

December 22, 2020
Via FedEx and Newforma

Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027

Attention: Robert Zienkowski

Re: Proposed Wawa Food Market
S. Easton Road and W. Waverly Road
Cheltenham Township
Montgomery County, PA
PC181015

Dear Robert:

With regard to the above-referenced project, enclosed please find the following:

- One (1) copy of the *Preliminary/Final Land Development Plans*, dated 9/20/19, last revised 11/09/20.
- One (1) copy of the PADEP Act 537 Planning Approval, dated 11/2/20.
- One (1) copy of the PADEP NPDES approval, dated 11/10/20.

The above noted plans have been submitted under separate cover. Please note the following responses to the comments in the letter from Carroll Engineering Corporation, dated 10/02/2020:

A. STORM WATER MANAGEMENT COMMENTS:

1. *Section 290-33 - An Operation and Maintenance (O&M) Agreement for the Stormwater Management facilities must be prepared and submitted in accordance with this Section. (Comment No.2 of previous Review Letter)*

Response: It is our understanding that the O&M Agreement has been drafted by the Township Solicitor and is in final form for execution by all parties.

B. MISCELLANEOUS COMMENTS:

1. *We defer to the Township, the Township Traffic Engineer and Montgomery County for review of the realignment of West Waverly Road, the entrances onto South Easton Road and West Waverly Road, as well as the curb ramps, proposed signage, pavement markings and streetscape improvements within the road rights-of-way. The Highway Occupancy Permit Application for Easton Road is presently under review by Montgomery County Roads and Bridges Department. (Comment No.9 of previous Review Letter)*

Response: HOP issuance is pending based on finalization of all easement and ROW documents.

2. *The Applicant must provide a statement from the applicable water provider indicating the approval of the plans for design and installation for connection to the public water system. (Comment No. 15 of previous Review Letter)*

Response: A will-serve letter from AQUA has previously been provided. Water service applications have been submitted to AQUA, however, AQUA will not provide “approval” of the application. The contractor will coordinate directly with AQUA for installation of water service in full compliance with all AQUA regulations and requirements.

3. *The Applicant must address the concerns raised by the Public Works Street Lighting and Traffic Signal Superintendent (Edward Joseph Stuckert) regarding the Traffic Signal Plans for the intersection of South Easton Road and West Waverly Road.*

Response: All comments have been addressed in the plans submitted to the Township on 9/14/20, by TPD, Inc.

4. *In accordance with the letter from the Township Manager to Mr. Robert Hyslop, dated February 12, 2020, regarding the Board of Commissioner's meeting and Approval Resolution No. 51-19, the Township attached the Landscape Plan X101 to Resolution No. 51-19 (Preliminary/Final Land Development Approval and Lot Line Adjustment) and posted Resolution No. 51-19 and the attached Landscape Plan X101 on the Township website. However, it is unclear which revision date for the Landscape Plan correlates to the plan approved by the Shade Tree Advisory Commission (STAC). We recommend that the landscape plan incorporate the recommendations from the Shade Tree Advisory Commission (STAC) meeting minutes dated October 10, 2019.*

Response: This item has been discussed ad nauseum, and it has been decided (based on the suggestion by Mr. Hyslop) to replace 9 of the proposed “wintergreen arborvitae” with 7 “green giant arborvitae”. This minor modification has been incorporated into the Landscape Plan.

5. *The Traffic Signal Plans for the intersection of South Easton Road and West Waverly Road, signed and approved by PennDOT, must be submitted to the Township. (Comment No. 16 of previous Review Letter)*

Response: Signal plans have been submitted to the Township on 9/14/20, by TPD, Inc. Final signed plans will be submitted to the Township upon receipt.

6. *Prior to the recording of the Record Plans, copies of Approval/Permits from all Agencies having jurisdiction on any aspect of the project will be required to be submitted to the Township including, but not limited to, the following:*

- a. *PADEP- Act 537 Planning Approval*

Response: PADEP approval dated 11/2/20.

