

SENT VIA CERTIFIED MAIL AND EMAIL

January 8, 2026

Karen Wilwol, District Manager WilwolK@co.delaware.pa.us

Michelle Wheeler, Permitting Manager WheelerM@co.delaware.pa.us

Delaware County Conservation District

1521 N. Providence Road, Media, PA 19063

Re: Follow-Up Significant Deficiencies – NPDES Permit Application No. PAC230114 A-1

Dear Ms. Wilwol and Ms. Wheeler:

We are writing to follow up on the Notice of Intent (NOI) submitted for the Shoppes at Concord project. After reviewing the District's comprehensive letter issued on October 28, 2025, it is evident that several fundamental deficiencies remain that may render the application procedurally incomplete under Chapter 102 of the Pennsylvania Code.

If left unaddressed, these deficiencies would preclude the Delaware County Conservation District from issuing a permit. We further note that the District has provided Concord Acquisitions, LLC with a deadline of January 26, 2026, to submit the required missing or corrected information.

Most Serious Deficiencies

1. Incomplete or Inaccurate NOI

The NOI does not include complete applicant information, ownership documentation, or accurate discharge point data. In addition:

- Receiving waters for several discharge points are incorrectly identified.
- The EP analysis is missing or unjustified.

➤ **Regulatory basis:** 25 Pa. Code § 102.6 — an incomplete NOI prevents DCCD from issuing a permit.

2. Plans Labeled “Not for Construction”

Both the Erosion & Sediment Control (E&S) and PCSM plan sets are labeled “**Not for Construction**,” indicating they are not final plans.

➤ **Regulatory basis:** 25 Pa. Code §§ 102.4(b)(5)(ix), 102.8(f)(9) — final, construction-ready plans are required for permit issuance.

3. Project Acreage Not Fully Accounted For

The total project site is **28.65 acres**, yet multiple modules and analyses account for only **25–26 acres**, leaving portions of the site unmodeled for stormwater impacts.

➤ **Regulatory basis:** 25 Pa. Code § 102.6(a)(1) — all disturbed areas must be analyzed to ensure proper stormwater controls.

4. Missing Watershed Boundaries and Drainage Areas

The plans do not clearly identify:

- Which areas drain to each discharge point or stormwater control measure (SCM)

- Watershed boundaries across the entire site
- **Regulatory basis:** 25 Pa. Code §§ 102.4(b)(5)(v), 102.8(f)(5) — DCCD cannot verify compliance without clear drainage mapping.

5. Stormwater Analysis Not Completed by Receiving Stream

Runoff volume and peak rate calculations are combined across multiple watersheds instead of being analyzed separately for each receiving surface water.

- **Regulatory basis:** 25 Pa. Code §§ 102.6(a)(1), 102.8(g)(2) — stream-specific analysis is required to confirm stormwater compliance.

6. Incomplete Wetland Evaluation and Reliance on a Limited Federal Review

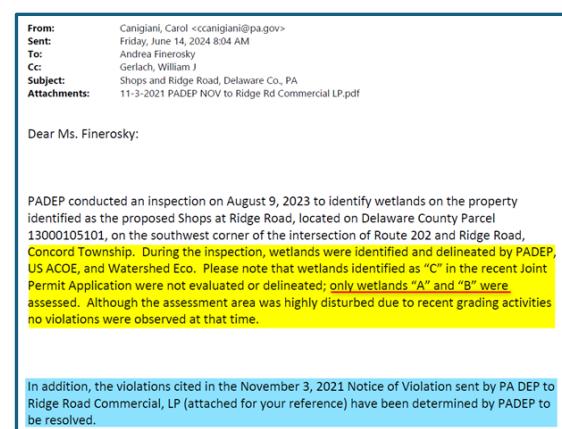
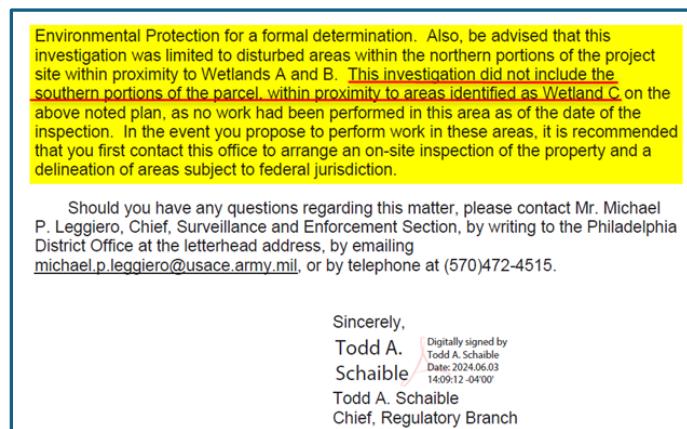
A letter from the **U.S. Army Corps of Engineers, Philadelphia District**, explicitly states that its investigation:

