



September 6, 2016

Matthew L. Gordon  
Sunoco Pipeline, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Technical Deficiency  
Pennsylvania Pipeline Project (aka Mariner East II)  
Application No. E38-194  
APS No. 879354  
Cornwall Borough, and Heidelberg, South Annville, South Lebanon, South Londonderry,  
and West Cornwall Townships, Lebanon County

Dear Mr. Gordon:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and has identified the following significant technical deficiencies. The Chapter 105 Dam Safety and Waterway Management regulations include information that will aid you in responding to some of the deficiencies listed below. The deficiencies are based on the requirements of Article I, Section 27 of the Pennsylvania Constitution, applicable laws and regulations, and the guidance that sets forth DEP's recommended means of satisfying the applicable requirements.

As you are aware, Department staff in three different regional offices are reviewing sixteen other Chapter 105 permit applications associated with this project. While the regional offices have coordinated the review of the applications and the identification of deficiencies, it is possible that deficiencies raised in the Department's other deficiency letters may be applicable to this permit, even though not stated herein. The Department recommends that Sunoco Pipeline, L.P. evaluates whether any of the deficiencies identified in the other Chapter 105 permit application deficiency letters, beyond those deficiencies identified in this letter, necessitate revisions in this permit application.

### **Technical Deficiencies**

#### Common Technical Deficiencies

1. Comprehensive Environmental Evaluation - The following technical deficiencies are related to the overall project comprised by the 17 Chapter 105 Water Obstruction and Encroachment permit applications associated with this pipeline. Please provide the Department with a Comprehensive Environmental Evaluation of the Entire Pipeline Project as a Whole ("Comprehensive Environmental Evaluation") which at a minimum includes the following:

- a. Use the Environmental Assessment Form (3150-PM- BWEW0017, 2/2013) as a guide and provide a detailed narrative and other appropriate documentation that comprehensively evaluates the project as a whole under each of the categories therein (Part 1 – Resource Identification; Part 2 – Project Description – including all the analyses listed in the form, as well as in 25 Pa. Code §§ 105.13(e)(1)(vii-x), (2), (3), (g), and (j); and 25 Pa. Code § 105.15.
- b. The Comprehensive Environmental Evaluation should also provide a detailed narrative and other appropriate documentation that comprehensively evaluates the project as a whole for compliance with the requirements associated with the Department’s review of the application listed in 25 Pa. Code § 105.14 in its entirety, with particular emphasis on:
  - i. Antidegradation Analysis - Prepare and submit an analysis and information that addresses consistency with State antidegradation requirements contained in Chapters 93, 95 and 102 (relating to water quality standards; wastewater treatment requirements; and erosion and sediment control) and the Clean Water Act (33 U.S.C.A. § § 1251—1376) for this entire project and other potential or existing projects. 25 Pa. Code § 105.14(b)(11).
  - ii. Secondary Impact Analysis – Prepare and submit an analysis and information that addresses secondary impacts associated with but not the direct result of the construction or substantial modification of the water obstruction or encroachment in the areas of the entire project and in areas adjacent thereto and future impacts associated with water obstructions or encroachments, the construction of which would result in the need for additional dams, water obstructions or encroachments to fulfill the project purpose. 25 Pa. Code § 105.14(b)(12).
  - iii. Project Wide Cumulative Impacts Analysis. Prepare and submit an analysis and information that addresses the cumulative impact for this entire project and other potential or existing projects. As part of this analysis please evaluate whether numerous piecemeal changes associated with all the chapter 105 applications related to this pipeline project may result in a major impairment of the wetland resources. The analysis must be undertaken for each alternative prepared for the proposed pipelines and facilities of Mariner East II, on a statewide basis and must be completed for the entire project, as a whole referencing each of the applications for the entire project. 25 Pa. Code §§ 105.14(b)(14); and 105.15.
  - iv. Comprehensive Evaluation of Compliance with 25 Pa. Code § 105.18a. Prepare and submit an analysis and information that evaluates the project as a whole with all the requirements found in 25 Pa. Code § 105.18a for each wetland or wetland complex in or along the project area as a whole. 25 Pa. Code § 105.18a.

