

TOWNSHIP OF ROSTRAVER

Board of Commissioners



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Municipal Building
201 Municipal Drive
Belle Vernon, PA 15012
(724) 929-8877 • Fax: (724) 929-5009
www.rostraver.us
e-mail: commissioners@rostraver.us

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KLH Engineers, Inc.

June 23, 2015

Pennsylvania Department of Environmental Protection
Soils and Waterways Section
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222-4745

RE: Pennsylvania Pipeline Project
Sunoco Pipeline, Inc.
Westmoreland County

To Whom It May Concern:

The Township of Rostraver has received notice from Tetra Tech on behalf of Sunoco Pipeline, LP of their intent to apply to the PA DEP for ESCGP-2 and GIF for the wetlands and waterways permits to install pipelines in Rostraver Township as part of the Pennsylvania Pipeline Project (Mariner East Phase II). Rostraver Township does have ordinances in place that will require Sunoco Pipeline, Inc. to file applications with the Township prior to the start of any earthmoving. The Pennsylvania Pipeline Project will need to follow the same regulations and to secure the same approvals as the Mariner East Phase I Project including but limited to a grading permit.

Please be advised that Rostraver Township does have a zoning regulation that requires an applicant to get permission from the Township Zoning Hearing Board to do work within 50 feet of a natural drainage course. Enclosed please find section 195-70F of the Township Code requiring approval from the Zoning Hearing Board. At the current time the applicant has not applied to the Zoning Hearing Board for the Pennsylvania Pipeline/Mariner East Phase II Project.

Rostraver Township has a stormwater management ordinance, Chapter 164, which would require stormwater management approval from the Township. Rostraver Township has issued stormwater management approval for this phase.

Rostraver Township has regulations for work done within the Township road right-of-ways and for heavy hauling along Township roads. Enclosed please find sections 166-3, 166-4, 187-16 of the Township Code requiring said approvals. Rostraver Township

does have bonds in place for heavy hauling with Sunoco Pipeline, Inc. Any road bores, cuts, or work within the road right-of-ways will require Sunoco Pipeline, Inc. to apply for the necessary applications for this phase.

Lastly, the GIF that was submitted to Rostraver Township provides the detailed written directions to the site more for Elizabeth and not Rostraver Township. Thank you for providing Rostraver Township the opportunity to comment on said applications.

Sincerely,



Tamira M. Spedaliere
Rostraver Township Planner

Enclosures

TMS/sf

CC: Rostraver Township Board of Commissioners
Robert A. Lohr, Zoning/Code Enforcement Officer
Tom Godzak, Road Foreman
Carl Dei Cas, KLH Engineers
Westmoreland County Conservation District
Matthew Gordon, Sunoco Pipeline, Inc.
Robert F. Simcik, Tetra Tech

Township of Rostraver, PA
Tuesday, June 23, 2015

Chapter 195. Zoning

Article XVIII. Supplementary Regulations

§ 195-70. Environmental protection.

- A. No earthmoving, excavation or filling that has a potential of creating adverse environmental circumstances, such as erosion, slip-slide areas, subsidence, watercourse changes, air or water pollution or similar conditions, shall be undertaken until a zoning permit has been issued by the Zoning Officer.
[Amended 9-7-2005 by Ord. No. 531]
- B. The applicant for a permit to proceed with earthmoving, excavation or filling shall obtain all permits and authorizations required by local and any other county, state and federal governmental agencies having jurisdiction over such matters prior to approval of a zoning permit by local authorities.
[Amended 9-7-2005 by Ord. No. 531]
- C. Normal agricultural activities, commonly and routinely engaged in by farm and residential residents in the municipality, shall not be considered excavations and shall not require permits.
- D. The grading of any earth in excess of 5,000 square feet by cut or fill shall comply with to the following standards:
[Amended 9-3-1997 by Ord. No. 360; 9-7-2005 by Ord. No. 531; 3-1-2006 by Ord. No. 542]
- (1) Any toe of slope for a cut or fill with a height of greater than six feet shall be located a minimum of 15 feet from the property line.
 - (2) All cut/fill slopes shall be benched at the minimum requirements listed below in Table No. 1.

TABLE No. 1

Type of Cut/Fill	Maximum Height Between Benches (feet)	Minimum Width of Benches (feet)
Earth	15	10
Fill	15	10
Major cuts in shale	15	10
Major cuts in sandstone	30	15
Major cuts in limestone	35	15

- (3) The grading of any earth by cut or fill shall not exceed a slope of 3:1.
 - (a) Should a slope in excess 3:1 and greater than six feet in height be necessary, the property owner shall prepare and file a soils report with all boring logs prepared by a registered professional engineer certifying to the slope's stability or, in the alternative, a retaining

structure with a minimum of a four-foot chain link fence shall be designed and certified by a registered professional engineer in the Commonwealth of Pennsylvania.

- (b) Any cut or fill greater than six feet in height and in excess of a 3:1 slope shall have a minimum four-foot chain link fence erected at the top of the slope through its entire length.
- E. All lands steeper than 10 to 1 slope, from which structures or natural cover have been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
- F. No cutting, filling or other disturbing of land and natural vegetation is permissible within 50 feet of the center line of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission, provided that special precautions are taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream. All such action shall be in accordance with PADEP rules and regulations.
- G. All earthmoving activity shall comply with the erosion and sedimentation control amendment to the Pennsylvania Clean Streams Law of 1937, P.L. 1987 and P.L. 177,^[1] all requirements of the Pennsylvania Department of Environmental Protection and other applicable federal, state, county or local agency or authority having enforcement jurisdiction.
- [1]: *Editor's Note: See 35 P.S. § 691.901 et seq.*

*Township of Rostraver, PA
Tuesday, June 23, 2015*

Chapter 166. Streets and Sidewalks

Article I. Openings, Excavations and Occupancy

§ 166-3. Application for permit.

Any person who desires to make any opening or excavation in any street in the Township or to construct, reconstruct or repair a driveway, entrance or approach on any part of a Township street shall make application to the Township Engineer or his agent. The application shall be made upon blanks to be furnished by the Township. Each application when executed and delivered to the Township Engineer or his agent or the Secretary, together with the permit fee set forth in § 166-4 and after issuance of the permit by the Township Engineer, shall constitute an agreement between the permittee and the Township which shall be a binding legal obligation upon both parties.

§ 166-4. Permit fee; responsibility for certain costs; bond posted by holder of driveway opening permit.

Before any permit shall be issued to open or excavate any street in the Township or to construct, reconstruct or repair a driveway, entrance or approach thereon, the applicant shall pay to the Township Engineer a permit fee in the amount as set from time to time by resolution of the Board of Commissioners. If the nature of the work to be performed shall require, in the opinion of the Township Engineer, an inspection of the work or the site either during or after completion of the work, by the Township Engineer or his agent, the cost of such inspection and other incidental services in connection therewith shall be paid by the permittee. Whenever a property owner requests a driveway opening permit, he shall post a cash bond in the amount as set from time to time by resolution of the Board of Commissioners per linear foot of driveway abutting the Township road. The bond will be to guarantee full compliance with this article and shall be reimbursed to the property owner when the installation has been approved by the Township Engineer. If the installation is not approved, then the Township Engineer shall give directions to the property owner. If the same is not fully and properly performed in accordance with Township specifications, then the Township shall have the work performed and the bond will be applied to the cost thereof.