



Talking Points for Monroe County Warehouse Testimony - April 24, 2023

Thank you for coming out to speak on behalf of Exceptional Value streams and providing comment to the PADEP (PA Dept. of Env Protection) during these two public hearings. Feel free to use any of these sample talking points or for writing in to DEP after the hearing during the public comment period. DEP requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov. Walk-in attendees will be allowed to speak but those who preregistered will be given priority first. Written comments will also be accepted if you are unable to attend the hearings and DEP has promised at least a 15-day extension beyond the hearing date for public comments. Please stay tuned with DRN (Delaware Riverkeeper Network) and TCTWA (Tobyhanna Creek Tunkhannock Creek Watershed Association) and learn more & stay connected here: Delaware Riverkeeper Network Facebook page and www.delawareriverkeeper.org Link to DRN Action Alert on Moyer Warehouse - <https://www.delawareriverkeeper.org/node/7062/> and tctcwa@hotmail.com or <http://www.tctcwa.org>

Tunkhannock (Moyer) Specific Talking Points

Thank you for holding this hearing as was requested by the community. DEP should deny this permit application and require the developer to stop pre-emptive forest destruction and compaction of soils happening on site now as was requested by the Monroe Co Conservation District this winter. We do not want more warehouses polluting the cleanest streams that remain.

- The Mud Pond Run and EV wetlands associated with it will both receive stormwater and groundwater flow from the proposed development site. Protective existing forests will be replaced with pavement and structures. The Mud Pond Run flows into Tunkhannock Creek. These streams are High Quality/Cold Water Fishery protected waterways under PADEP antidegradation special protection waters regulations. Brown and brook trout are existing uses in these creeks that are threatened by the discharges and alternatives have not been

investigated as required under § 93.4c. "Implementation of antidegradation requirements". I want these streams and the life in them to be protected from degradation.

- The site is a forested site with trees that the applicant states are over 50 years old. Moyer intends to develop the 100-acre mostly forested site with 6 separate land development projects which will include large amounts of earth moving, soil disturbance, onlot septic and water, stormwater infiltration and stormwater detention BMPs. Forests help protect and replenish groundwater and forests also help shade the existing exceptional value wetland and reduce wetland water temperatures.
- The application reveals questionable, if not absent, explanations and justifications for various BMP choices that allow unnecessary threat to adjacent and downgradient EV wetlands and waters, including direct discharge to these EV water resources.
- This proposed land-use change is not in keeping with adjacent land-use uses including preserved eased lands and water authority lands. Water authority lands are designed to protect essential groundwater - by permitting this inappropriate land-use nearby/adjacent, DEP would undermine drinking water quality and water quantity impacts that should not be allowed in this HQ watershed. The community deserves protection of its water resources, not another unnecessary warehouse.
- This project is not water-dependent. Therefore, threatening and encroaching on water resources as the applicant is attempting to do, should not be allowed under Chapter 105 and antidegradation regulations.
- With more extreme weather due to climate change, more droughts and more intense rain storms, even rain bombs are predicted and already occurring. The current forested nature of this site currently helps minimize the negative impacts these storms and droughts will cause. Forests are the natural cleaners of our watersheds and are incredibly essential to protecting and preserving water quantity and water quality. However, the destruction of this forest for an inappropriate industrial development will exacerbate these climate change extremes, harming the community and the existing water quality of Mud Pond Run and its associated EV wetlands.
- The antidegradation analysis requested by Monroe County Conservation District and conducted by Cherry Ridge Consulting LLC is inadequate and not protective. The report notes, "natural seeps within the study area...contribute to the hydrology of Wetland A-N. These natural seeps, indicative of a high groundwater table, and precipitation runoff through the wetland complex serve to form the headwaters of Mud Pond Run, a tributary to the Tunkhannock Creek, east of the wetland complex. This report notes several additional FACW species not included in the wetland delineation report. It's important that all species are categorized and included since this is a unique habitat with many sensitive and important species. These diverse wetland plants help keep the EV wetlands EV and provide many functions and ecosystem services for the benefit of groundwater, the wetland

and the larger Mud Pond Run and Tunkhannock Creeks. Disruption and premature cutting of these species that is being conducted by Moyer and continued to be allowed by DEP, will lead to water quality and hydrologic changes and degradation of this EV wetland complex.

- American Forests estimated that trees in the nation's metropolitan areas contribute \$400 billion in stormwater retention by eliminating the need for expensive stormwater re-tention facilities (Benedict and McMahon, 2006). A large mature oak tree can transpire 40,000 gallons of water per year; that is water that is not entering storm drains and thereby causing runoff, excessive streamflows and downstream erosion (U.S. Environmental Protection Agency, *Reducing Urban Heat Islands: Compendium of Strategies*, 2008). In a study of 27 U.S. water suppliers, researchers found that protecting forested watersheds used for drinking water sources can reduce capital, operation-al and maintenance costs for drinking water treatment. Researchers found that watersheds with a greater percentage of protected forest correlate to fewer water treatment expenditures: for each 10% increase in watershed forest cover, there is about a 20% decrease in treatment costs (Ernst, Caryn, Richard Gullick and Kirk Nixon. *Conserving Forests to Protect Water*, 2004). At the site development scale, green infrastructure can be characterized as an environmentally sensi-tive approach, involving a combination of techniques, which preserves natural systems and hydrologic functions on a site. Moyer's plans are working against nature instead of with it. He is proposing to cut down the forests and put in detention basins. He is proposing to utilize most of the 100-acre site for buildings, parking lots, and other impacts. He is not proposing preservation of the forest which would help maintain EV water quality. Therefore, his application must be denied.