- Was limited to disturbed areas in the northern portion of the site, near **Wetlands A and B**
- Did not include the southern portion of the parcel, including areas identified as **Wetland C**
- Recommends that any proposed work in these areas requires additional coordination and on-site inspection

Despite this limitation, the current NOI and plan set do not clearly identify, evaluate, or exclude impacts to wetlands in the southern portion of the site, nor do they demonstrate that all regulated features have been fully assessed. This raises serious concerns regarding:

- The completeness of the environmental review
- Whether all regulated waters and wetlands have been properly identified
- DCCD's ability to rely on the submitted materials for Chapter 102 compliance
- **Regulatory basis:** 25 Pa. Code §§ 102.4(b)(5), 102.8(f)(2), 102.8(f)(5) — sensitive features, including wetlands, must be clearly identified and evaluated to ensure compliance.

Refer to Images:



Additional Serious Deficiencies and Inconsistencies

The below comments supplement the deficiencies identified in the Districts' letter dated October 28, 2025, and raise further material concerns regarding completeness, accuracy, and the applicant's reliance on prior approvals that may no longer be valid under Chapter 102.

7. Improper Reliance on Prior Chapter 105 / PASPGP-6 Permits

In the **Existing Permits** section of the NOI, the applicant identifies both a **Joint Chapter 105 Permit** and **PASPGP-6** as having been issued by DEP and transferred on March 19, 2025. However:

- The permit issued to **Ridge Road Development LP** on **January 29, 2025** was based on a **different site layout and drainage design**.
- The current NOI submission includes a **major amendment to the NPDES permit**, accompanied by substantially revised plans and stormwater management designs.
- The transfer referenced in March 2025 appears applicable only to **previously approved plans**, which have since lapsed or been materially altered.
- The applicant's current submission appears to imply that these prior permits apply to the newly proposed design, despite substantial changes to layout, drainage, and stormwater controls.

This raises a serious concern that prior approvals have been improperly carried forward without re-evaluation of jurisdictional features, stormwater impacts, or permit applicability.

➤ **Regulatory concern:** DCCD should not rely on transferred or prior permits where the underlying plans have materially changed.

Refer to image:

EXISTING PERMITS			
Identify all environmental permits issued by DEP/CCD or EPA or are pending for this facility/project site within the past five (5) years.			
Type of Permit	Permit No.	Date Issued	Issued By
Act 537 Sewage Planning	1-23938-284-3IJ	8/15/2007	PADEP
Joint 105	E2301224-005	1/31/25, transfer 3/19/25	PADEP
PASPGP-6	E2301224-005	1/31/25, transfer 3/19/25	PADEP

8. Inconsistent and Internally Contradictory Site Area and Impervious Coverage Data

In conjunction with previously identified acreage discrepancies, the NOI states that the **pre-construction site condition is “100% vacant land,”** yet elsewhere identifies **4.64 acres of impervious area**.

