 105.21(a)(1)]
 - a. Explain why the culverts will be placed "6 inches below existing streambed" when Stream 3 is shown to begin downstream of the crossing.
 - b. Depression of the culverts at the upstream end may lead to a headcut in the wetland. Revise the design to place the culvert on grade or demonstrate that a head cut will not occur.
 - c. Construction of the plunge pool will result in additional wetland impacts. Revise the design to eliminate or reduce the additional impacts.
 - d. A portion of Wetland C is located to the east of the proposed access road and the proposed culverts area unlikely to adequately replicate existing conditions. Demonstrate that the proposed fill will not result in a significant adverse impact to hydrology in the eastern portion of the wetland.
7. Provide a discussion of the potential impacts to the functions and values of the remaining wetlands, onsite and immediately offsite, from the reduction in vegetated buffer. The statement that the impacts have been minimized is not a demonstration that the loss will not result in significant adverse impact to the functions and values of the wetlands and watercourses. [25 Pa. Code §§105.14(b)(4), 105.16(d) & 105.18a(b)(1)]
8. Explain how the loss of 0.47 acres of Wetland C will not result in a significant adverse impact to the remainder of the wetland. It's acknowledged that the cover memorandum states the discussion is located in Module S3.G, but a discussion could not be located. [25 Pa. Code §105.18a(b)(1)]
9. Explain how the loss of over 0.6 acres of wetlands not result in a significant adverse impact to the remainder of the wetland resources onsite and immediately offsite. [25 Pa. Code §105.18a(b)(1)]
10. Provide a cross section through Level Spreader 5, (BMP12) and Wetland A showing existing and proposed ground surface, groundwater, and restrictive layer elevations, and extents of the proposed level spreader. [25 Pa. Code §105.13(e)(1)(i)(G)]
11. Provide cross sections through Level Spreaders 2 and 3, (BMP11) and Wetland H showing existing and proposed ground surface, groundwater, and restrictive layer elevations, and extents of the proposed level spreader. [25 Pa. Code §105.13(e)(1)(i)(G)]
12. The application states that a pollution prevention and control plan will be developed and

provided to DEP upon request. To minimize potential adverse environmental impacts, provide a pollution prevention and control plan to address any potential leaks of hazardous materials from construction equipment during construction. [25 Pa. Code §105.1(b)(4)]

- 13. Approximately 81 linear feet of the floodway of Stream 2 is shown to be temporarily impacted on the *Overall Wetlands & Stream Impact Summary* plan sheet which, based on the information provided in the application will be a result of construction equipment access. Clarify what is being done in this area and provide a plan to restore the stream and floodway post-construction. [25 Pa. Code §105.21(a)(1)]
- 14. A note stating “Place reserved streambed material on rip rap outlet protection for OS OS-7E to a depth of 6”” is shown depicting an area outside of the LOD on Sheet ES 14.2. Revise the plans to accurately show the impact location. [25 Pa. Code §105.21(a)(1)]
- 15. What appears to be a permanent outfall is shown discharging to Stream 2 on the *Overall Wetlands & Stream Impact Summary* plan sheet. Provide the following [25 Pa. Code §§105.13(e)(1)(i)(G) & 105.21(a)(1)]:
 - a. Clarification if the outfall is permanent. If not, provide a plan to restore the area post-construction.
 - b. A cross section through the stream and rip rap showing existing and proposed conditions.
 - c. If the outfall is permanent, revise all applicable portions of the application to identify and discuss this permanent stream impact.
 - d. The outfall is shown at different location on Sheet *DA 2.0* of the E&S plans. Clarify where the outfall will be located and ensure the location is consistent on all plans.
- 16. The application does not identify public drinking water supplies (i.e. wells) in the vicinity of the proposed project nor does it discuss the potential impacts to the water supplies from the proposed activities.

We have identified the following public water suppliers within approximately 1 mile of your project.

