

Milford Township

From: Mackowski, Brian [bmackowski@pa.gov]
Sent: Thursday, January 05, 2023 11:00 AM
To: cadjes7004@gmail.com; Mitchell Jacobs
Cc: Chris Meszler; milfrdtp@ptd.net
Subject: PAD520046 Technical Deficiency Letter
Attachments: PAD520046 Technical Deficiency Letter.pdf

Please find your copy attached.

Regular correspondence like completeness and technical letters will only receive email copies.

If this is a permit approval, hard copies will not follow - please work from the plan revisions listed in the permit approval letter (for NPDES and GP-11 authorizations) and see DEP's eLibrary for necessary forms (e.. Permit Transfer, Co-Permittee, Notice of Termination, etc.).

Any forms referenced in the enclosures section of an issuance letter can be found on the Department's E&S Resources Page.

Thanks,

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****DEP has launched an Online Electronic permitting (ePermit) for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits and PAG-02 NPDES Construction Stormwater General Permits. Before Registering, It is strongly recommended to view the Walkthrough Videos and guides found on our website:**
<https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>

****DEP is now accepting permit and authorization applications electronically through the OnBase Electronic Forms Upload tool.** This provides the public with a streamlined and expedient process for the submission of permit applications and documents for which ePermitting options do not currently exist. Please use this link to access the feature:
<https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx> Guidance for the new permit application tool and instructions for applicants to submit permit fees are also found on this page.

In order to prevent the further spread of COVID-19, all DEP offices will remain closed until restrictions are lifted. In the meantime, I will be working remotely to continue the mission of the Pennsylvania Department of Environmental Protection and frequently retrieving emails. Thank you for your patience. For more information on COVID-19, please visit the [PA Department of Health page](#).

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January 4, 2023

Email: cadjes7004@gmail.com

Eric & Sue Vogelsberg
242 Prospect Road,
Monroe, NY 10950

Re: Technical Deficiency Letter
Lands of Vogelsberg
NPDES Permit Application No. PAD520046
Milford Township, Pike County

Dear Applicant:

The Department of Environmental Protection has reviewed the above referenced application and has identified the technical deficiencies listed below. The *Pennsylvania Erosion and Sediment Pollution Control Program Manual* (E&S Manual) and the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) include information that may aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

The technical deficiencies void the permit decision guarantee and any agreements that have been made regarding the timeline for the permit application review. DEP will continue to follow the permit review process procedures in the review and processing of this permit application.

Technical Deficiencies

1. ***[25 Pa. Code § 102.4(b)(5)(ii)] The types, depth, slope, locations, and limitations of the soils.***
 - a. Provide the soil report to verify the site soils.
 - b. The soil resolution for embankments states that large stones will be removed from embankment material. Will these stones be removed from the site or used on site? Please clarify.

2. ***[25 Pa. Code § 102.4(b)(5)(iii)] The characteristics of the earth disturbance activity, including the past, present, and proposed land uses and the proposed alteration to the project site.***
 - a. Provide the limit of disturbance boundary on sheet C-1.1.
 - b. Provide the NPDES boundary on sheet C-2.1.
 - c. Provide contour labels on the proposed grading for the infiltration berm.

3. ***[25 Pa. Code § 102.4(b)(5)(v)] The location of all surface waters of this Commonwealth***

which may receive runoff within or from the project site and their classification under Chapter 93.

- a. The Chapter 93 classification on the plan drawings is incorrect (states HQ-CWF, MF). Please revise.

4. [25 Pa. Code § 102.4(b)(5)(vii)] *A sequence of BMP installation and removal in relation to the scheduling of earth disturbance activities, prior to, during and after earth disturbance activities that ensure the proper functioning of all BMPs.*

- a. The first paragraph of the sequence of construction provides the phone number for Wayne County Conservation District. Please revise.
- b. The sequence of construction does not call out the protection of the infiltration area. Please revise.
- c. The bio-infiltration area should be installed earlier in the sequence, before the roof drains are connected, to help manage the stormwater runoff during construction.
- d. The rock construction entrance is depicted to be installed in the downstream end of the proposed swale. The sequence of construction does not call out the construction of the swale. Please address how the swale will be constructed.
- e. The sanitary sewer line goes through the proposed swale. This may cause an issue depending on when both improvements are installed. Please clarify the installation of the swale and sanitary sewer pipe.

5. [25 Pa. Code § 102.4(b)(5)(viii)] *Erosion and Sediment Calculations and Measurements*

- a. Provide outlet protection for the outfall pipe from closed depression by the driveway. Provide outlet protection calculations.
- b. Provide the drainage area for the swale on the drainage area map.
- c. The swale matting calculations call out a design flow of 1.16 cfs and the swale calculations call out a required flow of 0.634 cfs. Revise the swale matting calculations to be consistent with the 10-year storm event (0.634 cfs).
- d. The swale calculation worksheet calls out a temporary swale depth of 1.0 feet and a permanent swale depth of 1.5 feet. With the driveway grades that are shown, there appears to be sections where a depth of 1.5 feet isn't provided for the north side of the swale. Please clarify the swale depth.

