



Pennsylvania
**Department of
Environmental Protection**

February 26, 2026

Via Email: amiller@catacomm.com

Andrew Miller
Route 115 Associates, LLC
1 Tower Bridge, 100 Front St, Suite 560
West Conshohocken, PA 19428

Re: Individual NPDES Permit Application Denial
Route 115 Associates Warehouse
NPDES Application No. PAD450180
Tunkhannock Township, Monroe County

Dear Mr. Miller:

The Department of Environmental Protection (DEP) received the above referenced application package on **March 2, 2023**. DEP issued an administrative incompleteness letter on March 21, 2023 with a deadline to respond by May 20, 2023. After granting an extension to respond to June 21, 2023, DEP received your response on June 22, 2023. On July 25, 2023, you were notified of additional information needed for administrative completeness, which DEP received July 26, 2023.

On December 21, 2023, DEP issued its first technical deficiency letter, to which you responded with a revised submission on January 22, 2024. On June 25, 2024, DEP issued a second technical deficiency letter and published a tentative determination in the Pennsylvania Bulletin that your application would be denied on July 13, 2024. On August 12, 2024, you responded with a revised submission. On November 18, 2024, DEP issued a third technical deficiency letter and intent to issue letter. On December 7, 2024, DEP published in the Pennsylvania Bulletin a tentative determination to issue the permit. On December 18, 2024, DEP received your revised submission as a response to the November 18th deficiency letter. DEP conducted a public hearing on March 3, 2025. On May 20, 2025, DEP issued a technical deficiency letter. On June 20, 2025, you requested an extension to respond, which the Department granted until July 31, 2025. You responded with a revised submission on August 5, 2025.

Still, your application remained technically deficient. An Elevated Review Meeting was held on September 30, 2025. DEP issued an additional technical deficiency letter on September 30, 2025, and DEP received your response to the technical deficiency letter on October 20, 2025.

During the public comment period following the December 7, 2024 Notice of Intent to Issue, the Department received written public comments and comments at the public hearing on March 3, 2025. Because you have not resolved the deficiencies that have carried through since the November 18, 2024 deficiency letter, the Department has not addressed the public comments.

DEP has completed its review and has taken final action to deny your application. Your application has been denied for the following reason(s):

1. §102.8(f)(9) Plan drawings.

- a. The spillway for Basin 2 has been changed in the PCSM calculations, but the PCSM plans have not been updated to reflect the spillway elevation change.

2. §102.8(g)(2) Analysis demonstrating that the PCSM BMPs will meet the volume reduction and water quality requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or 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. The analysis for the 2-year/24-hour storm event shall be conducted using the following minimum criteria:

- a. The inflow volumes to the various stormwater BMPs differ from the volumes determined in the rate analysis. The “Infiltration Volume for PCSM Spreadsheet” tabulation notes that the volumes in the PCSM Spreadsheets are based “from Worksheet 4”. Worksheet 4 has not been provided for each BMP justifying the direct inflow into the BMP’s.
- b. PCSM Spreadsheet, DP 002, Volume Tab: The Post-Construction Conditions include a land cover of “Woods.” The Spreadsheets should be developed based on disturbed areas only. The previous submissions were based on all non-impervious surfaces being classified as open space (grass). The woods areas within the area of disturbance should be modelled (both in the rate and volume analysis) as either grass or meadow, since these areas are located within the proposed disturbed areas.
- c. PCSM Spreadsheet, DP 003, Volume Tab: The predevelopment “Forest-C” land cover should total 4.16 acres, and the total predevelopment area should total 16.87 acres in order to match the CN calculations for the disturbed area.
- d. PCSM Spreadsheet, DP 003, Volume Tab: The Post-Construction Conditions include a land cover of “Woods.” The Spreadsheets should be developed based on disturbed areas only. The previous submissions were based on all non-impervious surfaces as open space (grass). The woods areas within the area of disturbance should be modelled (both in the rate and volume analysis) as either grass or meadow, since these areas are located within the proposed disturbed areas.
- e. PCSM Spreadsheet, DP 003, Structural Volume Credits: For IB-5A, the infiltration Area should be 26,470 sf, and the storage volume should be 21,174 cf (volume at first outlet from basin).
- f. PCSM Spreadsheet, DP 003, Structural Volume Credits: For IB-5B, the storage volume should be 25,661 cf (volume at first outlet from basin).

