



February 2, 2023

Mr. Jim Marshall  
BP Point Breeze, LLC  
One Gatehall Drive, Suite 201  
Parsippany, NJ 07054-4540

Re: Letter of Technical Deficiencies and Public Comments  
Project Site Name: 6310 West Passyunk Avenue  
NPDES Construction Stormwater Permit Application No. PAD510222  
City of Philadelphia  
Philadelphia County

Dear Mr. Marshall:

The Department of Environmental Protection (DEP) has reviewed the above-referenced application/NOI in coordination with the Philadelphia Water Department (PWD), and in addition to PWD's comments under separate cover, DEP 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**

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1. Please note that additional comments may be generated based on the responses provided in the applicant's next submission.
2. Please verify that the Project Site Boundary in the E&S and Post Construction Stormwater Management (PCSM) Plan drawings complies with the definition for the term "Project site" in the Chapter 102 regulations. [25 Pa. Code § 102.1]
3. Show existing and proposed contours (with contour elevation labeling) where with a reference in the legend in all E&S and PCSM Plan drawings. [25 Pa. Code §§ 102.4(b)(5)(iii) and 102.8(f)(1)]

4. Please improve legibility of the limit of disturbance, compost filter sock, silt fence, construction fencing, and contour lines in the E&S Plan drawings. [25 Pa. Code §§ 102.4(b)(5)(i) and 102.4(b)(5)(iii)]
5. Show types of cover within project site in E&S Plan drawings. [25 Pa. Code § 102.4(b)5(i)]
6. Per information provided with the Chapter 102 NPDES permit application, the DEP Chapter 105 authorizations will be needed, please address the following items [25 Pa. Code § 105]:
  - a. On the E&S plan drawings and the PCSM plan drawings, please clearly indicate the areas which are subject to a Chapter 105 authorization.
  - b. Please update the sequence of construction to refer to the water obstruction or encroachment activities (Chapter 105) notes, details, and sequence area of the plan set for the implementation of those regulated activities.
  - c. Specify the limit of disturbance/impacts associated with the water obstruction and encroachment activities on the E&S and PCSM Plans. A site-specific E&S Plan drawing should be provided in addition to any typical E&S details and drawings. The details and notes associated with the water obstruction or encroachment activities (Chapter 105) should be clearly differentiated (i.e., boxed in or a separate sheet) from the National Pollutant Discharge Elimination System (NPDES) application's standard notes and details and should be clearly labeled.
7. The table of contents for the E&S Report refers to a sediment basin. However, there are no calculations provided for the sediment basin in the report. Please provide this information accordingly. Also, please add page numbers to the E&S Report to follow the table of contents. It seems that there are basins on the E&S Plan Drawings. Will these basins be used as Sediment Basins? Please label these basins accordingly on the plan drawings. [25 Pa. Code § 102.11(a)(2)]
8. Please verify the compost filter sock size calculations/measurements for each stage of construction. Please add the slope lines to the E&S Plan drawings that were used to evaluate each of the chosen compost filter sock sizes. Please follow the break in slope / maximum allowable slope length for silt fence on page 77 of the E&S Manual. As noted below in a separate comment, the applicant's environmental consultant will need to make a recommendation and an explanation of how the E&S BMPs being utilized will be appropriate for proper on-site containment of all regulated substances which exceed the soil-to-groundwater thresholds (e.g., please discuss the

appropriateness of the proposed E&S controls for containing any water-soluble regulated substances present at the site in concentrations above their respective thresholds).[ 25 Pa. Code § 102.11(a)(2)]

9. Please address each of the FAQ numbers in the “Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters FAQ” document in narrative form for each discharge point. This FAQ document can be found on the following DEP website under the heading of Guidance: [E&S Resources \(pa.gov\)](http://www.dep.state.pa.us/eas). [25 Pa. Code §§ 102.4(c) & 102.8(f)(15)]
10. Please re-visit the sequence of construction on the E&S Plan drawings, and please refer to each and all Chapter 102 Best Management Practices used during and after construction, and please be consistent with the BMP names (between the drawings, notes, details, and sequence of construction). [25 Pa. Code § 102.11(a)(1)]
11. In the applicant’s resubmission, please provide separate PDF files for each Application Checklist item listed for the Chapter 102 NPDES permit application. For example, please send a separate PDF for the E&S Plan Drawings (including the E&S Detail Sheets and Note Sheets). Please send a separate PDF for the PCSM Plan Drawings (including the PCSM Detail Sheets and Note Sheets). In addition to the separate PDFs for the E&S and PCSM Plan Drawings, the applicant can send a separate PDF for the entire plan drawing set, if needed.

