

Thursday September 20, 2018....10 AM, Meeting with Department of Environmental Protection,  
2 Public Square Wilkes Barre, PA 18701

---Minutes recorded by Lou Lombardo

Blue Heron Woods POA Representatives:

**Vice President-Rich Klein and Sgt Arms-Lou Lombardo**

**DEP Representative:** Brian Machowski

**Pike County Conservative District:** Ellen Enslin 570-226-8220, eensline@pikepa.org

Marianna Quartarno

Jeremy Dettinger

**Kiley Engineering:** Mitch Jacobs 570-226-5810

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**TOPIC:** Renewal/Transfer of the **NPDES** (National Pollution Discharge Elimination System)

The permit expires on January 1, 2019. The permit covers 5 years. There is a fee for the permit and a charge for a required engineer survey of the BHW community.

**Ellen Enslin** explained the renewal process. There is a transfer application fee. Kiley Engineers will conduct the BHW community survey. Kiley performed this task for the previous 2 permits, circa 2008 and 2014. Jim Comes-Landview and Blue Heron Woods POA are co-permit holders. Because all lots now have owners the permit must be transferred to BHW POA.

The permit expires on January 1, 2019. There are various inspections, studies, and evaluations that must occur which may delay the actual renewal date for the new permit (2019-2024).

**Ellen Enslin**-The PCCD is looking at modifications for the new permit, such as: Critical stage construction inspections; building a berm, drain basin, rain garden, or other water detention systems....drawings will be required and must be attached to the deed. Property owners will have specific maintenance duties. Homeowners must keep detailed records of the care of the water detention systems. Water runoff is determined by the house roof, driveway, and other impervious surfaces.

**Ellen Enslin**-The PCCD and DEP are creating new guidelines for builders. The Permit chart shows the amount of pervious space permitted. IE. A property owner may wish to build further back from the road which would require a longer driveway. Adjustments will be made which will increase the permit fee for said property.

**Ellen Enslin** (PCCD) and **Brian Machowski** (DEP) explained the present maximum allowable construction for impervious space; Minimum .07 acres, Maximum .14 and 3,000 square feet (structure base, sheds, detached garage, and driveway). Structures must be located a minimum of 150 feet from streams. Multiple water runoff remedied may be needed: berms, rain gardens, basins, etc.

**Rich Klein**-Many people purchased a BHW property 5 or more years ago. The goal is to build a retirement home. Now there will be new regulations that may make building unaffordable.

**Lou Lombardo**-Is BHW the only Pike County community that has a NPDES permit?

**Ellen Enslin** responded NO. Lombardo asked for the names of other communities. Enslin identified Milford Highlands (has renewed an existing permit). Not sure about White Sands Springs on Route 507.

**Mitch Jacobs** (Kiley Engineer), showed the current NPDES permit which has map/chart of the BHW community. He mentioned the need to color code the map to show the status of the properties. For the new permit White will be under new rules-no homes; Gray will be under original rules-homes exist; Pink will be for homes built since 2014. Lombardo recommended to put the address on existing homes. Properties without homes have a lot number not an address.

**Mitch Jacobs**-Developer Jim Comes/Landview did a co-permittee with all BHW property owners when they purchased a lot. They signed the document. However, it is believed that some secondary property owners may not have signed this document.

**Mitch Jacobs**-Asked the DEP and PCCD, Do we update the storm water situation as it is for homes now under construction? Do we show berms and other remedies on the Gray areas?

**Mitch Jacobs**-Can a person transfer the permit rather than the entire community?

**Ellen Enslin** (PCCD)-I will research these questions.

**Brian Machowski** (DEP)-If a property owner wishes to go above and beyond the allowable NPDES permit maximums, the BHW Directors can direct the builder to see the DEP and get their own NPDES. "Field Changes" are minor modifications that do not effect the permit, but this is at the discretion of the PCCD and the DEP.

**Mitch Jacobs**-Kiley will make an effort to submit all required info by late October.

**Enslin and Machowski** emphasized that new regulations are still being created. There will be a SEARCH of standards for Endangered Species, IE. Plants, Mammals, Insects, Birds, Reptiles, Amphibians, even moss. There will be restrictions based on breeding that will effect construction time frames...cannot cut trees and clear space at these times.

**Ellen Enslin** mention her discussion with **John Scagliotti** (BHW President) regarding the fee formula. Disturbed acre fee is multiplied by \$200.00, this is based on properties without homes. The PCCD administration fee is \$1,500.00. We will pay for the services of Kiley Engineers.

**Rich Klein**-When we take over the permit will the BHW roads be inspected? RK mentioned the water issue at his property road border.

**Lou Lombardo**-What service does BHW receive from the PCCD for securing the permit?