



COMMENT/RESPONSE DOCUMENT

August 16, 2024

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

Applicant: **Maiden Creek Associates, L.P.**

Applicant Address: 120 West Germantown Pike, Suite 120, Plymouth Meeting, PA 19462-1420

Application Number: PAD060076

Project Site Name: **Proposed Warehouse Facility**

Project Site Address: Route 222 and Evansville Road, Blandon, PA, 19510

Municipality / County: Maiden Creek Township, Berks County

Total Earth Disturbance Area: 83.7 acres

Surface Waters Receiving Stormwater Discharges: Peters Creek (Exceptional Value, Migratory Fishes, "EV, MF")

Project Description: Construct a 930,000 square foot warehouse building, access roads, associated stormwater facilities, and improvements to Allentown Pike to support the project.

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. Rate of discharges as identified in the application and in accordance with 25 Pa. Code Chapter 102.

The Department of Environmental Protection (DEP) made a tentative determination to issue an Individual NPDES Permit to the applicant named above on December 8, 2023. DEP held a public hearing on the NPDES permit application on May 2, 2024 at the Maiden Creek Township Building, 1A Quarry Road, Blandon, PA 19510. Written comments for this application and draft permit were accepted through May 2, 2024.

Notice of receipt of Maiden Creek Associates, L.P.'s complete application was published in the *Pennsylvania Bulletin* (pacodeandbulletin.gov) on February 25, 2023. See 53 Pa.B. 1068. Notice of DEP's tentative determination to issue NPDES permit PAD070014 and availability of the draft permit, and Fact Sheet was published in the *Pennsylvania Bulletin* on December 23, 2023.

See 53 Pa.B. 7940. Notice of the public hearing was published in the *Pennsylvania Bulletin* on March 23, 2024. See 54 Pa.B. 1555. Notice of the public hearing was also published in the Reading Eagle on March 21, 2024 (print edition) and the Reading Eagle Digital edition on March 21, 2024. 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 *Pennsylvania Bulletin* notice of public hearing publication.

On August 16, 2024, DEP issued NPDES permit no. PAD060076 to Maiden Creek Associates, L.P.

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/Maiden-Creek-Warehouse.aspx>)

This comment response document contains the public comments submitted to DEP by 15 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 each with a corresponding identification number. The second part of the document contains the submitted comments and DEP's responses. Public comments are listed with the identifying commentator's identification number at the end of the comment, example: (20) would that commentator with the identification number 20 provided the comment. Where multiple commentators expressed common concerns, the shared concerns are set forth in a general comment and all pertinent commentator identification numbers are listed after the comment, example: (1, 2, 5, 20).

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LIST OF COMMENTERS

1. Carol Anne Donohoe, Citizen
2. Donald Griest, Citizen
3. Charles Hess, P.E., Maiden creek Township Engineering Consultant
4. Thomas Unger, P.E., Maiden creek Township Engineering Consultant
5. Rafal Murczek, Citizen
6. Cliff Panneton, Citizen
7. Anthony and Laura Spero, Citizens
8. Charles Voorhies, Citizen
9. Ching Lee, Citizen
10. Lorraine Sheipe, Citizen
11. Tim Wales, Citizen
12. Jennifer Kershner, Citizen
13. Scott Hirneisen, Citizen
14. Rick Zerbe, Citizen
15. Heidi Fiedler, Citizen

Comments Related to a Public Hearing

1. Comment: I have attached a file (NPDES permit PAD060076 hearing petition 02-09-2023.pdf). This file contains my request cover letter as well a petition signed by thirty Maidencreek Township residents requesting a public hearing on this permit. (1)

Response: In response to comments that the DEP received, the DEP held a public hearing on this project on May 2, 2024.

Comments Related to Article 1, Section 27 of the Pennsylvania Constitution

2. Comment: The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. (1)

Response: DEP acknowledges this comment restating Article I, Section 27 of the Pennsylvania Constitution. In issuing this permit, DEP has determined that the proposed earth disturbance activity when conducted in accordance with the terms and conditions set forth in the permit ensures compliance with the applicable law and DEP's obligations and duties under Article, I, Section 27 of the Pennsylvania Constitution.