These statements are mutually inconsistent and call into question:

- The accuracy of site characterization
- The validity of pre- and post-construction runoff calculations
- The reliability of all dependent stormwater analyses

Refer to Image:

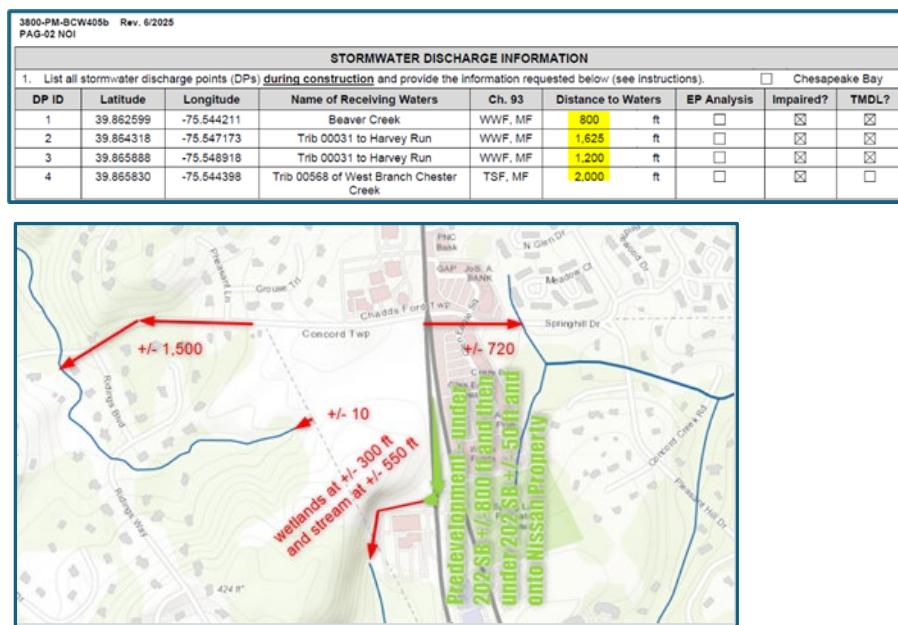
PROJECT SITE AND EARTH DISTURBANCE INFORMATION			
Project Site		Earth Disturbance	
1. Total Area (acres):	28.65	25.06 (+0.13, -2.12)	
2. Pre-Construction Impervious Area (acres):	4.64	1.86	
3. Post-Construction Impervious Area (acres):	20.79	18.01	
4. Project Site Pre-Construction Land Uses:		5. Project Site Post-Construction Land Uses:	
Land Use	% of Total	Land Use	% of Total
Vacant Land	100	Commercial	100

9. Discharge Point Distances and Dimensions Appear Unsubstantiated

While we agree with the Department's prior observation that the **distance to waters from Discharge Point 2 appears incorrect**, it also appears that **many reported distances and dimensions may be estimates rather than measured values**. If distances, flow paths, and drainage lengths are not accurately determined, DCCD cannot reliably evaluate:

- Receiving water impacts
- EP analysis applicability
- Off-site flow paths

Refer to Image:



10. Incorrect Response Regarding Off-Site Stormwater Flow

It appears that stormwater runoff will flow **onto adjacent properties prior to reaching surface waters or storm sewer infrastructure**, both **pre- and post-construction**. However, in **Section 6 of the Stormwater Discharge Information**, the applicant indicated **“NO”** to off-site discharge.

This response is inconsistent with the site conditions and plans and materially affects DCCD's ability to evaluate downstream and neighboring impacts.

Refer to image:

6. Will stormwater flow off the project site through properties owned by others prior to reaching a surface water or storm sewer during or following construction? Yes No

If Yes to #6, has an easement been obtained? Yes No

NOTE – The applicant is expected to: 1) secure legal authority for discharges on or through property not owned by the applicant; 2) provide for adequate E&S controls and a stable conveyance as necessary to prevent accelerated erosion; and 3) complete an EP Analysis when necessary according to the NOI Instructions.

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11. Incomplete and Potentially Outdated PNDI Review

The PNDI receipt included in the NOI reflects a **Date of Review of May 29, 2024**, but it **did not include approximately 1.28 acres located behind the Nissan dealership**.

Additionally:

- The PNDI response includes a potential U.S. Fish and Wildlife Service hit for bog turtle.
- The response to that hit relies on a Phase 1 bog turtle survey dated **July 13, 2022**, now more than **three and a half years old**.