- v. Comprehensive Alternatives Analysis, Avoidance and Minimization and Mitigation. The applicant needs to demonstrate, that the alternative/s chosen for the entire project will avoid cumulative impacts to the maximum extent practicable, and where such impacts are not avoidable, describe in detail with appropriate supporting documentation, how such impacts will be minimized and mitigated to the satisfaction of the Department. 25 Pa Code §§ 105.1, 105.13(e)(1)(viii)-(x); 105.14(b); and 105.15-105.20a.
2. The HDD Inadvertent Return Contingency Plan includes profiles identifying Geotechnical profiles; however, no analysis has been provided on the risk of an inadvertent return occurring. Provide an analysis on the risk of an inadvertent return occurring for all proposed HDD crossings. Include in-depth detail, discussion, and data in the analysis of the risk of a return occurring. [25 Pa. Code §§105.14(b)(7), 105.18a(b)(3), 105.18a(b)(4), 105.18a(b)(5), 105.14(b)(4), 105.14(b)(11)]
    - a. Provide information/details on previous HDD activities on the prior Mariner East pipeline project where IRs occurred. At a minimum this should include, a topographic map with locations and latitude/longitude of each occurrence, description of event, amount of discharge, whether the discharge entered waterways and/or wetlands, mitigation/clean-up measures taken, etc.
    - b. A stand-alone attachment should be created to address the pre-boring geologic evaluation of the existence and potential to impact local drinking water supplies or aquifers around the boring location. The plan needs to include what measures will be employed to verify that no supplies or aquifer are impacted (i.e. pre and post water quality and quantity analysis). The plan should specify what notifications and remediation measures will be employed if there are impacts.
  3. EV wetlands are defined as EV waters by Chapter 93. Therefore, explain the measures the applicant will implement to comply with the antidegradation requirements of the Department's water quality standards program.[25 Pa Code §93.4c(b); §93.4c(b)(2); §93.1 (defn. of surface water of exceptional ecological significance); §105.14(b)(11); §105.18a(a)(4); 24 Pa.B. 922 (February 12, 1994)(Incorporation of the Department's Existing Wetlands Protection Program into Water Quality Standards Program)].
  4. The application states that the second pipeline will be 16 inches in diameter, while other applications related to this project state that the second pipeline could be up to 20 inches in diameter. Which is correct? §[25 Pa. Code §§105.13(e)(1)(iii)(A)]
  5. List the types and amounts of emissions to satisfy question 13.0.1 of the General Information Form. [1300-PM-BIT0001 5/2012 Instructions]

6. The Application and GIF have different titles for M.L. Gordon. An application shall be signed by the owners of the dam or reservoir, water obstruction or encroachment, or the persons exercising primary responsibility for the dam or reservoir, water obstruction or encroachment. In the case of a partnership, one or more members of the partnership authorized to sign on behalf of the entire partnership shall sign the application. In the case of a corporation, it shall be signed by the president, vice president or other responsible official empowered to sign for the corporation. Provide consistent titles for Mr. Gordon and demonstrate that he is authorized to sign the Application. *[25 Pa. Code §§105.13(i) and 25 Pa. Code §§106.12(f)]*
7. Provide a PNDI search clearance letter from the Pennsylvania Game Commission for threatened and endangered species under their jurisdiction. *[25 Pa. Code §§105.15(a), 105.14(b)(4), 105.16(c)(3)]*
8. Provide clearance or approval from the Pennsylvania Historical and Museum Commission (PHMC) for cultural, archeological, and historic resources for the proposed water obstructions and encroachments and areas necessary to construct the water obstructions and encroachments. *[25 Pa. Code §§105.13(e)(1)(x), 105.14(b)(5), 105.15(a), 105.14(b)(4)]*
9. The project description provided in the Cultural Resource Notice states that the second pipeline is to be installed within 5 years of the first pipeline. The project description provided in the application does not discuss this timeframe. Regarding this item: Revise the application to discuss if the pipelines will be installed at the same time, or on different schedules. *[25 Pa. Code §§105.13(e)(1)(iii)(A), 105.13(e)(1)(iii)(B), 105.301(7), 105.15(a), 105.14(b)(4), 105.18a, 105.21(a)(1), 105.13(e)(1)(ix)]*
  - a. If the pipelines are proposed to be installed at separate times, revise the application to clearly indicate this, and to identify the permanent and temporary impacts from the second pipeline installation. Please be advised that if issued the permit may expire before construction is completed on any second line.
  - b. If the pipelines are proposed to be installed at separate times, revise your alternatives analysis to evaluate the feasibility of installing the two pipelines concurrently with one another to avoid and minimize impacts.
  - c. You may need to revise you fee calculation spreadsheets to account for the additional, temporary disturbance resulting from a second, separate installation.
  - d. Your Erosion and Sedimentation Control Permit Application (ESG 05 000 15 001) should also reflect the two construction sequences if two separate construction periods are proposed.

