

NPDES PUBLIC NOTICE

Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities

Northeast Regional Office: Pamela R. Kania P.E., Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701, 570.826.2511.

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named below to authorize discharges of stormwater associated with construction activities to surface waters of the Commonwealth. In addition, DEP has made a tentative decision to issue an Individual NPDES Permit to the applicant. Interested persons may submit written comments to DEP at the address above within 30 days of the publication of this notice for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 570.826.2511.

Applicant: **River Pointe Logistics Center, LLC c/o Louis Pektor III**

Applicant Address: 559 Main Street, Suite 300 Bethlehem, PA 18018-5862

Application Number: PAD480178

Application Type: New

Project Site Name: **River Pointe Logistics Center**

Project Site Address: located between River Road and Potomac Street, on either side of Marshfield Drive Mount Bethel, PA 18343-5610

Municipality / County: Upper Mount Bethel Township, Northampton County

Total Earth Disturbance Area: 285.75 acres

Surface Waters Receiving Stormwater Discharges: UNT to Delaware River (CWF, MF); UNT to Allegheny Creek (CWF, MF); Other wetlands & EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Phase I of the project proposes the construction of roadway infrastructure, stormwater facilities, and three (3) industrial buildings as depicted on the Plans, with projected future buildings to be designed and permitted in subsequent phases.

Special Conditions:

Potential Impacts to EV Wetlands.

1. The permittee shall monitor water table elevations daily at each monitoring well identified in the approved PCSM Plan for EV wetlands for a minimum of five years. Reports providing water table elevations shall be submitted to DEP every six months, beginning in (October of

the 2nd year of coverage). These reports shall be submitted by October 31st and April 30th each year. All monitoring wells should confirm the presence of a water table no deeper than 12-inches below the ground surface for a period of at least 14 consecutive days during the growing season (April 1 – October 1 annually) at a minimum frequency of 3 of the 5 monitoring years, unless a longer timeframe for monitoring is extended by DEP in writing. If a water table is not observed at the above stated depth and/or for a duration of at least 14 consecutive days in 3 of 5 monitoring years (or in accordance with an alternate monitoring timeframe approved by DEP in writing), the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates otherwise and DEP concurs that the project did not adversely impact the wetland.

2. The permittee shall provide DEP with a running comparison of monitoring data for pre-construction and post-construction monitoring every six months, beginning in (October of the 3rd year after the date of coverage). These monitoring data reports shall be submitted by October 31st and April 30th each year. If the ground water table elevation is found to be lower in post-construction monitoring for the same time period, the wetland will be considered adversely impacted by the project, unless information and/or data provided to DEP demonstrates the cause is unrelated to the project and DEP concurs that the project did not adversely impact the wetland.
3. The permittee shall delineate the boundaries of the EV wetlands in the years (5 years from date of coverage) and (7 years from the date of coverage) using the Army Corps of Engineers' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). These wetland delineations shall be submitted to DEP on or before April 30th in the 5th year of permit coverage and on or before the permit expiration or termination date of this permit or the 7th year of permit coverage whichever is sooner, unless an alternate timeframe for submission of these delineations is approved by DEP in writing. Boundaries shall be surveyed and compared to the boundaries outlined on the approved plans. The data shall be submitted to DEP on or before April 30th of each year, beginning in (October of the 3rd year after the date of coverage). If a reduction in size of the wetland of greater than 0.05 acre is observed, the wetland will be considered adversely impacted by the project, unless a clear and unrelated cause of the reduction in size is demonstrated and DEP concurs that the project did not adversely impact the wetland.
4. The permittee shall provide reports identifying plant species in the EV wetlands during the growing season once a year for five years beginning in (April of the 3rd year after the date of coverage). Any observed reduction in the number of different species having a wetland indicator status of (identify indicator status appropriate for the wetland in question) shall be clearly identified in the report. If a reduction is observed, the wetland will be considered adversely impacted by the project unless another clear cause of the reduction in diversity is identified and DEP concurs that the project did not adversely impact the wetland.
5. The permittee shall inspect monitoring wells, including water level loggers, at least monthly to ensure that they are not damaged and are functioning properly. If a damaged or malfunctioning well is identified, DEP shall be contacted immediately in writing, and the well shall be restored to its design specifications within two weeks, unless weather conditions do not permit and/or is otherwise extended in writing by DEP.
6. In the event that the water table falls below the bottom of a monitoring well and the water level logger in that well becomes inoperable, the well shall be inspected at a minimum of once every two weeks and the data logger shall be re-installed once the water table is again observed in the well.
7. DEP may require the monitoring period to be extended to confirm or disprove potential adverse impacts to EV wetlands. DEP will review the monitoring information submitted by

the permittee and if DEP determines that the EV wetlands have been adversely impacted, the permittee shall submit to DEP for review and approval a narrative identifying the cause(s) of the impact and plans to correct it within 3 months after DEP has determined that the wetlands have been adversely impacted. If the cause(s) cannot be identified or if correction of the impact is deemed infeasible, the permittee shall submit to DEP for review and approval plans and a schedule to create (identify required mitigation area) acres of (identify the wetland mitigation required) wetlands in or along the floodplain of (identify the receiving stream) or one of its tributaries within 6 months of DEP's determination of an adverse impact, unless an alternate location for wetland creation is approved and/or this deadline is extended in writing by DEP. Construction of the replacement wetlands shall begin no later than one year after DEP's determination of an adverse impact, unless an alternate deadline is established in writing by DEP.