Please note that comments and notes 12 through 23 (listed below) can be considered under the regulatory citation of 25 Pa. Code § 102.11(a)(1).

12. Please add the following notes to the plan drawings (or revise existing notes to better match the following):
  - A. *Imported Fill.*
    1. *With the exception of sites enrolled in DEP’s Land Recycling and Remediation Standards Act (Act 2) program and sites with DEP’s Waste Management General Permit (WMGR096) approval to use regulated fill, all fill material imported to the site must meet the definition of clean fill, as defined in DEP’s Management of Fill Policy. Regulated fill used on Act 2 sites must comply with the standards established by the Act 2 program. Regulated fill used outside of Act 2 sites must comply with DEP’s Waste Management General Permit WMGR096.*
    2. *For areas not enrolled in the Act 2 program, the permittee shall comply with DEP’s Management of Fill Policy (Document*

*No. 258-2182-773) if fill is imported to the site, and comply with the following when using fill at the site to level an area or bring it to grade:*

- a. The permittee shall conduct environmental due diligence to determine whether the fill has been affected by a release of a regulated substance. If due diligence was conducted prior to submitting the permit application and circumstances have not changed between the due diligence and the use of the fill, due diligence does not need to be repeated.*
- b. If due diligence results in evidence of a release, as defined in DEP's Management of Fill Policy, the permittee shall test the material to determine whether it qualifies as clean fill, and if so, DEP's electronic Form FP-001 (Certification of Clean Fill) must be completed, retained by the permittee and be made available to DEP/County Conservation District (CCD) upon request. If the fill does not qualify as clean fill, but meets the regulated fill standards, it may be used in accordance with an approval for coverage under DEP's Waste Management General Permit WMGR096.*

*B. On-Site Soil Contamination.*

- 1. For sites enrolled in the Act 2 program, if the results of soil sampling in the area of earth disturbance activities demonstrate newly discovered soil contamination with concentrations of regulated substances exceeding the residential or nonresidential medium-specific concentrations (MSCs), whichever is applicable, the permittee shall notify DEP/CCD by phone within 24 hours of receiving the sampling results. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.*
- 2. For areas not enrolled in the Act 2 program, if the permittee or co-permittee discovers during earth disturbance activities wastes or other materials or substances that have or have likely caused soil contamination with concentrations of regulated substances exceeding the residential or nonresidential MSCs, whichever is applicable, the permittee shall notify DEP/CCD by*

*phone within 24 hours. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.*

*C. On-Site Groundwater Contamination.*

*If the results of sampling performed on groundwater encountered during earth disturbance activities demonstrate that the groundwater is contaminated by one or more pollutants at concentrations exceeding water quality criteria contained in 25 Pa. Code Chapter 93, that were not previously disclosed to DEP/CCD, the permittee shall notify DEP/CCD by phone within 24 hours of receiving the sampling results. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by DEP's Clean Water program.*

13. Regarding the environmental due diligence that was performed for the site, please see the following comments and notes:
  - i. Item 2 of the E&S Module 1 is incomplete. Please complete the section which states: "If soils are known to be contaminated, (1) identify the pollutants exceeding Act 2 standards in the space provided below, (2) identify the extent of soil contamination on an E&S Plan Drawing that is attached to this module, and (3) describe the methods that will be used to avoid or minimize disturbance of the contaminated soils in the space provided below." It is recommended that a focused environmental due diligence narrative be provided which features a discussion regarding the contaminants identified and the remediation work (e.g., soil cap, geomembrane liner, pavement, watertight joints for the stormwater piping, removal of contaminated soils, etc.) to be applied, as well as an explanation of how the E&S BMPs being utilized will be appropriate for proper on-site containment of all regulated substances which exceed the soil-to-groundwater thresholds (e.g., please discuss the appropriateness of the proposed E&S controls for containing any water-soluble regulated substances present at the site in concentrations above their respective thresholds). An environmental consultant should provide a recommendation for the proposed E&S BMPs that the chosen E&S BMPs are appropriate for the regulated substance(s) found at the site as part of the applicant's environmental due diligence. Include any modifications/deviations made to standard E&S BMPs to prevent contaminant transport on the applicable detail(s) on the E&S Plan drawings. Following the scope and purpose of