Comments Related to Special Protection Surface Waters

3. Comment: Exceptional Value Waterways are to be afforded the highest protections against degradation. Pennsylvania's antidegradation regulations mandate that the water quality of Exceptional Value waters shall be maintained and protected. (25 Pa. Code § 93.4a(c)) The project proposes direct discharge to Peters Creek: This poses a direct threat to the EV stream and CWF hatchery due to potential contamination from untreated runoff. (1, 2, 6, 11)

Response: For persons proposing earth disturbance activities, the discharges regulated under Chapter 102 involve diffuse overland runoff that that is wet weather driven. Significantly, there are pre-existing stormwater discharges that naturally occur at sites before any earth disturbance occurs that are the basis of the hydrologic cycle on which stream base flow and water quality is dependent. For that reason, to protect and maintain waters of the Commonwealth for permits issued under Chapter 102 an applicant must demonstrate that the proposed project will result in no net change in stormwater volume, rate and quality when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities through the use of best management practices (BMPs) to preserve the pre-existing stormwater regime.

The Department's antidegradation requirements in 25 Pa. Code 93.4a specify that the water quality of High Quality (HQ) waters and Exceptional Value (EV) waters shall be maintained and protected. Because of the nature of the Chapter 102 program which affects the naturally occurring stormwater runoff, Chapter 102 contains specific antidegradation implementation requirements in 25 Pa. Code § 102.4(b)(6) (relating to Erosion and Sediment Control Plans), 25 Pa. Code §102.8(h) (related to the Post Construction Stormwater Plans) and the

definitions of “ABACT” and “nondischarge alternatives” in 25 Pa. Code Section 102.1 for permits issued under Chapter 102. These antidegradation implementation requirements establish a pre to post comparative framework that focuses on the net change in stormwater runoff from earth disturbance activities, both during and post construction to demonstrate that waters of the Commonwealth are maintained and protected. The cornerstone of antidegradation implementation in this program is to preserve the pre-existing stormwater regime. This is done by evaluating whether there will be a change in the preconstruction discharge volume, rate, and water quality, with the regulatory performance standards in Chapter 102 recognizing the need to preserve the preexisting volume, rate, and quality of the stormwater discharges to protect and maintain waters of this Commonwealth.

As part of this permit application, the applicant completed an antidegradation demonstration, including Antidegradation Analysis Module 3, by evaluating nondischarge alternatives (NDAs), and proposing to implement antidegradation best available combination of technologies (ABACT) BMPs for this proposed project.

The Department reviewed the applicant’s submission, including plans for the project and the completed Module 3, and found that the project, as proposed, satisfies the antidegradation requirements of Chapters 93 and 102, and the applicant’s proposed measures adequately ensure that the water quality of Peters Creek will be maintained and protected.

The water quality of Peters Creek will be protected and maintained through implementation of the approved Antidegradation Best Available Combination of Technologies (ABACT) BMPs and the approved plans.

4. Comment: Concern of the food chain and how the projects stormwater runoff will have an impact on all species that rely on Peters Creek for a food source. (12, 13)

Response: To the extent that the commentator comments on potential species impacts, as part of the permit application materials, the applicant provided proof of consultation with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of State or Federal threatened or endangered species on the proposed project site. Based on PNHP data, through the use of the Pennsylvania Natural Diversity screening tool, the applicable jurisdictional agencies, including the PA Game Commission, PA Department of Conservation and Natural Resources, PA Fish and Boat Commission, and U.S. Fish and Wildlife Service, notified the applicant that there are no known potential impacts to threatened and endangered species and/or special concern species and resources within the proposed project area. This notice, commonly referred to as a PNDI receipt, was provided to the Department as part of the permit application. Beyond these permit application requirements, the applicant has a continuing obligation to ensure compliance with the applicable Federal and State laws pertaining to the protection of Federal or State threatened and endangered species. To the extent the commentator’s comment related to species beyond those designated as threatened and endangered or species of special concerns, the Department did not identify other potentially impacts species. Moreover, the water quality of Peters Creek will be protected and maintained through approved Antidegradation Best Available Combination of Technologies (ABACT) BMPs and the approved plans. Please see response to Comment 3 above.