- **Re-emerging wetlands were identified by the U.S. Army Corps of Engineers in August 2023**, after the Phase 1 survey was completed.
- The Corps' jurisdictional review was described as **partial**, limited to the **northeastern portion of the site**, and did **not include wetlands within the 1.28-acre area** behind the Nissan dealership.

Given the identification of re-emerging wetlands after the wildlife survey and the partial nature of the jurisdictional evaluation, reliance on the existing PNDI review appears inappropriate. Further, the PNDI response to **Question 4** states that **no forests, woodlands, or trees will be affected**, yet the plans clearly show:

- Removal of tree lines
- Removal of isolated and specimen trees
- Pennsylvania Natural Heritage has also identified a **pocket of potential core habitat in the southwest corner of the parcels**, which does not appear to be addressed.

Refer to Image:

Q4: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: No forests, woodlots or trees will be affected by the project.

12. Inaccurate Compliance History Disclosure

The applicant indicated that neither the owner nor operator has been in violation of any DEP regulation within the past five years. However, records indicate that the previous owner of record received a **Notice of Violation on November 3, 2021**, which was **not fully resolved until June 14, 2024**.

This violation and its resolution should have been disclosed. The omission raises concerns regarding the accuracy and completeness of the applicant's compliance history disclosure.

Refer to Image:

COMPLIANCE HISTORY		
Was/is the applicant, facility owner or operator in violation of any DEP regulation, permit, order, or schedule of compliance at this or any other facility or project site within the past five (5) years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If "Yes," list each permit, order or schedule of compliance and provide current compliance status. Use additional sheets to provide information on all permits.		
Permit Program:	Permit No.:	
Brief Description of Non-Compliance:		
Steps Taken to Achieve Compliance	Date(s) Compliance Achieved	
<input type="checkbox"/> In Compliance <input type="checkbox"/> In Non-Compliance		

Request

Given the nature and scope of these deficiencies, we respectfully request that the DCCD:

1. Decline to deem the NOI complete until all information is corrected, reconciled, and fully supported.
2. Require confirmation of whether prior Chapter 105 and PASPGP-6 permits remain valid in light of the substantially revised plans.
3. Require that **all project areas**, including areas adjacent to identified and potential wetlands, be fully evaluated and incorporated into the plans and analyses.
4. Require updated and comprehensive PNDI screening and jurisdictional evaluation that reflects current site conditions and the full project area.
5. Ensure stormwater analyses are corrected to account for **the entire project site and each receiving surface water individually**.

6. Confirm that DCCD will **not proceed with permit issuance** until final, construction-ready plans are submitted and verified.

These deficiencies directly affect DCCD's ability to evaluate compliance with Chapter 102 and to protect water quality and regulated resources. We respectfully urge the you to consider these issues carefully before allowing further processing of this NOI.

We appreciate the District's diligence and request that you include these matters in your ongoing review of the project. We are happy to provide any supporting documents referenced above and thank you for your attention to these concerns.

Respectfully submitted,

Concerned Chadds Ford and Concord Township Residents

CC: Pennsylvania Department of Environmental Protection, Southeast Regional Office
Waterways & Wetlands Program
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RA-EPWW-SERO@pa.gov

CC: U.S. Army Corps of Engineers Philadelphia District
100 Penn Square East Regulatory Branch, Philadelphia, Pennsylvania 19107-3390
PhiladelphiaDistrictRegulatory@usace.army.mil

CC: U.S. Fish & Wildlife Service, Pennsylvania Ecological Services Field Office
110 Radnor Road, Suite 101, State College, PA 16801
IR1_ESPenn@fws.gov

CC: Bureau of Forestry and Ecological Resources — DCNR
400 Market Street, 6th Floor, P.O. Box 8552, Harrisburg, PA 17105-8552
RA-HeritageReview@pa.gov

CC: Save Ridge Road support@saveridge.org

CC: Chadds Ford Township Zoning Board of Supervisors and Planning Commission

CC: Concord Township Council, Hearing Board, and Planning Commission