Chapter 102, persons proposing earth disturbance activities are required to develop, implement, and maintain BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post construction stormwater. In addition, the BMPs shall be undertaken to protect, maintain, reclaim, and restore water quality and the existing and designated uses of waters of this Commonwealth.

- ii. All soil samples with exceedances of soil-to-groundwater statewide Health Standards (i.e., concentrations, locations, and depths) should be shown on the plan drawings. Per Chapter 17 of the PADEP E&S Manual, unless separate DEP authorization has been obtained, please use the Residential, Used Aquifer, TDS  $\leq$  2500 MSC that is presented in Chapter 250, Tables 3B and 4B. [Section 102.11(a)(1)]
14. Please add the following note (or revise existing note to better match the following) to the plan drawings: “For contaminated sites proposing to attain remediation standard(s) outlined in the Land Recycling and Environmental Remediation Standards Act (Act 2), the permittee is responsible for assuring that the remediation follows all reports/plans/procedures approved by DEP’s Environmental Cleanup and Brownfields (ECB) program. Groundwater exposure pathways and contaminated soils should be properly managed to prevent groundwater pollution. The regional ECB program should be contacted at 484.250.5960 for any remediation questions.”
15. Please add the following note (or revise existing note to better match the following) to the plan drawings: “The permittee is responsible for assuring that any fill material used at the site, whether brought onto the site or generated at the site, meets the Management of Fill Policy. Waste generated from or discovered during construction and/or demolition activities, must be managed in accordance with the Solid Waste Management Act. The permittee is responsible for determining if any waste brought onto the site or generated at the site is hazardous or nonhazardous and has the burden of proof to demonstrate that waste is managed in accordance with the pertinent hazardous, municipal, or residual waste regulations. Questions about the proper management of waste from the construction or demolition activities, or the use of fill material under the Management of Fill Policy, should be directed to the Regional Waste Management program at 484.250.5960.”
16. Please add the following note (or revise existing note to better match the following) to the plan drawings: “Sites having Asbestos Containing Materials (ACMs) will need to follow the Asbestos NESHAP Regulations. Questions about the proper management of ACMs should be directed to DEP’s Regional Air Quality program at 484.250.5920.”

17. Please add the following note (or revise existing note to better match the following) to the plan drawings: “If any of the requirements or approvals under the Environmental Cleanup and Brownfields program; Solid Waste Management program; or Air Quality program require modifications, please contact those programs directly.”
18. Since the sediment trap/basin and/or the stormwater management basin is to be installed at the location of the contaminated soils/groundwater or will receive stormwater runoff from areas of contaminated soils, the environmental consultant should evaluate the design of the BMP to determine if the design satisfies the site conditions and if a geomembrane liner is warranted along the bottom and sides of the sediment trap/basin and/or stormwater management basin to prevent unintentional infiltration, and the environmental consultant should provide a recommendation based on their evaluation.
19. Since there are contaminated soils and/or groundwater at the project site, please add the following note to the plan drawings (or revise existing note to better match the following):
  - i. The proposed remediation work (e.g., soil cap, geomembrane liner, pavement, watertight joints for the stormwater piping, removal of contaminated soils, etc.) being performed to eliminate exposure pathways for subsurface contamination, to control contaminant migration, or to remove contaminated soils from the site is the responsibility of the applicant, or their environmental consultant. The responsibility of the applicant, or their environmental consultant, also includes the decision that remediation work is not needed in areas of potential exposure pathways or in areas of contaminated soils. There are recommendations for remediation work provided by the PADEP Land Recycling (Act 2)/Environmental Cleanup and Brownfields (ECB) programs. Any questions with regards to the proposed work, disturbance, or future work to these areas of potential exposure pathways should be coordinated directly with the Act 2/ECB programs prior to commencing. Please note that the implementation, the modification, or the deletion of any remediation work is not authorized or reviewed by the NPDES Construction Stormwater Permitting program. Please note that if a modification or a deletion is proposed to the remediation work after the NPDES Construction stormwater permit is approved, and if the proposed modification or deletion of the remediation work has the potential to adversely impact the operation or function of the approved E&S and/or PCSM BMP(s), then an amendment to the permit may be required.