10. Provide a detail that shows how flumes or other in-stream supports are used for temporary stream crossings as mentioned in the Temporary Stream Crossing detail and identify where each method will be used. *[25 Pa. Code §§105.13(g)]*
11. Provide site plans that depict proposed work for each ATWS within a floodway or floodplain. These plans should include at a minimum the duration of proposed activities, the expected layout, E&S controls, and size or quantity of materials or structures proposed. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
12. A number of drawings in the package, for example the auger bore drawings, state that the plans are for permitting purposes only. The plans, specifications and reports in the application are part of a permit once a permit is issued and must be followed. Remove this language from the plans and provide final plans. *[25 Pa. Code §§105.13(e), 105.44(a)]*
13. The auger bore drawings reference cathodic protection being installed. Provide plans and/or details for any proposed cathodic protection and identify on the plans where and which type of cathodic protection is proposed to be installed. *[25 Pa. Code §§105.3(4), 105.11(a), 105.13(e)(1)(i)(C)]*
14. Where cathodic protection is proposed to be installed in wetlands or other areas where vegetation is proposed to be undisturbed or replanted, identify how this cathodic protection will be maintained and replaced without vegetative disturbance. *[25 Pa. Code §§105.15(a), 105.13(e)(1)(ix), 105.18a]*
15. For all Bore and HDD locations, identify where all pipe pull back, or assembly, or other areas where the pipe will be laid out, and all construction and staging areas are located. Identify any temporary crossings or impacts for these areas to streams, wetlands, and floodways and revise the application accordingly to include these impacts, including site-specific plans depicting the impacts and proposed temporary matting. *[25 Pa. Code §§105.13(e)(1)(i), 105.13(e)(1)(iii)]*
16. The site plan sheets and E&S plan sheets identify the floodway which appears to be measured from the centerline of the stream as opposed to measuring from the top of bank for the 50-foot assumed floodway boundary. Provide floodway boundaries on all plan drawings that adhere to the definitions in Chapter 105 by providing the FEMA mapped floodway boundary, in areas absent a FEMA mapped floodway, the floodway boundary measured 50 feet landward from the top of bank, or in areas absent a FEMA mapped floodway a floodway boundary with evidence provided that the assumed 50 feet floodway is not accurate. *[25 Pa. Code §§105.13(e)(1)(i)(A), 105.1]*
17. The Typical Wetland Crossing detail on the E&S plans indicates soil will be stockpiled in the wetland along the trench. Revise the detail to include a means of separating the stockpiled soil from the wetlands, such as geo-fabric and matting, to ensure full removal

of the stockpiled soil and minimize impacts. [25 Pa. Code §§105.423, 105.18a(a), 105.18a(b), 105.15(a), 105.14(b)(4), 105.14(b)(11), 105.14(b)(13)]

18. The typical wetland crossing details shown on the E&S plans indicates Trench Breakers are to be installed in the trench in the wetlands; however it is not clear what Trench Breakers are or if Trench Plugs are what is meant. Revise this detail to identify if Trench Plugs are meant by this term or provide a detail for trench breakers. In addition, if trench plugs are proposed to maintain wetland hydrology, revise the detail to include trench plugs within the wetland for long wetland crossings and specify the distance increments. Furthermore, the E&S plan drawings depict trench plugs which are inconsistent with the detail. Revise the site plans to be consistent with the detail. [25 Pa Code §105.18a(a)(1) & §105.18a(a)(3) & §105.18a(a)(4) & §105.18a(a)(5) & §105.18a(b)(2) & §105.18a(b)(3) & §105.18a(b)(4) & §105.18a(b)(5) & §105.15(a)(1) & §105.14(b)(4) & §105.14(b)(11) & §105.14(b)(13) & §105.13(e)(1)(i)]
19. Installation of the trench plugs as depicted in the Trench Plug Detail is likely to result in adverse impacts to the hydrology of waters of the Commonwealth. Provide a revised detail showing the trench plug continuing to the bottom of the trench instead of the top of the bedding material. [25 Pa. Code §§105.18a, 105.15(a)]
20. The Typical Wetland Crossing detail on the E&S plans states that the detail does not apply to active cultivated or rotated cropland. Revise the detail to apply to all wetland crossings or provide a separate detail for wetland crossings in active cropland. [25 Pa. Code §§105.18a, 105.15(a)]
21. Provide a description of the expected duration each temporary stream crossing will remain in place. If the temporary stream crossing will be in place for greater than one year, then a risk analysis will be necessary. [25 Pa. Code §§105.13(1)(iii)(A), 105.14(b)(1), 105.14(b)(3)]
22. Identify the proposed provisions for shut-off in the event of break or rupture for each crossing. Provide locations and description of how this action will be completed in the event a break or rupture occurs. [25 Pa. Code § 105.301(9)]