Comments Related to Air Quality

5. Comment: General concern of air quality from increased traffic. (7)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project. In addition to Chapter 102 permitting, the applicant is also required to comply with any other local, state, and federal law which applies, such as those related to visible fugitive dust emissions, and the requirements under the Diesel-Powered Motor Vehicle Idling Act.

Act 124 of 2008, the Diesel-Powered Motor Vehicle Idling Act, regulates certain diesel-powered vehicle idling. For more information about Act 124 and to view a DEP FACT SHEET about Act 124, please visit DEP's website at the following address: [Diesel Idling and Act 124 \(pa.gov\);](https://www.dep.pa.gov/Business/Air/BAQ/Automobiles/Pages/DieselIdling.aspx)
<https://www.dep.pa.gov/Business/Air/BAQ/Automobiles/Pages/DieselIdling.aspx>

6. Comment: General concern of air quality during a potential fire at the facility (11)

Response: The Chapter 102 regulations do not regulate air quality from fires. DEP air quality regulations similarly do not regulate air quality from facility fires, which are unforeseen events. However, the proposed facility will have adequate systems and water capacity for fire suppression. Through consultation with Maiden Creek Township, fire suppression is addressed through building codes and municipal ordinances. According to the Township, the facility's fire suppression system, sprinklers, emergency pump, and exterior fire hydrant will all meet the current Uniform Construction Code. Concerned parties may confer with the municipality about these concerns. Further, the applicant provided DEP with a memorandum titled: NPDES PAD060076; Proposed Fire Suppression System and Emergency Operations Plans which provides information for the proposed facility. The applicant states the facility has been designed with a fire suppression system that will comply with all applicable local, state, and federal laws, including but not limited to the National Fire Protection Association (NFPA) 13 code and design requirements. In addition, the applicant states that any facility use that includes the storage of flammable or explosive hazards shall comply with the applicable regulations of PADEP, OSHA, PennDOT or other regulatory agencies having jurisdiction over the storage of flammable or hazardous materials. Additional information on the fire suppression system can be found within the aforementioned memorandum in the permit file.

Comments Related to Noise and Traffic

7. Comment: General concern of noise and traffic with the increase of a projected 480 daily trips in and out of the warehouse. (5, 8)

Response: The comment is acknowledged. The Department has determined that the applicant has satisfied the applicable 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. Through consultation with Maidencreek Township, DEP understands that Maidencreek Township does have a noise ordinance that governs the decibel level of activities. According to the Township, the developer's noise expert testified that the proposed warehouse facility would be in full compliance with the Township's noise ordinance. The Township's Conditional Use approval documents the Township's approval of the sound study and noise study for the proposed project. The Township also conveyed that they recently enacted a brake retarder ordinance. The noise study and Conditional Use approval is available at Maidencreek Township for review. Concerned parties may confer with the municipality and PennDOT about these concerns as well.

Comments Related to Public Water Supply

8. Comment: The development sits directly adjacent to Peters Creek, a spring-fed tributary of the Lake Ontelaunee watershed, which serves as the primary water source for the City of Reading. Peters Creek holds an Exceptional Value (EV) designation and supports a Coldwater Fishery (CWF) natural brook trout hatchery. The proposed project's massive footprint and impervious surface area (50 acres) pose a significant risk of contaminating this critical water source through stormwater runoff. (1, 2, 5, 6, 7, 8, 10, 11, 15)

Response: To the extent that the commentator comments on concerns of increased stormwater runoff, please see the response to Comment 3 above.