20. If the applicant is proposing earth disturbance in the area of a previously installed cap, please reach out to the Act 2 program to resolve the proposed disturbance of the cap and obtain approval from the Act 2 program for the change to the cap. Also, the applicant may have to work through a change to the restrictive covenant with the Act 2 program.
21. Please add a note to the plan drawings that states “The NPDES Stormwater Discharges Associated with Construction Activities (NPDES Construction Stormwater) Permit does not authorize the discharge of contaminated or turbid groundwater. If it is anticipated that there may be groundwater discharges of contaminated or turbid discharges, the PADEP Clean Water (CLW) program at the Regional Office should be contacted for proper authorization (e.g., a Temporary Discharge Authorization (TDA) from the CLW program at the Regional Office). The NPDES Construction Stormwater Permit is primarily a Stormwater Discharge Permit. Any groundwater discharges that require non-standard E&S BMPs (due to turbidity and/or contamination) should be authorized by the CLW program at the Regional Office.”
22. Please add a note to the plan drawings that states “The contractor must determine if an industrial discharge permit from the Philadelphia Water Department (PWD) Industrial Waste Unit is required prior to discharge of groundwater or stormwater into City-owned infrastructure. Contact PWD Industrial Waste Unit at 215.685.6085 for information.”
23. Please add the following note to the E&S Plan drawings:
  - i. If it is anticipated that there may be contaminated stormwater discharges to a surface water (contaminated from a regulated substance’s leachate, a soluble regulated substance, etc.) from a sediment trap, a sediment basin, stormwater basin, rain garden, a proposed water pump to dewater an area in a sump condition, etc., the PADEP Clean Water (CLW) program at the Regional Office should be contacted for proper authorization (e.g., a Temporary Discharge Authorization (TDA) from the CLW program at the Regional Office). This authorization provides for the monitoring (schedule, protocols, limits, etc.) of the stormwater for regulated substances found during the applicant’s environmental due diligence prior to discharge to a surface water.



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**Public Comments**

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DEP is asking the applicant to provide responses to the below comments received from the public during the public comment period for the above referenced permit application [25 Pa. Code § 92a.82].

1. (From five public commenters) Please reject BP Point Breeze, LLC's Chapter 102 construction stormwater discharge permit application, PAD510222, for its proposed warehouse at 6310 Passyunk Avenue. The precipitation estimates used by BP Point Breeze do not accurately reflect the last decade of rainfall statistics in Philadelphia. BP Point Breeze assumes that the average annual maximum 24-hour precipitation event will be 2.83 inches of rain, but over the last decade, the average maximum 24-hour precipitation event in Philadelphia was 3.84 inches of rain. This misestimation is particularly important because this significantly contaminated site is currently enrolled in the state's Act 2 remediation program and it is critically important that stormwater not enter contaminated soils at the site, potentially causing known carcinogens like benzene to enter the Schuylkill River and nearby groundwater. BP Point Breeze's own stormwater discharge application clearly states that because of the site's contamination, underground basins and rain gardens must be designed to capture all stormwater that accumulates at the site and these systems must drain within 72 hours. The Pennsylvania Department of Environmental Protection (DEP) should require BP Point Breeze to use accurate precipitation figures in designing its stormwater infrastructure as the current precipitation estimates could result in the flooding of the site. Additionally, BP Point Breeze assumes that every 5 years there will be a 4.2-inch 24-hour precipitation event, but in the last 10 years, this has happened 4 times, not including a 4.16-inch 24-hour precipitation event occurring in August 2020. DEP's own 2021 Climate Impacts Assessment concluded that Southeast Pennsylvania will experience the most extreme increases in precipitation and sea level rise in the state. DEP must require BP Point Breeze to accurately reflect current precipitation data in this permit application in addition to future increases in precipitation and sea level because of climate change.