6. [25 Pa. Code § 102.4(b)(5)(ix)] *Erosion and Sediment Plan Drawings.*

- a. General Note 18 states that a minimum 4" depth of scarification for placement of topsoil but the topsoil application note states a minimum depth of 3"-5". Please clarify.
- b. General Note 34 and 38 are duplicates. Please revise.
- c. Module 1 states that a rock construction entrance with a wash rack will be used. Standard Construction Detail (SCD) 3-2 should be used instead of SCD 3-1. Explain the water source for the wash rack on the plans along with providing the collector channel and sediment trap as specified in SCD 3-2.
- d. Seeding notes call out trees and plantings. Please clarify if these are general plantings or are they to be credited.

- e. Add the standard E&S notes 1, 2, and 9 from page 396 of the Erosion and Sediment Pollution Control Manual.
 - f. The concrete washout notes state to place the washouts near “Townhouse units”. Please clarify.
7. ***[25 Pa. Code § 102.6(a)(1)] Submit to the Department or a conservation district a complete application or NOI, an E&S Plan meeting the requirements of § 102.4 (relating to erosion and sediment control requirements), a PCSM Plan meeting the requirements of § 102.8 (relating to PCSM requirements), and other information the Department may require.***
- a. The application proposes a non-surface water discharge however, an offsite discharge analysis was not found in the submission. An offsite discharge analysis should be prepared and provided to address PADEP’s “Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters” Frequently Asked Questions dated January 2, 2019.
8. ***[25 Pa. Code § 102.6(b)(3)] Permit application and fees. Conservation districts may charge additional fees in accordance with section 9(13) of the Conservation District Law (3 P.S. § 857(13))***
- a. The District fee for service with the resubmission is \$75.00.
9. ***[25 Pa. Code §102.8(f)(2)] The types, depth, slope, locations and limitations of the soils and geologic formations.***
- a. Please provide a soil map/report of the project area.
 - b. Provide the soil limitation and resolutions notes on the plan sheets.
 - c. The soils survey and soils testing are inconsistent. Calculations show that the rate control for the site was based on the hydrologic soils group from the County Soils Survey Maps which is a D soil. However, the site-specific testing at the soils test pits demonstrate that the site is predominantly composed of B or C soils to a certain depth. The infiltration testing also confirms rates much greater than the soil types named in the soils survey. Therefore, the hydrologic soils group utilized for site design is incorrect. Revise the site design to be based on the actual site conditions. Revise the PCSM spreadsheet to match the actual site conditions. Provide the soil testing/geotechnical report.
 - d. Infiltration test DRIFT 1 (16.2 in/hr) is above the recommended infiltration rate of 10 in/hr. The media for the bio-retention berm should be tested to show the infiltration rate will meet the designed infiltration rate. A note should be added to the plans to provide testing results of the media infiltration rate.
10. ***[25 Pa. Code §102.8(f)(5)] An identification of the location of surface waters of this Commonwealth, which may receive runoff within or from the project site and their classification under Chapter 93 (relating to water quality standards).***
- a. Application, storm discharge information, question #1 and #2, check the non-surface waters box
 - b. Application, storm discharge information, question #5, check the yes box since the discharge from the retentive berm will be a more concentrated flow than in the

pre-construction condition.

- c. The receiving water in the PCSM Spreadsheet is incorrect. Revise the receiving waters and Chapter 93 classification on the general information tab of the PCSM Spreadsheet.

11. [25 Pa. Code §102.8(f)(6)] *A written description of the location and type of PCSM BMPs including construction details for permanent stormwater BMPs including permanent stabilization specifications and locations.*

- a. The retentive grading berm detail is inconsistent with plan view and notes/specifications. Plan view shows a level bottom for infiltration area and the specifications call out for a 6" media layer. Please revise.

12. [25 Pa. Code §102.8(f)(7)] *A sequence of PCSM BMP implementation or installation in relation to earth disturbance activities of the project site and a schedule of inspections for critical stages of PCSM BMP installation.*

- a. The berm fill placement procedure refers to section A-A which couldn't found on the plans. Please revise the notes or provide the section view.
- b. The berm fill placement procedure states that trees and brush be cut flush to the ground. Trees and brushes should be completely removed from the berm area to keep the integrity of the berm.
- c. The infiltration /detention area specifications refer to a rain garden, but no rain garden could be found on the plans. Please clarify.
- d. The infiltration detention maintenance notes call out trees and shrubs to be inspected. Provide the tree and shrubs locations on the PCSM plans.
- e. Provide the critical stage on the plans.
- f. Provide the permanent seeding and stabilization notes on the plans.