To the extent that the commentator comments on concerns related to the public water supply, Part C.IX.D. of the draft permit PAD060076 prohibits the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the applicant to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the applicant to ensure that various personnel understand the requirements of the permit, including the PPC plan.

9. Comment: The Township believes that there is inherent risk to the exceptional value Peters Creek waterway and Reading Area Water Authority watershed/water source from the over 25 acres of macadam driving and parking surfaces. As such the Township would like to see a NPDES Permit condition that requires the applicant to design or specify a device or means for a filtration/treatment system that uses physical, chemical, and biological treatment processes such as filtration, sorption, and biological uptake to remove total suspended solids (TSS), metals, nutrients, gross solids, trash and debris, and petroleum hydrocarbons from stormwater run-off. Such device or means shall capture and filter stormwater discharges from Outlet Structures or Outlet Pipes for each propose Above Ground – Management Release Concept (MRC) Basins to improve water quality as part of post-construction stormwater management system. (4)

Response: To the extent that the commentator comments on concerns of increased stormwater runoff, please see the response to Comment 3 above.

10. To the extent that the commentator comments on concerns related to the public water supply, please see the response to Comment 8 above. Comment: Given the geology and sinkholes in the area, the concern is for private well water contamination due to the stormwater from the project, who is responsible for well water testing, and general assurance that private well water sources will be protected. (8, 9)

Response: To the extent that the commentator comments on concerns related to the public water supply, please see the response to Comment 8 above. Except for limited water use registration requirements identified in PA Act 220, the DEP does not regulate private well water withdrawals, treatment, or private well water protection measures. Any testing, treatment, or protection of private well water is at the discretion and expense of the land owner with limited exceptions

Comments Related to Municipal Requirements

11. Comment: The applicant has failed to comply with the township Stormwater Management Ordinances chapter § 182. (2, 5, 6, 7, 8, 15)

Response: The 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. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. DEP's permit application requires applicants to provide notice of a proposed project to the municipality where the proposed project is located. Here, the applicant provided proof of notification to Maiden Creek Township by submitting the "Municipal Notification of Planned Land Development for Chapter 102 Permits" form as part of this permit application. To the extent that the commentator comments on compliance with local ordinances, this permit requires the applicant to comply with all applicable laws.

12. Comment: We [on behalf of the municipality] would like to determine if the NPDES Permit could cover something as indicated below or if the Township needs to consider a condition of approval that indicates something to the effect of: *"As a result of the inherent increase in stormwater volume that will be generated because of developing the property and the potential adverse impacts to the existing downstream drainage conveyance facilities (existing natural swales or other flows path, etc.) as a result of the extended duration of the stormwater flows until the proposed major stormwater management facilities (Above Ground MRC Basins 1, 2, 3 and the Proposed Earthen Level Spreader LS501 located along the western side of the site) on the site fully de-water, the Applicant shall prepare a Contingency Plan and Agreement with the Township to deal with potential damages to the downstream properties. The Contingency Plan and Agreement shall account for potential repairs to the downstream drainage conveyance facilities, subject to receiving authorization from the affected off-site property owners, should excessive erosion or other damage occur because of the stormwater discharges from the development site. If repairs are not feasible, the Contingency Plan and Agreement shall address the potential for the Applicant to install or construct replacement conveyance systems that has been engineered and reviewed/approved by Maiden Creek Township. To ensure the completion of the potential repairs or the construction of replacement conveyance system, the Applicant shall establish*

financial security in the amount of \$ _____ (TBD) _____ with Maiden Creek Township in order to fund the potential repairs and construction to the downstream drainage facilities. The financial security shall remain in place for a period of ten (10) years that shall be considered a test period for the operation of the proposed stormwater management facilities on the subject property. After the ten (10) year period expires and without any detrimental impacts to the existing downstream conveyance facilities, the Applicant can request the Township release of the financial security established for this purpose.” (3, 4)

Response: The current topography, both within the project area and offsite, concentrates stormwater flows. The applicant has demonstrated that the offsite flow path to Peters Creek will remain stable for the stormwater discharges leaving the project site in accordance with DEP regulations and guidance. The applicant has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The designated use of Peters Creek will be protected and maintained through implementation of the BMPs and the approved plans. Further, neither Chapters 92a and 102 provide DEP the regulatory authority to require such a Contingency Plan and Agreement, bond, or surety.