Wetlands

· There has not been a Jurisdictional Determination (JD) conducted by the Army Corps for this significant Exceptional Value wetland site. DEP should require an independent JD by the agency. The DEP should immediately require that no additional cutting of trees and shrubs, already illegally occurring on the site the last few months - and unpermitted - and against the advisement of the Monroe County Conservation District officers - should cease immediately.

· The wetland delineation report states the assessment is valid for a period of 5 years from the date of site reconnaissance so long as there are no changes to the site vegetation, soils, or hydrology. But the applicant has already begun cutting trees and vegetation in February and is using heavy equipment on the site which will lead to soil compaction and therefore hydrologic changes. This clearing is being done against the advisement of the Monroe Co Conservation District that issued an NOV/notice of violation to Moyer. Moyer and DEP continue to ignore the recommended guidance by the MCCD to cease all forest cutting. It is a sham that this activity is being allowed by DEP and DEP is setting dangerous precedent continuing to allow destruction by the developer at this level and at this time before the application has been thoroughly reviewed.

- The public is just tonight being heard on this application and comments will be accepted an additional 15 days – DEP must take these comments into account and issue a comment and response document and consider the comments as it reviews this extensive destructive application. Moyer should be ashamed of his pre-emptive tree cutting activities that are already changing this sensitive site – DEP should not allow such a brazen run around of the law by this developer in antidegradation waters – DEP should follow MCCD’s earlier guidance to cease all tree cutting until the permit process has been reviewed and scrutinized by the public. This brazen cutting by the developer should also spur DEP to deny this application outright.
- The application materials were not posted on the DEP website and made available to the public until April 19, only 5 days before the hearings.
- This sensitive site should be preserved instead as the EV resource it is. Preserving the site and now allowing the various development schemes would be in keeping with surrounding preserved land use by the water authority and privately held eased lands by TNC and other land trusts. To build warehouse complexes and other unnecessary buildings amidst preserved areas is reckless and should not be permitted by the DEP.
- Not all stormwater designs are provided at this time and the applicant says it will provide more detailed designs during the land development process with the MCCD. How can DEP possibly give a green light to this application with so many unknowns and incomplete information that would have irreversible harms to the current antidegradation water resources on site and nearby? DEP must deny this permit!

Coolbaugh (Orchard BJK) Specific Talking Points

Thank you for holding this hearing as was requested by the community. DEP should deny this permit application that would threaten EV forests, waters and wetlands. We do not want more warehouses polluting the cleanest streams that remain.

- Nondischarge alternatives must be prioritized. Only if an applicant has **demonstrated** that an environmentally-sound, cost-effective, nondischarge alternative is not available is a discharge to an EV water permitted. Orchard BJK provides no information to support its contention that functionality of the project would be impaired by an alternative configuration.
- Orchard BJK has not evaluated all discharges to the EV wetlands, nor have they demonstrated that ***water quality will be maintained.***
- A NPDES permit applicant must provide the Department a list of parameters that are known or suspected to be present in the discharge. Orchard BJK has provided no information about existing pollutant concentrations in the EV wetlands to Duckpuddle Run or about parameters known or suspected to be present in the proposed discharge from the Project.

- The pollutants evaluated are limited to Total Suspended Solids (TSS), Total Phosphorus (TP), and Total Nitrogen (TN).” Without information about the additional parameters listed in 25 Pa. Code § 93.7, the Department cannot effectively evaluate Orchard BJK’s compliance with the antidegradation requirements of Chapter 93, and thus cannot issue the requested NPDES permit.
- Orchard BJK is looking to replace over 25 acres of forest with a warehouse and maps show encroachment into the riparian buffer areas and wetland buffer areas which would degrade adjacent water quality. Replacing a forest with a sediment basin is not protective of EV waters.
- Orchard BJK will need a Chapter 105 permit for encroaching into wetland areas and buffers – their excuse is they cannot shrink down the existing mega warehouse. Furthermore the application speaks nothing to Lot 2 on this parcel – will this be another death by a thousand cuts or segmentation of an already bad project? Lot 2 sits between both streams on the parcel.
- Orchard BJK has not submitted county and municipal land use letters as outlined in the Pennsylvania Municipalities Planning Code.
- Like the Moyer project, the application materials were not posted on the DEP website and made available to the public until April 19, only 5 days before the hearings.
- From the E&S plans, the project proposes to encroach on the wetlands even beyond the proposed direct NPDES discharges - some places only have a meager 50 ft buffer from the commercial footprint to the EV wetland.