- g. PCSM Spreadsheet, DP 003, Structural Volume Credits: For IB-5C, the storage volume should be 25,629 cf (volume at first outlet from basin).
- h. PCSM Spreadsheet, DP 003, Structural Volume Credits: For Basin 2, the infiltration Area should be 35,400 sf and the storage volume should be 58,169 cf (inflow volume to the basin).
- i. PCSM Spreadsheet, DP 003, Structural Volume Credits: For Basin 2, the infiltration period should be 53 hours (depth of water below first outlet divided by infiltration rate).
- j. PCSM Spreadsheet, DP 003, Structural Volume Credits: the revisions noted above may affect the corresponding infiltration credits and inflow volumes to downstream BMP's, requiring additional revisions to the PCSM Spreadsheet.
- k. PCSM Spreadsheet, DP 006, Volume Tab: The post development land cover conditions total 22.03 acres on the Spreadsheet. The CN calculations for the disturbed area total 28.78 acres (an additional 6.75 acres). All disturbed areas do not appear to be included in the post development conditions and corresponding volume reduction requirements.
- l. PCSM Spreadsheet, DP 006, Volume Tab: The Post-Construction Conditions include a land cover of "Woods." The Spreadsheets should be developed based on disturbed areas only. The previous submissions were based on all non-impervious surfaces as open space (grass). The woods areas within the area of disturbance should be modelled (both in the rate and volume analysis) as either grass or meadow, since these areas are included within the disturbed areas. The volume analysis as well as the rate analysis require revisions.
- m. PCSM Spreadsheet, DP 006, Structural Volume Credits: The inflow volumes to the four (4) infiltration beds does not match the values reported in the Infiltration Volume for PCSM Spreadsheet values. Since the Worksheet 4 calculations have not been provided, the inflow volumes cannot be verified.
- n. PCSM Spreadsheet, DP 006, Structural Volume Credits: the storage volumes for the BMP's should be the volume at the first outlet from the BMP, or the inflow volume, whichever is less. It appears the storage volumes for BMP 9 (Bed 3A) should be 107,509 cf, BMP 11 (BMP 4A) should be 29,405 cf, and BMP 12 (Bed 4B) should be 29,409 cf.
- o. The September 30, 2025 comment letter noted the presence of rock within the footprint of infiltration beds 3 and 4 in the eastern edge of the beds. If rock was encountered, replacement material would be required to be installed and tested to meet comparable infiltration rates of existing on-site soils. The current design proposes the bottom of Bed 3A being lowered an additional one foot in depth and Bed 4B being lowered an additional 2 feet in depth. This will result in a large area

of the beds potentially being situated in rock. This design does not protect and maximize the use of on-site soils to meet the infiltration requirements for the project.

- p. The PCSM plans note to replace areas where rock is encountered with DEP sand mound sand. A sand-only mixture does not meet the recommended requirements for amended soils (soil, sand and compost) or the recommended composition for a Managed Release Concept (MRC) soil media.
3. ***§102.8(g)(3) Analysis demonstrating that the PCSM BMPs will meet the rate requirements specified in an applicable Department approved and current Act 167 stormwater management watershed plan; or manage the net change in peak rate for the 2-, 10-, 50-, and 100-year/24-hour storm events in a manner not to exceed preconstruction rates.***
- a. The Curve Number calculations provided in the report are noted as “Weighted CN within the limits of disturbance” and appear to match the values utilized in the volume and water quality analysis. Different Drainage areas and CN values were utilized in the rate analysis. Corresponding Curve Number calculations have not been provided for the rate analysis.
 - b. The predevelopment drainage area on the PCSM Spreadsheet for DP 002 is 1.867 acres (disturbed area). However, the predevelopment drainage area for the rate analysis for DP 002 is 1.372 acres (0.495 acres less area). The drainage area in the rate analysis should equal or exceed the drainage area of the disturbed area.
 - c. The predevelopment drainage area on the PCSM Spreadsheet for DP 003 is 16.97 acres (disturbed area). However, the predevelopment drainage area for the rate analysis for DP 003 is 16.37 acres (0.60 acres less area). The drainage area in the rate analysis should equal or exceed the drainage area of the disturbed area.
 - d. The predevelopment drainage area on the PCSM Spreadsheet for DP 004 is 5.32 acres (disturbed area). However, the predevelopment drainage area for the rate analysis for DP 004 is 5.11 acres (0.21 acres less area). The drainage area in the rate analysis should equal or exceed the drainage area of the disturbed area.
 - e. The predevelopment drainage area on the PCSM Spreadsheet for DP 005 is 5.01 acres (disturbed area). However, the predevelopment drainage area for the rate analysis for DP 004 is 4.84 acres (0.17 acres less area). The drainage area in the rate analysis should equal or exceed the drainage area of the disturbed area.
 - f. The post development drainage area for subarea “Undetained 003” is 3.748 acres (disturbed area). However, the same drainage area in the rate analysis is 2.641 acres (1.107 acres less area). The drainage area in the rate analysis should equal or exceed the drainage area of the disturbed area.

- g. The infiltration rate utilized for Basin 2 in the rate analysis is 0.60 in/hr. The design rate utilized in the PCSM spreadsheet and reported on the PCSM Infiltration Period calculation is 0.45 in/hr. The design rate was utilized for all other storage beds in the rate calculations.
- h. The infiltration rate utilized for Bed 4A in the rate analysis is 0.90 in/hr. The design rate utilized in the PCSM spreadsheet and reported on the PCSM Infiltration Period calculation is 0.45 in/hr. The infiltration rates are inconsistent between the rate and volume analysis. The design rate was utilized for all other storage beds in the rate calculations.
- i. The emergency spillway for Basin 2 is set at elevation 1797.60 for the rate analysis. This basin will be utilized as a sediment basin during construction. In the sediment basin configuration, the spillway is set at elevation 1797.65. The spillway elevation should be set at 1797.65 to match the sediment basin configuration and allow for the spillway to be constructed and stabilized early during construction.
- j. The spillway calculations have not been updated to reflect the change in the spillway elevation from the previous elevation of 1798.00 to the new elevation of 1797.60.
- k. The calculations indicating the “stone chimneys” are able to convey the runoff into the underlying beds have not been updated to reflect the changes in the rate analysis.

Fees are not refunded when an application is denied. You may submit a new application for the project at your discretion.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any

right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at www.ehb.pa.gov or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have questions, please contact Michael J Wilk P.E. by e-mail at mwilk@monroecountypa.gov or by telephone at 570.629.3060 and refer to PAD450180. You may resubmit your application.

Sincerely,



Pamela R. Kania P.E.
Environmental Program Manager
Northeast Regional Office

cc: Kim Fasnacht PE, Rettew Associates kim.fasnacht@rettew.com
Monroe County Conservation District
Tunkhannock Township tunksec@longpondpa.com