Comments Related to the Application Documents

13. Comment: The application documents are not signed and dated. (2)

Response: The DEP acknowledges that Module 3 is not signed by the applicant; however, the information of Module 3 was determined to meet the applicable Commonwealth statutory and regulatory requirements for obtaining the Chapter 102 permit associated with this project.

14. Comment: The application documents are sparsely completed with respect to the anti-degradation and non-discharge alternatives. (2)

Response: The applicant provided the information necessary for the DEP to review the anti-degradation and non-discharge alternatives in accordance with current DEP guidance. The DEP evaluates the application package, as a whole, for the demonstration that degradation to the surface water(s) is not anticipated and that non-discharge alternatives were explored. The 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.

Comments Related to the Post Construction Stormwater Management Plan

15. Comment: There is no infiltration plan in the design. The plan relies solely on capturing and discharging runoff offsite, bypassing natural filtration mechanisms and potentially overwhelming downstream receiving waters. (1, 5, 7)

Response: The site evaluation, characterization, and infiltration testing did not yield results in which a design based on infiltration would be feasible. In addition, given the site's underlying karst geology, the basin liner is proposed to mitigate the risk of a sinkhole or

other earth subsidence from forming. The MRC basins are designed with outflows that are intended to mimic the natural flow of stormwater to Peters Creek. The applicant has demonstrated that this project will manage stormwater runoff from the project consistent with the regulations. The designated use of Peters Creek will be protected and maintained through implementation of the BMPs and the approved plans.

16. Comment: The application has not provided upfront testing of the surface water for a baseline of water quality with which to compare the post-development conditions. (2)

Response: Chapter 102 do not require pre-development testing of the receiving surface waters. Chapter 93 outlines the water quality standards that surface waters achieve to receive the Chapter 93 designated and existing use classification. The Chapter 102 regulations state that the existing and designated use is to be provided in the application and must be protected and maintained, which is achieved by demonstrating compliance with the regulatory requirements. Per DEP's Stream Assessment Program, Peters Creek is currently attaining its designated use of EV for Aquatic Life and as a Potable Water Supply. The 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 and that the designated uses of Peters Creek will be protected and maintained through implementation of the BMPs and the approved plans.

17. Comment: The plan lacks sufficient pre-treatment measures to address pollutants like oil, grease, and heavy metals typically associated with parking areas. This insufficiently treated runoff would directly discharge into Peters Creek, an EV waterway and Coldwater Fishery. What assurances will be in place to prevent pollution to the surrounding natural resources. (1, 5, 6, 7, 12, 13)

Response: To the extent that the commentator comments on concerns of increased stormwater runoff and water quality, please see the response to Comment 3 above.

18. Comment: The plan fails to address potential thermal pollution from the large impervious surface, impacting the cold-water fishery and native brook trout population, as well as other aquatic organisms. (1, 6, 7)

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 and include an analysis for thermal impacts. The applicant has proposed the use of the MRC BMPs in which stormwater from the frequent storm events will pass through 2 feet of soil media before being discharged through the basin outlet. In addition, the landscape plan includes plantings in the basins and in areas surrounding the impervious surfaces that are more than turf grass. Shrubs, trees, and other native vegetation is specified within the basins to aid in the shading of impervious surfaces and provide a greater removal of stormwater through transpiration and evaporation. The applicant has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The designated use of Peters Creek will be protected and maintained through implementation of the BMPs and the approved plans.