System Name	Responsible Officer	Phone
WEST HANOVER TWP PARK	DANIEL ROSARIO	(717)652-4841
MOTEL 6	SUNJAY PATEL	(717)545-6944
MOUNTAINVIEW SWIM CLUB INC	BRIAN ZELLERS	(717)652-9763
HOLIDAY INN EXPRESS	UMESH VAIDYA	(717)540-8400
MOTEL 6	SUNJAY PATEL	(717)545-6944
WEST HANOVER TWP PARK	DANIEL ROSARIO	(717)652-4841
HOLIDAY INN EXPRESS	UMESH VAIDYA	(717)540-8400

Discuss the potential impacts to the supplies and provide documentation supporting your conclusions.

[25 Pa. Code §§105.13(e)(1)(ii), 105.13(e)(1)(x), 105.14(b)(5)]

- a. Revise the Environmental Assessment Form and associated modules accordingly to discuss the resources and impacts from water obstructions and encroachments, including changes to groundwater volumes and flow paths, on any public water supplies. A statement that the project will be supplied by public water is not sufficient. *[25 Pa. Code §§105.15(a), Environmental Assessment Form Instructions]*
17. The application states that groundwater is not a significant source of hydrology to the wetlands and that “direct impingement of precipitation and runoff are estimated to be the major contributing sources of hydrology to the impacted wetlands”. However, based on other data provided in the application, including, but not limited to, the statement that signs of a seasonal high water table were observed in the test pits, the assertion that hydrology in the wetlands is primarily from direct precipitation and runoff does not appear to be accurate. Therefore, provide a detailed hydrologic study which includes, at a minimum, the information outlined below *[25 Pa. Code §§ 105.14(b)(4), 105.16(d); 105.18a(b)(1); & 105.191]*:
- a. A demonstration that the remaining portions of the watercourses onsite and immediately offsite will not be adversely impacted by the proposed site activities. Adverse impacts could include but not be limited to diminution or increases of flow (hydrology), decrease in available wetted aquatic habitat, obstruction of fish and other aquatic life passage, alterations to the macroinvertebrate community, etc. The evaluation should take into account changes in drainage area and changes to upslope infiltration volumes that recharge the watercourses and/or wetlands. It should also include a demonstration of the remedial measures taken to restore the hydrologic regime to pre-existing conditions for each wetland and watercourse.
 - b. A demonstration that any changes to hydrology, including groundwater and surface water flow paths and volumes will not result in a significant adverse impact to the wetlands onsite and immediately offsite, and addresses the fact that the water will only be directed at portions of the remaining wetlands in some instances. Note, it’s not appropriate to supplement groundwater volume inputs by increasing surface water runoff to the wetlands or watercourses.
 - c. Mapping showing the groundwater elevation and flow path changes in the pre and post construction condition and demonstrates the groundwater elevations will remain relatively unchanged.
 - d. Mapping showing restrictive layer elevations and a discussion regarding how the project may affect these layers.
18. You must obtain and provide evidence of E&S approval before an approved 105 permit can be issued. *[25 Pa. Code § 105.13(g)]*

You must submit a response for each of the above deficiencies. You may request a time extension, in writing, before August 29, 2023 to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code

§105.13a(b).

Please reply by uploading your electronic files through OnBase. Do not mail hardcopies. DEP's OnBase site found at the following link: <https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx>. **Check "No" for resubmittal. Use "CH 105 WO&E INDIVIDUAL PERMIT APPLCIATION (SUBMIT TO REGIONS OR RPCO)" for Form Name. Use "Other" for Application Type.**

DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, provided applicants submit complete, technically adequate applications/ registrations that address all applicable regulatory and statutory requirements, in the first submission. Since you did not submit a complete and/or technically adequate application, DEP's Permit Decision Guarantee is no longer applicable to your application.

Pursuant to 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before August 29, 2023, or DEP may consider the application to be withdrawn by the applicant.

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be withdrawn or denied.

Should you have any questions regarding the identified deficiencies, please call Christopher Kemple at 717.705.4780, and refer to Application No. E2203223-002 to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60-day period allotted for your reply, unless otherwise extended by DEP. You may also follow your application through the review process via *eFACTS on the Web* at: <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,

Christopher Kemple

Edward J. Muzic

Christopher Kemple, E.I.T.
Environmental Engineering Specialist
Waterways & Wetlands Program

Edward J. Muzic, P.E.
Civil Engineer Manager, Hydraulic
Waterways & Wetlands Program

cc: Todd Stager, Pennoni (email)