



Outlook

URGENT: Material Misrepresentation / Active Permit Reopening Request – The Cliffs (Cornwall Borough, Lebanon County) – NPDES Permit ID PAD380042 "The Cliffs Residential Subdivision"

From Amanda Berkheimer [REDACTED]
Date Fri 7/10/2026 10:06 AM
To Blosser, Andrea <ablosser@pa.gov>; rdigilarmo@pa.gov <rdigilarmo@pa.gov>
Cc Amanda B [REDACTED]

Dear Mr. DiGilarmo & Ms. Blosser,

It is with utmost urgency that I respectfully request that the PA DEP Southcentral Regional Office immediately reopen and review the approved Chapter 102 / NPDES PAD380042 stormwater permit issued to Cornwall Properties LLC (Byler Holdings) for the construction of "The Cliffs" development project in Cornwall Borough, Lebanon County.

In their E&S Module 1 Application (attached via link)  [Module 1 Residential Subdivision.pdf](#), the applicant certified "No" to the existence of contaminated soils or uncharacterized historic mining fill. Nonetheless, attached is the official deed for this exact tract transfer from Haines & Kibblehouse (H&K) to Cornwall Properties LLC, dated May 2022 (attached via link)  [Cornwall-Properties_Deed.pdf](#).

Please be advised of the following covenants explicitly and restrictively detailed on Page 2 of the said deed:

1. Page 2, Paragraph Four, Section (ii): This property is explicitly subjected to the "performance of any and all reclamation work that may be required by the Commonwealth of Pennsylvania Department of Environmental Protection"
2. Page 2, Paragraph Five, Section (ii): This property is explicitly governed by and restrictively subject to "any rock, slag, or stockpiles from prior mining or extraction activities on the Property."

The developer in question legally signed and accepted this deed in 2022, therefore showing clear and definite proof of his knowledge of this tract being part of the uncharacterized historic mining fill. The aforementioned "No" certification in Module 1 on behalf of Byler clearly indicates a material misrepresentation of facts to bypass mandatory soil characterization protocols required by the DEP Management of Fill Policy for historic mines.

Failure to perform mandatory soil characterization and analytical testing of the historic mine fill prior to constructing stormwater infiltration basins poses an imminent threat of leaching heavy metals directly into the local aquifer and Snitz Creek. Therefore, we request the DEP to immediately place an administrative hold/stop-work order on this active permit and require the applicant to perform target-parameter soil sampling under the DEP Management of Fill Policy and Act 2 framework.

Thank you for your prompt oversight into this matter.

Sincerely,

Amanda Berkheimer