19. Comment: The reliance on trenches and level spreaders creates the potential for concentrated flow, debris blockage, and stormwater runoff onto adjacent properties, including the neighboring cemetery. (1, 6, 7)

Response: The use of trenches and level spreaders is an accepted engineering practice to distribute stormwater along a longer flow path to minimize the potentially erosive stormwater flow to the downslope areas. The current topography, both within the project area and offsite concentrates stormwater flows. The applicant has demonstrated that the offsite flow path to Peters Creek will remain stable for the stormwater discharges leaving the project site in accordance with DEP regulations and guidance. The “Post Construction Stormwater Management Details”, Sheet C-647, indicates the applicant is responsible for operating and maintaining the facilities in which debris removal is a part of maintaining the facilities.

20. Comment: The design relies on MRC basins, an untested technology, and one which is not listed in the current DEP BMP manual, as required by township ordinance. (1, 7)

Response: The design and MRC basins has been evaluated by the DEP and is included in approved “Alternative E&S and PCSM BMPs” document, available from the DEP’s E&S Resources webpage:

<https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Pages/E-S%20Resources.aspx>.

The 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.

21. Comment: The applicant has failed to utilize non-discharge alternatives. (2, 7)

Response: Please see response to Comment 3. DEP’s antidegradation implementation requirements do not require that nondischarge alternatives be utilized, only that the use of nondischarge alternatives be evaluated and a demonstration provided that the nondischarge alternatives do not exist for the site. Instead, these antidegradation implementation requirements provides that if an applicant makes a demonstration that the nondischarge alternatives do not exist, antidegradation best available combination of technologies (ABACT) must be included.

As part of the permit application materials, the application submitted its antidegradation demonstration, including Antidegradation Analysis Module 3. This provides an evaluation of non-discharge alternatives (NDAs), and proposes to implement antidegradation best available combination of technologies (ABACT) BMPs for this proposed project. DEP has determined that this demonstration that nondischarge alternatives do not exist that will eliminate the stormwater from discharging to Peters Creek complies with the application law. The applicant has specified ABACT measures to manage stormwater both during construction and post construction after the proposed site features are constructed.

22. Comment: We [on behalf of the municipality] are wondering if there was any consideration to the long-term impacts of the downstream and off-site drainage conveyance facilities due to the discharge of stormwater from the project site. While the rate control will be addressed and volume control to some degree (at least the 2-year storm), there is concern about the increase in the volume of stormwater because of the proposed development and the extended duration of stormwater discharges that could negatively impact the adjacent properties over time. Although the project proposes the use of Level Spreaders, the discharge of stormwater will still become concentrated within the current natural draws, valleys or swales located off the property. (3, 4, 7)

Response: The Chapter 102 review has considered the stability of the down gradient offsite conveyance path. The applicant has proposed MRC facilities in which the outflow criteria is designed to mimic the natural flow to the stream. The current topography, both within the project area and offsite, concentrates stormwater flows. The applicant has demonstrated that the offsite flow path to Peters Creek will remain stable for the stormwater discharges leaving the project site in accordance with DEP regulations and guidance.

23. Comment: Karst geology has mapped out many sinkholes and dozens of depressions. This warehouse will have 50 acres of impervious surface and paved areas. This area is known for sinkholes (local property had a 15 foot by 15 foot sinkhole recently). The storm water runoff has no infiltration planned on the property. What happens to Peters Creek - that's a natural brook trout hatchery! Is anyone concerned about the environment, how about the animals too? (7, 10)

Response: To the extent that the commentator comments on concerns of increased stormwater runoff, please see the response to Comment 3 above.

To the extent that the commentator comments on concerns of impacts to the food chain and species, please see the response to Comment 4 above.

Given the sites underlying karst geology, the basin liner is proposed to mitigate the risk of a sinkhole or other earth subsidence from forming. The MRC basins are designed with outflows that are intended to mimic the natural flow of stormwater to Peters Creek. 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 applicant has demonstrated that their project will manage stormwater runoff from the project consistent with the regulations. The designated use of Peters Creek will be protected and maintained through implementation of the BMPs and the approved plans.