It is similarly concerning that BP Point Breeze claims to have used Philadelphia Stormwater Management Guidance Manual, Version 3.1 to meet stormwater management design standards when version 3.2 became effective on October 1, 2020. This should be the reason alone for DEP to reject this permit application.

As mentioned, the site's existing land contamination and its cleanup is a significant risk to local water quality and there is simply not enough information in this permit application regarding the presence of known contaminants like benzene at the site. At a minimum, DEP should require BP Point Breeze to fully dismantle the existing fuel storage facilities including 6 large storage tanks before the site's design, particularly stormwater infrastructure, is approved. It is extremely likely that during the demolition of the existing fuel storage tanks that soil and groundwater pollution will be discovered and this could significantly impact the placement of proposed rain gardens and underground basins at the site, particularly for rain garden #1 which is proposed in the exact location as storage tank #6. Rain garden #1 is also the location of the proposed sediment basin to aid stormwater management during the proposed warehouse construction and storage tank demolition.

An August 2022 environmental covenant between DEP and BP Point Breeze restricts direct contact to groundwater under tank #5 because of significant benzene contamination. Similar contamination could be discovered under tank #6, not allowing BP Point Breeze to construct a sediment basin or rain garden at that location. It is alarming that soil sampling around tank #6 was not included in the BP Point Breeze's provided image of soil sampling related to Act 32, the Storage Tank and Spill Prevention Act. DEP must require BP Point Breeze to dismantle tank #6 and test soil and groundwater in that area before approving any proposed infrastructure at the site.

Similarly, just as the site's Act 2 and Act 32 cleanups should be concluded before the design of the site is approved, DEP should not issue this Chapter 102 water discharge permit until a firm decision has been made regarding the potential discharge of water to the Philadelphia Water Department's (PWD) sewer system. The issuance or rejection of a PWD groundwater discharge permit will significantly impact stormwater management at the site and it would be premature for DEP to issue this stormwater discharge permit before that permit decision has been made.

Finally, soil contamination at Wetland B, which is largely the area between the site and the Schuylkill River, presents significant water quality issues related to this proposal. In BP Point Breeze's own Chapter 102 permit application it states that "Existing Wetlands B is perched atop several feet of fill that was placed in the historic wetlands of river floodplain decades before the Clean Water Act was enacted." Significant soil and groundwater contamination is likely present in Wetland B because of the historic fill and its proximity to the contaminated fuel storage facility since the early 1960s. BP Point Breeze is attempting to replicate the site's current hydrology by directing almost all of

the stormwater gathered at the site into Wetland B. DEP must require BP Point Breeze to extensively sample soil and groundwater in Wetland B given BP Point Breeze's proposal to impact Wetland B. A significant discharge of stormwater from the site into Wetland B could cause a large discharge of contaminants into the Schuylkill River from Wetland B, which is even more concerning given BP Point Breeze's underestimation of Philadelphia's precipitation and the likelihood that the proposed stormwater infrastructure will overflow. Further analysis of how contaminants in Wetland B will respond to the proposed stormwater discharge is extremely necessary, particularly in the context of increasing precipitation in Philadelphia and BP Point Breeze's underestimations of precipitation. DEP should also require BP Point Breeze to analyze how sea level rise will impact the tidal Schuylkill River and Wetland B, specifically how an increased water line on the Schuylkill River and increased groundwater levels in Wetland B could inhibit the area from absorbing stormwater associated with precipitation events.

Overall, more information about soil and groundwater contamination at 6310 Passyunk Avenue and the adjacent wetland is needed, in addition to updated precipitation data, in order to protect water quality in the Schuylkill River and Southwest Philadelphia. The permit application also claims that surrounding residents were notified of this proposal and their concerns were addressed but provided no evidence of either.

2. (From one public commenter) Good morning, I am a long-time resident in South Philadelphia also executive director of two community organizations. [redacted] I'm concerned about permits being approved for this project on industrial land.

I believe we should slow up until we remove the tanks so we can be sure everything is safe under, also the research on waterfall anticipation over the course of year concerns me. So I'm really asking that the community be involved more and the approvals be slowed down until some of our concerns are addressed. Thank you again for your time and if you have any more questions, you can reach out to me, I have lived in Grays ferry all my life. And I have been subject to all the pain that Sunoco cost us .so I'm trying to make sure we don't go backwards. Hope you have a blessed day and may God continue to look over you.

