



**Public Comment of PennFuture  
Broad Mountain Wind Project  
Individual NPDES Permit Application: Permit No. PAD130020**

**Presented by Abigail M. Jones, Senior Attorney  
at the December 4, 2019 Public Hearing  
Panther Valley High School, Lansford, PA**

My name is Abby Jones and I'm a senior attorney with PennFuture, a state-wide environmental organization with offices across the state, including in Northeastern PA.

Part of PennFuture's mission is to lead the transition to a clean energy economy in Pennsylvania and beyond. Never before in Pennsylvania's history has clean, renewable energy been so accessible and cost effective. Renewables not only bring clean energy to our communities but safer and healthier jobs. We know that Pennsylvania has some of the best wind potential east of the Mississippi and PennFuture supports wind energy development throughout the state.

However, PennFuture's mission also includes protecting our water resources. Pennsylvania has almost 86,000 miles of streams. Of those, roughly 25% are classified as "Special Protection Waters" – the "best of the best" in the Commonwealth in terms of water quality. Of those, a mere 2% are classified as "Exceptional Value" or EV waters. These waters, as the name states, have the most exceptional water quality of all the Commonwealth's waters. Special protection streams are unique and valuable resources, providing our communities with outstanding recreation, aesthetic pleasure, and tourism opportunities.

Consequently, while PennFuture supports renewables across the state, we need to ensure that these projects are sited appropriately to protect our natural resources. In this case, the proposed project has the potential to impact eight streams – all special protection streams that require the most stringent protections for water quality. Five of these streams are classified as Exceptional Value (EV) and the remaining three are High Quality (HQ). The proximity to these special protection waters is concerning to PennFuture and the Department must ensure that any stormwater management plans and the design of any BMPs ensures protection of the outstanding water quality HQ and EV waters.

The purpose of the Chapter 102 permits that DEP will issue (the reason we're here tonight) is to protect our surface waters from sediment and stormwater pollution. This is accomplished through BMPs (best management practices) that decrease erosion and sedimentation as well as managing post-construction stormwater runoff. In Special Protection Waters, especially in EV waters, there can be no measurable change in post construction stormwater runoff volume, rate, and quality. Thus, post construction stormwater runoff volume, rate and quality should mimic pre-construction stormwater runoff volume, rate and quality to the maximum extent possible. And in the case of EV streams, such as Deep Run, Broad

Run, Dennison Creek, Bear Creek, and Grassy Meadow Run, the protections are absolute – there can be no degradation of the water quality of the EV stream.

Per the DEP's Stormwater BMP Manual, for projects that impact special protection waters, the project must be designed to minimize impervious surfaces. Any resulting stormwater must be infiltrated to the maximum extent practicable and BMPs must be designed to encourage maximum pollutant removal before the stormwater is infiltrated into the ground or discharged into the EV or HQ stream. We are encouraged that it appears the applicant in this case is attempting to follow this guidance. That said, it is incumbent on the Department to ensure that the proposed project and stormwater BMP designs and implemented are the most protective of the water quality of these special protection waters. And with over 200 acres of deforestation planned, we think this will prove difficult. Indeed, for example, the agency cannot rely on assumptions that stormwater running through the remaining forested areas will solve the thermal pollution problem.

Finally, the volume and rate of any stormwater discharge into the EV and HQ streams must be managed to prevent the physical degradation of the receiving water, such as scour, and stream bank destabilization. The Department should require frequent and sufficient on-site monitoring of construction and post-construction stormwater BMPs to ensure that the special protection waters are actually being protected in compliance with its regulations and guidance.

Another concern PennFuture has is that due to increases in precipitation and more frequent large and more intense stormwater events, the use of historic storm data to determine the 2-year/24-hour storm volume in developing BMPs is insufficient for protecting these special protection waters. Heavy rain events in the northeastern United States—including Pennsylvania—have increased 71% since the early 1990's.<sup>1</sup> And heavy rain fall over a short duration can present particular problems for stormwater runoff from exposed surfaces of construction sites, allowing it to collect significant sediment and other pollutants on its way to local waters. Consequently, post-construction stormwater controls should be designed to accommodate increased precipitation and strong storms resulting from climate change, as the Department's *Pennsylvania Climate Action Plan* recognizes.<sup>2</sup>

Additionally, section 3.2.8 of the E&S Plan and PCSM Plan states that when bedrock is encountered, it shall be removed by mechanical methods or blasting. Given the project's proximity to EV and HQ waters and wetlands, blasting should be prohibited at this site.

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<sup>1</sup> Lara B. Fowler et al., *Flood Mitigation for Pennsylvania's Rural Communities: Community-Scale Impact of Federal Policies* 14 (2018); D.J. Wuebbles et al., *Climate Science Special Report: Fourth National Climate Assessment, Volume 1* 10 (2018) (“Heavy rainfall is increasing in intensity and frequency across the United States and globally and is expected to continue to increase. The largest observed changes in the United States have occurred in the Northeast.”).

<sup>2</sup> Pennsylvania DEP, *Pennsylvania Climate Action Plan 2018: Strategies and Activities to Reduce and Adapt to Climate Change* (April 29, 2019), at 110-113, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1454161&DocName=2018%20PA%20CLIMATE%20ACTION%20PLAN.PDF%20%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e>

In sum, we know renewables must be the future for a healthy and prosperous Pennsylvania, and that is why PennFuture supports the development of renewable energy across Pennsylvania provided it is done in a thoughtful, responsible, and environmentally sound way. Given the proximity of this large wind farm project to five EV and three HQ streams, the Department must ensure, through its Chapter 102 permitting and consistent with its duties under the Environmental Rights Amendment (Article I, Section 27 of the PA Constitution), that the Broad Mountain Wind project is designed and operated so that there are no construction-related or post-construction stormwater impacts to the special protection waters and no measurable change in post construction stormwater runoff volume, rate, and quality. If the Department cannot ensure protection of these special protection waters, then it must deny the Chapter 102 permits for the Broad Mountain Wind project.

Thank you.

Respectfully submitted,  
Abigail M. Jones  
Senior Attorney

PennFuture  
425 Carlton Road, Suite 1  
Mt. Pocono, PA 18344  
[jones@pennfuture.org](mailto:jones@pennfuture.org)  
570-216-3313