#### General Application

23. Provide county specific information within the project description. [25 Pa. Code §§105.13(e)(1)(iii)]
24. Provide comment letters from Heidelberg, South Annville, South Lebanon, South Londonderry, and West Cornwall Townships. [25 Pa. Code §§105.13(e)(1)(v) and (vi)]

25. Provide a letter from Heidelberg, South Annville, and South Lebanon Townships commenting on the analysis of the project's impact on the floodway delineation and water surface profiles. *[25 Pa. Code §§105.13(e)(1)(vi)]*
26. Amend Section C of the Application to identify the size of the proposed second pipeline. Other areas in the application indicate a 16-inch pipe is to be used, but Section C describes a pipe that is up to 20-inch diameter. *[25 Pa. Code §§105.13(e)(1)(iii)(A)]*
27. Section F of the Application indicates the professional engineer's seal and certification is N/A. Plans, specifications and reports accompanying applications for any water obstructions or encroachments which would pose a threat to human life or a substantial potential risk to property shall be affixed with seal and signature of a registered professional engineer. The seal and certification for Chapter 105 are provided in Tab 7. Remove the N/A label from Section F. *[3150-PM-BWEW0036A Rev. 3/2013 Instructions]*
28. Provide the letters of approval from PA American Water and Ephrata Area Joint Authority and update Question 16.0.2 of the GIF. *[1300-PM-BIT0001 5/2012 Instructions]*
29. Regulations 25 Pa. Code Sections 265.51 and 265.56 listed on page 3 of the PPC Plan do not exist. Correct the PPC Plan to demonstrate proper compliance. *[25 Pa. Code §§105.21.(a)(1); §91.33(b)]*
30. It appears that a water obstruction and encroachment permit may be required for the proposed water withdraws and discharges. *[25 Pa. Code §§105.3(a)(4), 105.11(a), 105.13(e)(1)(i), 105.13(e)(1)(iii), 105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(6), 105.301(1), 105.301(7), 105.301(5), 105.301(3), 105.151(1), 105.151(3), 105.161(a)(3), 105.161(4)]*
  - a. Provide plans and cross sections indicating pipe size, placement, and locations for all wetlands, streams, floodways and floodplains where the proposed water withdrawal and discharge piping is to be installed.
  - b. Revise the impact tables to include these impacts.
  - c. Provide a description and plans of how the water will be discharged or withdrawn, the discharge capacity, the withdraw rate, the methods to be utilized, what equipment and structures are proposed to be placed and utilized in waters of the Commonwealth, the length of time which obstructions will remain in place.
  - d. Provide cross sections, profiles, and hydraulic analysis for all piping placed in existing stream culverts and along and within stream channels.

- e. Revise the Environmental Assessment to discuss the impact of the water obstructions and water withdraws from the obstructions on the resources. Where approval is being obtained from the Susquehanna River Basin Commission (SRBC), provide approval from the SRBC for the water withdraws if available.
- f. Provide documentation of submission of proposed water obstructions and encroachments for these activities to each jurisdictional (PHMC, USFWS, PAFBC, PGC, DCNR) agency and provide clearance from these agencies.

### General Plan and Impact Table

31. Provide a registered professional engineer's seal and signed certification, in accordance with §106.12(g), which shall read as follows:

“I (name) do hereby certify to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications, and reports has been prepared in accordance with accepted professional practice, is true and correct, and is in conformance with Chapter 106 of the rules and regulations of the Department of Environmental Protection.”

