



February 16, 2022

Mr. Nicholas Bryan  
Sunoco Logistics, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Technical Deficiency Letter No. 1 and Public Comments  
ESCGP-3 Permit Application  
Pennsylvania Pipeline Project (PPP)/Mariner East II  
Major Permit Amendment Request  
HDD 541  
Southeast Regional Office Submission  
Construction Spread 6  
DEP File No. ESG0100015001  
Thornbury Township  
Delaware County

Dear Mr. Bryan:

The Department of Environmental Protection (DEP) and the Chester County Conservation District (District) have reviewed the above-referenced application and has identified the technical deficiencies listed below. The *Pennsylvania Erosion and Sediment Pollution Control Program Manual* (E&S Manual) and the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) include information that may aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

#### **Technical Deficiencies from the District**

1. The plans as submitted do not propose any additional earth disturbance.
2. If corrections are needed, based on the review of the PCSM plan, that necessitate new earth disturbance, we will need to review those plans for erosion and sediment controls.

### **Technical Deficiencies from DEP**

1. In Section H.d of the ESCGP-3 permit application for Watersheds 01 and 02/03, the applicant provided a response that indicates that the activity proposes off-site discharge to areas other than surface waters. The same section of the permit application states that a demonstration must be provided that the discharge will not cause erosion, damage, or a nuisance to off-site properties. Attempts to locate this demonstration in the application package were unsuccessful. The applicant will need to provide this demonstration addressing Section H.d for Watersheds 01 and 02/03. As part of this demonstration, the applicant should follow the Frequently Asked Questions (FAQ) - Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters dated January 2, 2019. The FAQ document can be found on DEP's website at: <https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Pages/E-S%20Resources.aspx> [ESCGP-3 permit application and 102.4(c)]

### **Public Comments**

1. Please address the attached Public Comments from Thornbury Township, and please provide adequate responses to these comments.

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 30 calendar days from the date of this letter, or DEP may deny the ESCGP-3 Permit application.

Please submit a response letter addressing the above comments and one electronic copy of the highlighted revised information to DEP.

Please submit an electronic copy (PDF) of a response letter and the revised information (all revisions should be **highlighted**) to christopsm@pa.gov, or via DEP FTP if needed. Please coordinate with the District regarding the submission format that will be needed for their office.

Please coordinate with the District prior to resubmitting. The District may require a District application and/or additional fees associated with your resubmission.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that DEP make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency.

If you have questions about your application, please contact me by e-mail at christopsm@pa.gov or by telephone at 484.250.5152 and refer to Application No. ESG0100015001 Major Amendment HDD 541, to discuss your concerns or to schedule a meeting. You must attempt to schedule any meeting within the 30 calendar days allotted for your reply.

Sincerely,

*Christopher Smith*

Christopher Smith, P.E.  
Chief, Construction Permits Section  
Waterways and Wetlands

cc: Mr. Simcik – Tetra Tech, Inc.  
Mr. Magargee – Delaware County Conservation District  
Mr. Hohenstein, P.E.  
Mr. Shankar, P.E.  
Re 30 (GJS22WAW)27

Attachment: Letter from Thornbury Twp dated 4-28-2021



# THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

**BOARD OF  
SUPERVISORS:**

James H. Raith  
James P. Kelly  
Sheri L. Perkins

*Public Meeting:*

*1st Wednesday of each month*

April 28, 2021  
File No. 84200-261

Mr. Frank DeFrancesco, Chief  
Dams and Waterway Section  
Pennsylvania Department of Environmental Protection  
2 East Main Street  
Norristown, PA 19401  
*Via US Mail and Email: [fdefrances@pa.gov](mailto:fdefrances@pa.gov)*

Re: Sunoco Pipeline, L.P. (SPLP)  
Pennsylvania Pipeline Project  
PA DEP Section 105, Permit No: E15-862 & E23-524 & ESG0100015001  
Thornbury Township, Delaware County  
**Public Comments for Major Permit Modification ESCGP-3  
& PA DEP NOV Letter 4-6-2021**

Dear Mr. DeFrancesco:

On behalf of the Thornbury Township Supervisors and other officials of Thornbury Township, we are writing as to give official public comment and responses to the above referenced Sunoco NOV letter from PA DEP dated April 6, 2021 and the ESCGP-3 Permit Major Modification notice dated April 19, 2021 (received April 21, 2021) as follows:

## **PA DEP NOV Letter**

1. In summary, the letter requires Sunoco to "Prepare and submit an amendment to Permit ESG0100015001, and, as necessary, an amendment to Permit E23-524, along with all calculations and specifications for the PCSM BMPs, structures, and associated facilities that demonstrate that they have been installed in accordance with applicable regulatory and statutory provisions at the above referenced site. No additional modifications should be made to the existing PCSM BMPs until after respective amendment(s) have been approved by DEP"
  - a. Thornbury Request – While we recognize that the first submission of the permit amendment to PA DEP is the PCSM plan that was originally submitted to Thornbury Township back in 2017, there are a number of problems with the current operations and maintenance of the existing stormwater facilities that are in need of correction as summarized below:
    - i. Attached are photos from March 2, 2021 in which it appears that the melting of ice in the Sunoco storm basin drained out slowly during the warmer hours of the previous day through a rock dissipator at the corner of SR 926 & SR 352, and subsequently froze in the colder hours of the night. This is an unacceptable condition that will need to be rectified with the Sunoco basin design.

- ii. In reviewing the surrounding area, there is a nearby inlet across SR 352 that could potentially serve as a tie in point for the basin and eliminate the maintenance issue of a slowly draining basin into the intersection.
- iii. The upper basin discharges along SR 352 do not appear to be draining out to the SR 352 drainage system and inlets as shown on the design plans. The stormwater calculation model has each basin discharging separately to SR 352, while the actual construction appears to have each basin spilling into the next basin, effectively increasing the drainage area at least threefold to the lower basin at the intersection. This is an unacceptable condition that will need to be rectified in the field to match the intended stormwater model and plan design.
- iv. We met with Sunoco on April 9<sup>th</sup>, 2021 to review potential drainage remedies for the site and we are expecting to see additional modifications submitted for Township and PA DEP review, which may require another permit amendment.

### **ESCGP-3 Public Comment**


- 2. Section D.I.3&4 and Section E.8&11 - It should be noted that contaminated soils were previously found at the South Chester Road HDD drill site and pullback area, so the answer to these questions should be changed to yes.
  - a. Thornbury Request – Provide explanatory language, quantitative data and recent testing results to clarify the current status of site contamination. A geologic hazard mitigation plan may also be required.
- 3. Section E.7 – The previous land use should be updated to list a previous land use as an apple orchard, which is the source of the noted soil contamination at the site.
- 4. Section F.e – The site only discharges to non-surface waters, so the answer to this question should be changed to Yes. Section H.e states yes as discharge to surface waters but does not list any narrative on how post construction activities will cause no harm to off site properties.
  - a. Thornbury Request – Per these sections, the discharge during and after construction should not cause erosion, damage, or a nuisance to off-site properties.
    - i. The property at 9 Hadley Lane had numerous occasions of excessive flooding in their yard and water damage to their driveway. A request to replace the damaged driveway has been forwarded to Sunoco without any action to date.
    - ii. Sediment laden water was also witnessed leaving the site, traversing across 9 Hadley Lane's property and entering the Hadley Lane Public Storm sewer. A line video and cleaning of the storm sewers is requested. DEP should be consulted to determine as to whether the soil leaving the site is contaminated and would require special cleanup and removal with disposal to DEP certified facilities.

- iii. The stormwater basins along SR 352 are currently causing problems and generating complaints from off-site property owners as described in greater detail within our comment #1 above. A corrective action plan for the basins and related drainage discharges is requested.
5. Section J – The compliance history chart says to “see attached table” but nothing was attached.
6. Page 21 – The summary of bio-infiltration BMPs was not filled out and should be completed to ensure compliance with related DEP requirements.

Based upon our review, it would appear that the Sunoco April 19, 2021 ESCGP-3 Major Permit Modification Submission does not address many of the concerns raised in the comments as listed above. We would ask that PA DEP require further investigation, studies and proper responses to the concerns raised by all interested parties.

Thank you for the opportunity to comment on this project and we look forward to working with you in the future. Should you have any further comments or questions, please feel free to contact me.

Very Truly Yours,



Jeffrey Seagraves  
Township Manager

Cc: Sunoco Pipeline L.P.  
Thornbury Township  
James Byrne, Esq.  
John Hohenstein, P.E., PA DEP