24. Comment: Storm events flood local roads as it is without the increased impervious of the facility. (8, 14)

Response: The Chapter 102 regulations ensure that the receiving surface water's designated and existing use classifications are protected and maintained. The 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. Land use in

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

Comments Related to General Site and Building Concerns

25. Comment: The prospective tenant of the warehousing/distribution center is East Penn Manufacturing, a large-scale lead-acid battery manufacturer and distributor. East Penn is branching out into lithium batteries, increasing the risks for catastrophic contamination of an EV waterway and the City of Reading's drinking water supply. There is not enough known about the building and prospective tenants. (1, 6, 8, 10, 14)

Response: The 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. Land use in Pennsylvania is governed by local municipalities and municipal planning and zoning. Maiden creek Township's Conditional Use approval dated December 21, 2023 for the facility contains a condition that prohibits the storage of rechargeable lithium-ion batteries at the facility unless an appropriate fire suppression system is installed which meets the applicable IFC regulations as approved by the Fire Marshal. Concerned parties may view the Conditional Use approval and confer with the municipality.

26. Comment: There is insufficient fire suppression capability in both the onsite storage tank and municipal water supply flow. (11)

Response: The Chapter 102 regulations do not regulate water capacity for fire suppression. Through consultation with Maiden creek Township, this issue would be addressed through building codes and municipal ordinances. According to the Township, the facility's fire suppression system, sprinklers, emergency pump, and exterior fire hydrant will all meet the current Uniform Construction Code. Concerned parties may confer with the municipality about these concerns. Further, the applicant provided DEP with a memorandum titled: NPDES PAD060076; Proposed Fire Suppression System and Emergency Operations Plans which provides information for the proposed facility. The applicant states the facility has been designed with a fire suppression system that will comply with all applicable local, state, and federal laws, including but not limited to the National Fire Protection Association (NFPA) 13 code and design requirements. In addition, the applicant states that any facility use that includes the storage of flammable or explosive hazards shall comply with the applicable regulations of PADEP, OSHA, PennDOT or other regulatory agencies having jurisdiction over the storage of flammable or hazardous materials. Additional information on the fire suppression system can be found within the aforementioned memorandum in the permit file.

27. Comment: Concern of runoff of water during a potential fire at the facility (11)

Response: Part C.I.B.1 authorizes non-stormwater discharges from emergency fire-fighting activities. Potential pollution from the emergency action would be managed on a case-by-case basis as each unforeseen situation arises.

28. Comment: Concern of rubble disposal after a potential catastrophic event at the facility. (11)

Response: Waste disposal is regulated by the DEP Waste Management Program. Additionally, Part C. IX.C of the permit requires the applicant to comply with the applicable waste regulations.

29. Comment: Concern of where floor drains discharge should there be an internal spill at the facility. (11)

Response: To the extent that the commentator comments on concerns of increased stormwater runoff and water quality, please see the response to Comment 3 above. Floor drains are prohibited from discharging into stormwater management facilities or directly to a surface water. The floor drains within this facility will be discharged to the Maiden Creek Township Sewer Authority's treatment facility. Part C.IX.D. of the draft permit PAD060076 does prohibit the discharge of non-stormwater discharges, except as specifically identified in Part C.I.B of the permit. A site owner and operator each have a duty to prevent pollution to waters of the Commonwealth. Additionally, 25 Pa Code § 102.5(l) and Permit Condition, Part A, Section II.4.c. requires the applicant to prepare and implement a Preparedness, Prevention, and Contingency (PPC) plan for certain types of activities at the site, such as the storage, use, or transportation of materials including: fuels, chemicals, solvents, and other similar materials. Part C, Section VIII.A. also requires the applicant to ensure that various personnel understand the requirements of the permit, including the PPC plan.

30. Comment: The building will be 60 feet tall and sit upwards of 80 feet above the surrounding landscape that contains hiking trails. Concern for the viewshed from the established trails. (11)

Response: To the extent that the commentator comments on concerns of land use, please see the response to Comment 11 above.