- b. *Montgomery County Conservation District - Erosion and Sedimentation Control Plan Determination of Adequacy and NPDES Permit.*

Response: PADEP approval dated 11/10/20.

- c. *Montgomery County Highway Occupancy Permit(s) (Comment No. 18 of previous Review Letter)*

Response: Will be submitted upon receipt.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

BOHLER ENGINEERING PA, LLC



George J. Hartman III, P.E.

GJH/na

cc: Bruce Goodman – Goodman Acquisition 1, LLC (via email)
Mike Cooley – Provco (via email)
Joy Caldwell – Provco (via email)
Joe Botta – Pineville Properties, LLC (via email)
Christen Pionzio – Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C. (via email)
Jim Denave – PH&C (via email)
Tuan Duong – TPD (via email)



SENT VIA ELECTRONIC MAIL ONLY

November 2, 2020

Mr. Robert Zienkowski, Manager
Cheltenham Township
8230 Old York Road
Elkins Park, PA 19027

Re: Approval Letter - Revision
Glenside Wawa
DEP CODE No. 1-46003-224-3J
APS ID No. 1023078, AUTH ID No. 1326683
Cheltenham Township
Montgomery County

Dear Mr. Zienkowski:

The Department of Environmental Protection (“DEP”) has reviewed the proposed Official Plan revision consisting of a 5,051 square foot Wawa convenience store and fueling stations. The proposed development is located at the intersection of Easton Road and Waverly Road in Cheltenham Township, Montgomery County. This plan revision is approved.

The project will consist of consolidating the following 6 parcels, Parcel Numbers 31-00-27910-004, 31-00-008812-004, 31-00-08815-001, 31-00-08818-007, 31-00-08824-001 and 31-00-08821-004.

This project will be connected to the Cheltenham Township collection system and will generate 1,302 gallons of sewage per day to be treated at the City of Philadelphia Northeast Water Pollution Control Plant.

This project is consistent with the Cheltenham Township Connection Management Plan.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay

Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

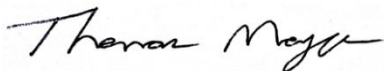
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions or concerns, please contact Stefanie Rittenhouse at 484-250-5186 and refer to the project name as referenced above.

Sincerely,



Thomas Magge
Program Manager
Clean Water

cc: Montgomery County Health Department
Montgomery County Planning Commission
Montgomery County Conservation District
Provco Pinegood Glenside, LLC
Bohler Engineering PA, LLC
Mr. Ponert – City of Philadelphia Water Department
Planning Section
Re 30



Southeast Regional Office

November 10, 2020

Mr. Bruce Goodman, Manager
Provco Pinegood Glenside LLC
636 Old York Road, 2nd Floor
Jenkintown, PA 19046-2858

Re: Individual NPDES Permit Issuance
Wawa Glenside
NPDES Permit No. PAD460054
Cheltenham Township, Montgomery County

Dear Mr. Goodman:

Under the authority of the federal Clean Water Act and Pennsylvania's Clean Streams Law, the Department of Environmental Protection (DEP) approves your application for new Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities ("Individual NPDES Permit"). Your permit is enclosed. The latest versions of the permit application and all supporting documents, including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan, are incorporated into this approval, including the following plan drawings:

- The E&S Plan drawings, for Provco Pinegood Glenside, LLC; Proposed Wawa Food Market, dated September 20, 2019, and last revised June 19, 2020.
- The PCSM Plan drawings for Provco Pinegood Glenside, LLC; Proposed Wawa Food Market, dated September 20, 2019, and last revised June 19, 2020.

Your Individual NPDES Permit, which has been assigned NPDES Permit No. PAD460054, is effective on **November 10, 2020** and will expire on **November 9, 2025**. If stormwater discharges associated with construction activities are expected to continue beyond the expiration date of the Individual NPDES Permit, you must apply to renew your permit at least 180 days prior to the expiration date, unless otherwise approved by DEP.