13. [25 Pa. Code §102.8(f)(8)] *PCSM Supporting Calculations.*

- a. The pond report hydrograph calls out a top of berm of 812' while the plans/details call out 810'. Please clarify.
- b. The 2yr/24hr hydrograph states a volume routed to the BMP of 2,065 cf and a storage of 961 cf. The PCSM Spreadsheet states a volume routed as 2,426 cf and a storage of 953 cf. Revise the PCSM Spreadsheet.
- c. The pond report hydrograph calls out an infiltration area of 234 sf but the PCSM Spreadsheet states an infiltration area of 1.084 sf. Revise the PCSM Spreadsheet.
- d. The proposed infiltration loading ratios exceed the values recommended by the PCSM BMP Manual (5:1 impervious and 8:1 total loading). Loading ratios calculations could not be found. Please review and provide loading ratio calculations.
- e. Module 2, peak rate, section 7, the 2yr/24hr pre-construction rate is inconsistent with the PCSM Spreadsheet and hydrographs. Revise Module 2.

14. [25 Pa. Code §102.8(f)(9)] *PCSM Plan Drawings.*

- a. Provide the limit of disturbance on the plans.
- b. Provide the outlet protection (NAG matting) details to the plans.
- c. Provide the potential for pollution and thermal impact notes on the plans.

- d. The receiving stream classification note on the plan needs to be revised to state an “UNT to Deep Brook” and revise the classification from HQ-CWF, MF to EV, MF.
 - e. The infiltration/detention areas specifications notes call out rain gardens. There are no rain gardens specified on the plans or calculations. Please clarify.
- 15. [25 Pa. Code §102.8(f)(10)] *A long-term operation and maintenance schedule, which provides for inspection of PCSM BMPs, including the repair, replacement, or other routine maintenance of the PCSM BMPs to ensure proper function and operation. The program must provide for completion of a written report documenting each inspection and all BMP repair and maintenance activities and how access to the PCSM BMPs will be provided.***
- a. Provide the long-term O&M notes for all BMPs to be implemented.
- 16. [25 Pa. Code §102.8(f)(11)] *Procedures which ensure that the proper measures for recycling or disposal of materials associated with or from the PCSM BMPs are in accordance with Department laws, regulations and requirements.***
- a. Provide the recycling and disposal of waste notes on the plans.
- 17. [25 Pa. Code §102.8(g)(2)(ii)] *When the existing project contains impervious area, 20% of the existing impervious area to be disturbed must be considered meadow in good condition or better, except for repair, reconstruction or restoration of roadways or rail lines, or construction, repair, reconstruction, or restoration of utility infrastructure when the site will be returned to existing condition.***
- a. When an existing project site contains impervious area, 20% of the existing impervious area to be disturbed must be considered meadow in good condition or better. Please revise the supporting calculations and the PCSM Spreadsheet.
- 18. [25 Pa. Code §102.8(g)(4)] *Identification of the methodologies for calculating the total runoff volume and peak rate of runoff and provide supporting documentation and calculations.***
- a. A copy of the supporting NOAA Atlas 14 data was not found with the application. Please provide a copy with the resubmission.

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 30 calendar days from the date of this letter, on or before February 3, 2023 or DEP may deny the application. Alternatively, you may consider a voluntary withdrawal.

Please submit the revised information to the District and DEP reviewers electronically, through an email link and/or OnBase. Contact the District and DEP for any questions regarding resubmittal procedures. It is not necessary to provide hard copies of plan submittals. Please consider using the DEP’s e-permitting system on future projects. This is currently optional but is recommended to reduce time spent by the technical review team on administrative tasks. More information about e-permitting can be found at the following link:

<https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construc>

[tion/Pages/Chapter-102-ePermit.aspx](#)

Please be advised that if your response does not satisfy the technical deficiencies, in general your application will proceed to an Elevated Review. If you do not believe the technical deficiencies can be fully addressed within the required timeframe, you should consider a voluntary withdrawal. If a permit application is denied, there is no recovery of fees available; however, if you voluntarily withdraw the application and then submit a new application for the same project, previously paid disturbed acreage fess will be reapplied to the new application.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that DEP make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency.

If you have questions, please contact Chris Meszler, P.E. by e-mail at cmeszler@pikepa.org or by telephone at 570.226.82320 and refer to Application No. PAD520045, to discuss your questions or to schedule a meeting. You must attempt to schedule any meeting within the 30 calendar days allotted for your reply.

Sincerely,

Robert Jevin

Robert J. Jevin III, P.E.
Environmental Group Manager
Waterways & Wetlands Program

cc: Kiley Associates, LLC, Attn: Mitch Jacobs, PE via email mjacobs@kileyassoc.com
Pike County Conservation District, Attn: Chris Meszler, PE via email
cmeszler@pikepa.org
Milford Township via email milfrd@ptd.net

Eric & Sue Vogelsberg

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January 4, 2023

bcc: File (30-day)