3. (From one public commenter) Please reject BP Point Breeze, LLC's Chapter 102 construction stormwater discharge permit application, PAD510222, for its proposed warehouse at 6310 Passyunk Avenue.

The precipitation estimates used by BP Point Breeze do not accurately reflect the last decade of rainfall statistics in Philadelphia. The Pennsylvania Department of Environmental Protection (DEP) should require BP Point Breeze to use accurate precipitation figures in designing its stormwater infrastructure as the current precipitation estimates could result in the flooding of the site.

- BP Point Breeze assumes that the average annual maximum 24-hour precipitation event will be 2.83 inches of rain. Over the last decade the average maximum 24-hour precipitation event in Philadelphia was 3.84 inches of rain. It is critically important that stormwater not enter contaminated soils at the site, potentially causing known carcinogens like benzene to enter the Schuylkill River and nearby groundwater.
- BP Point Breeze's own stormwater discharge application clearly states that because of the site's contamination, underground basins and rain gardens must be designed to capture all stormwater that accumulates at the site and these systems must drain within 72 hours.
- BP Point Breeze assumes that every 5 years there will be a 4.2 inch 24-hour precipitation event. In the last 10 years this has happened 4 times, not including a 4.16 inch 24-hour precipitation event occurring in August 2020.
- BP Point Breeze claims to have used Philadelphia Stormwater Management Guidance Manual, Version 3.1 to meet stormwater management design standards. Version 3.2 became effective on October 1, 2020. This should be reason alone for DEP to reject this permit application.

DEP's own 2021 Climate Impacts Assessment concluded that Southeast Pennsylvania will experience the most extreme increases in precipitation and sea level rise in the state. DEP must require BP Point Breeze to accurately reflect current precipitation data in this permit application in addition to future increases in precipitation and sea level because of climate change.

There is simply not enough information in this permit application regarding the presence of known contaminants like benzene at the site. At minimum, DEP should require BP Point Breeze to fully dismantle the existing fuel storage facilities including 6 large storage tanks before the site's design, particularly stormwater infrastructure, is approved.

DEP should not issue this Chapter 102 water discharge permit until a firm decision has been made regarding the potential discharge of water to the Philadelphia Water Department's (PWD) sewer system. The issuance or rejection of a PWD groundwater discharge permit will significantly impact stormwater management at the site. It would be premature for DEP to issue this stormwater discharge permit before that permit decision has been made.

More information about soil and groundwater contamination at 6310 Passyunk Avenue and the adjacent wetland is needed, in addition to updated precipitation data, in order to protect water quality in the Schuylkill River and Southwest Philadelphia. The permit application also claims that surrounding residents were notified of this proposal and their concerns were addressed, but provides no evidence of either.

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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, or DEP may deny the NOI/application.

In addition, please submit an electronic copy (PDF) of your response letter and the revised information (all revisions should be **highlighted or clouded**) in electronic form to Mr. Andy Flambert at DEP via e-mail at [andflamber@pa.gov](mailto:andflamber@pa.gov) and Christopher Smith at DEP via e-mail at [christopsm@pa.gov](mailto:christopsm@pa.gov) (via FTP, if necessary). **In your response letter, please refer to the specific page number of the drawing sheet, report, narrative, calculations, document, etc. that addresses each deficiency comment.**

**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 time frame, 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 fees 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 about your Chapter 102 NPDES permit application, please contact Mr. Andy Flambert by e-mail at [andflamber@pa.gov](mailto:andflamber@pa.gov) or by telephone at 484.250.5129 (or me by e-mail at [christopsm@pa.gov](mailto:christopsm@pa.gov) or by telephone at 484-250-5152) and refer to Chapter 102 NPDES Permit Application No. PAD510222, 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,

*Christopher Smith*

Christopher Smith, P.E.  
Chief, Construction Permits Section  
Waterways and Wetlands

cc: Ms. Buchter – Bohler Engineering  
Mr. Brown – Bohler Engineering  
Ms. Albano – Bohler Engineering  
Mr. Bermudez – Philadelphia Water Department  
Mr. Flambert  
Mr. C. Smith, P.E.  
Mr. Hohenstein, P.E.  
Re 30 (GJS23WAW)32-1