Please review the Individual NPDES Permit, including special conditions, and the enclosed attachments carefully and contact this office if you have any questions. Please pay particular attention to the following requirements of the Individual NPDES Permit:

- In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who either has oversight responsibility of an earth disturbance activity on a project site who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, or has day to day operational control over an earth disturbance activity on a project site. Please be advised that after an operator (contractor) has been selected for the project, the operator must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Co-Permittee Acknowledgement Form for Chapter 102 Permits (3800-FM-BCW0271a) to add a co-permittee.
- A pre-construction meeting is required as specified in 25 Pa. Code § 102.5(e), unless otherwise notified in writing by this office. The purpose of this meeting is to review all aspects of the permit with the permittee, co-permittees, operators, consultants, inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM Plan. You must provide at least seven days notice of the pre-construction meeting to all invited attendees.
- You must conduct inspections of all best management practices (BMPs) on a weekly basis and after each measurable stormwater event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) to ensure effective and efficient operation. The Visual Site Inspection Report Form (3800-FM-BCW0271d) is enclosed along with instructions. This form (or an equivalent electronic form providing the same information) must be used to document the required site inspections.
- For any property containing a PCSM BMP, the permittee or co-permittee must record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance (O&M) for PCSM BMPs, and provide notice that the responsibility for long-term O&M of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. **You must record an instrument with the Recorder of Deeds within 45 days and provide proof of the recording at the time an application to transfer permit coverage is submitted, if applicable, and at the time a Notice of Termination (NOT) is submitted to this office.**

- If there are any changes to the PCSM BMPs or long-term operation and maintenance plan after the initial instrument recording and prior to permit termination, the permittee(s) will need to amend the initial recorded instrument at the Recorder of Deeds office prior to permit termination. Please note, most Recorder of Deeds offices require that the land owner (at the time of actual recording) signs the instrument to be recorded. If the land owner changes and an amended instrument needs to be recorded, the Recorder of Deeds office will likely require the new land owner's signature on the amended instrument. It is recommended that for any sale or transfer of property to a new owner before this permit is terminated that the permittee seek legal counsel on how to structure the sale or transfer to allow the recorded instrument to be amended.
- The Notice of Termination (NOT) form (3800-PM-BCW0229b) is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved. The NOT must identify the responsible person(s) for the long-term O&M of the PCSM BMPs. Please be advised that the permittee and any co-permittees remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged. **It is important that you fulfill your obligations under the permit and submit a complete NOT to this office upon final stabilization of the site.**

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

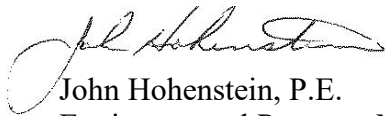
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MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have questions, please contact Mr. Jesse Duncan by e-mail at jeduncan@pa.gov or by telephone at 484.250.5826 and refer to Permit No. PAD460054.

Sincerely,



John Hohenstein, P.E.
Environmental Program Manager
Waterways and Wetlands

Enclosures: Individual NPDES Permit
Visual Site Inspection Report Form and Instructions
Co-Permittee Acknowledgement Form for Chapter 102 Permits and
Instructions
Notice of Termination Form

cc: Mr. Hartman – Bohler Engineering PA, LLC (approval letter and page 1 of permit only)
Mr. Duncan – DEP
Montgomery County Conservation District (approval letter and permit only)
Cheltenham Township (approval letter and page 1 of permit only)
Re 30 (AR20WAW)311-1



**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
INDIVIDUAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

NPDES PERMIT NO: PAD460054

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the Act) and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

Permittee

**Provco Pinegood Glenside LLC
636 Old York Road, 2nd Floor
Jenkintown, PA 19046-2858**

Project Site

**Wawa Glenside
Cheltenham Township, Montgomery County
Earth Disturbance: 2.19 acres**

is authorized to discharge from an earth disturbance activity to **Tacony Creek** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C herein.

THIS PERMIT SHALL BECOME EFFECTIVE ON November 10, 2020

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON November 9, 2025

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

ISSUANCE DATE:

November 10, 2020

**John Hohenstein, P.E.
Environmental Program Manager
Southeast Regional Office**

(AR20WAW)311-1a