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March 18, 2009

Via Facsimile 484-250-5914
 And US Mail

Ms. Sharon Moore
 Management Technician
 PA Department of Environmental Protection
 Southeast Regional Office
 2 East Main Street
 Norristown, PA 19401

DEP-RECEIVED
 SOUTHEAST REGION

MAR 19 '09

RE: Pine Creek Park

Dear Ms. Moore:

I represent Dr. & Mrs. Henry Jordan, owners of property in West Pikeland Township, Chester County that abuts the Township-owned Pine Creek Park. Following the meeting of the Board of Supervisors of West Pikeland Township on Monday evening, I learned that in private meetings between the Township and the Chester County Conservation District, plans for the issuance of a general and NPDES permit for the installation of a sports field on Pine Creek Park have been forwarded to your office for the issuance of a permit. This was based on a significantly revised NPDES permit application dated only very recently, March 11, 2009. There was no public review of the plans or the permit application preceding this action.

Ms. Gaye Lynn Criswell at the Chester County Conservation District suggested we communicate directly with you.

By way of background, Pine Creek Park was purchased for the enjoyment of the citizens of West Pikeland Township, offering an especially scenic park with sensitive environmental features, but with some limited sports field use. This balanced usage plan is reflected in a carefully prepared Master Plan for the Park. My clients and others who are long time supporters of the Park have expressed their concerns about the development of a third sports field in this park, contrary to the Master Plan, as opposed to other more appropriate locations in the Township. They feel that adherence to the plans, regulations and policies of the Township and the DEP should prevent "short cuts" or any short term decision with long term implications for future generations.

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Upon review of the plans that were provided only about a week ago, including review with an experienced independent engineer, it seems to my clients that there are a number of deficiencies that ought to be corrected in order to assure protection of the environmental features of the Park. In particular, this would include an unnamed tributary and associated wetland that directly abuts the proposed sports field and that ultimately flows into the Pickering Creek. Pickering Creek is an HQ stream and, I believe, has been proposed for reclassification to EV.

Here are some of the concerns from the view of the plan and NPDES permit that was made available to us:

- The plan does not contain meaningful primary or secondary BMPs notwithstanding that there is a point source discharge and that the property is in an HQ watershed. For example, there is no underground detention, no bio-infiltration, and no restorative activity. Though "vegetated swales" are claimed as a BMP, the specifications on the plans show only the planting of normal grass within the swale areas around the field.
- The permit application lists as a BMP that there is "no change in land cover" To the contrary, the plan in essence calls for converting acres of land from meadow (it has not historically been mowed as lawn) into manicured lawn (for sports use), designed for rapid runoff into concentrated grass swales and a retention basin. Steep slopes are also being created. This is hardly state-of-the-art environmental practice, much less a BMP. This conflicts not only with the reality of the pre-condition of the site (meadow) but the guidelines of CG-1.
- The permit application lists, under "Pollution Prevention" simply "Non-Structural Practices", but none are discernible on the plan. The field is likely to be managed with fertilizers, pesticides and/or herbicides and discharge directly into the water supply, either on the surface or below ground, in the immediate vicinity of a year round stream. We see no operations and maintenance plan to guide nutrient management, nor even any indication of who will manage the field, i.e., the Township or a private sports association. We do not see Worksheet 10 in the package given to us by the County.
- We cannot confirm if the recommended "loading ratio" has been provided. The Application given to us by the County did not have Worksheet 5B.
- There is no written narrative nor a certification that the Township's storm water management ordinance is satisfied by the plan.
- We have seen no hydraulic or hydrogeological report prepared to substantiate the calculation of the basin size, outflow orifice size, dewatering time, etc. The runoff coefficient is changing from meadow to lawn for significant parts of the property, at least 3.75 acres. Without adequate reports it is impossible to determine if the basin will be able to handle the rate and the amount of water flow off of the field; nor can we determine for how long it will detain water. Will retention result in thermal impact or be a hazard to children in the vicinity of the field?

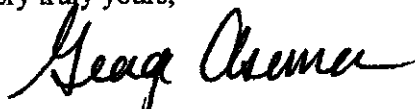
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- The affected soil types stated on the plan and report are inaccurate; they are not GdB and CaB.
- The wetland boundaries have moved significantly since the first draft of the plan; this is done without any explanation and with an apparent inconsistency in the wetland points; in the prior set of plans the wetlands were shown much closer to the field and a gap has been replaced by several numbered WL points that changes the numbering sequence.
- We have seen no evidence of soil testing to determine if the infiltration of water in the basin will work, which is one of the alleged BMP's of the plan. This is recommended in the Pa BMP Manual and by the County's letter to the applicant dated October 29, 2008.
- Thermal impacts are stated as non existent, but this does not address thermal impacts of detention, nor can we discern the detention time, as stated above.
- The 1 percent swale on the side of the field opposite the wetlands will be difficult to construct consistently in the field with heavy equipment and therefore is likely to capture water resulting in pooling and mud.

As we have made well aware to the Township, in public meetings and in writing, my clients have opposed the installation of this sports field at Pine Creek Park. They and other concerned citizens have endorsed the Master Plan originally prepared for the park after it was acquired. The Master Plan does not call for a sports field in this location. These citizens use this area of the park for passive recreation, e.g. hiking and the enjoyment of nature, and had hoped that that activity would continue. These citizens want to make sure that the park can still be used for these purposes and that the land not be consumed by sports fields and that if, nevertheless, any plan is approved then it conforms to the highest standards of environmental protection of this very special property. They feel that there are better places in the Township that will most likely be made available in a reasonable period of time for additional sports use. This includes at least one area already owned by the Township that is presently being planned for municipal use, including recreation. There appears to be tremendous external pressure upon the Township to put a field in the wrong location and, perhaps for cost and time reasons, with inferior environmental protections.

In any event, if the agency is to issue a permit for this sports field it is hoped that the plan will be made to fully comply with the environmental law, regulations and policies for the protection of those resources of the park that will remain after a sports field is installed.

Very truly yours,


George Asimov

GA/van

CC: Dr. & Mrs. Henry Jordan
Board of Supervisors, West Pikeland Township