If the seal/certification is submitted on a separate piece of paper, please have it refer specifically to the project name and application number shown above. Also, the seal shall be affixed on the cover page of the plan sheets. *[25 Pa. Code §§106.12(g)]*

32. The E&S sheet numbers shown in Tab 7A and identified in Table 3 of Tab 11 do not correspond to the sheets in the submitted Lebanon County E&S Plan. *[25 Pa. Code §§105.21.(a)(1)]*
33. Provide site specific cross sections for the streams and wetlands which depict the existing and proposed conditions of the streams and wetlands, proposed pipes and depths, and the existing stream bed and banks' dimensions. *[25 Pa. Code §§105.301(4), 105.301(5), 105.13(e)(1)(i)(G)]*
34. There are certain portions of streams where the pipeline is located less than the minimum 25 feet away from the stream bank. These portions are near hard meanders thereby increasing the potential for exposure during stream migration. Identify and provide adequate erosion protection at these locations, or move the proposed pipes 25 feet away from the stream bank. Natural vegetative stabilization or natural stream design structures should be considered first to avoid and minimize impacts. *[25 Pa. Code §§105.314]*
35. Table 3 indicates that Stream S-A1 has a bank to bank width of 10 feet; however, the stream data sheet indicates a bank width of 7 feet. Clarify this discrepancy. *[25 Pa. Code §§105.13(e)(1)(i)(A)]*



36. Information for Stream S-A4 could not be found on Table 3 of Tab 11. Provide the missing information. *[25 Pa. Code §§105.13(e)(1)(i)(A)]*
37. Table 3 indicates that Stream S-A5a has a bank to bank width of 5 feet; however, the stream data sheet indicates that the bank width is 2 feet. Clarify this discrepancy. *[25 Pa. Code §§105.13(e)(1)(i)(A)]*
38. Stream data sheets for S-A18, S-B78A, and S-H8 could not be found. Provide the missing information. *[25 Pa. Code §§105.13(e)(1)(i)(A)]*
39. Sheet 19 of Tab 7A indicates a bore crossing of Tice Lane; however sheet 244 of 321 provided to Cornwall Township does not identify the bore. Provide consistent and up-to-date plans to the Department and Cornwall Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
40. Sheet 32 of Tab 7A depicts a permanent access road that is not shown on sheet 257 of 321 provided to Heidelberg Township. Provide consistent and up-to-date plans to the Department and Heidelberg Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
41. Sheet 263 of 321 provided to Heidelberg Township identifies an existing block valve that is not depicted on Sheet 38 of Tab 7A. Provide consistent and up-to-date plans to the Department and Heidelberg Township. *[25 Pa. Code §§105.13(e)(1)(i)(B)]*
42. The HDD lengths are not the same on Sheet 38 of Tab 7A and Sheet 263 of 321 provided to Heidelberg Township. Provide consistent and up-to-date plans to the Department and Heidelberg Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
43. The bore lengths are different on sheet 6 of Tab 7A than those shown on Sheet 231 of 321 provided to South Annville Township. Provide consistent and up-to-date plans to the Department and South Annville Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
44. The bore lengths are different on Sheet 21 of Tab 7A than those shown on Sheet 246 of 321 provided to South Lebanon Township. Provide consistent and up-to-date plans to the Department and South Annville Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
45. The bore lengths are different on Sheet 24 of Tab 7A than those shown on Sheet 249 of 321 provided to South Lebanon Township. Provide consistent and up-to-date plans to the Department and South Annville Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
46. Sheet 24 of Tab 7A indicates an open cut in the area of the permanent access road, but sheet 249 of 321 provided to South Lebanon Township indicates a bore crossing. Provide consistent and up-to-date plans to the Department and South Lebanon Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*

47. The HDD lengths are not the same on Sheet 1 of Tab 7A and Sheet 226 of 321 provided to South Londonderry Township. Provide consistent and up-to-date plans to the Department and South Londonderry Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
48. Sheet 2 of Tab 7A indicates a bore crossing in the western portion of the map, but Sheet 227 of 321 provided to South Londonderry Township indicates an open cut crossing. Provide consistent and up-to-date plans to the Department and South Londonderry Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
49. The HDD lengths are not the same on Sheet 3 of Tab 7A and Sheet 228 of 321 provided to South Londonderry Township. Provide consistent and up-to-date plans to the Department and South Londonderry Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
50. Sheet 239 of 321 provided to West Cornwall Township identifies a proposed block valve that is not shown on Sheet 14 of Tab 7A. Provide consistent and up-to-date plans to the Department and West Cornwall Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
51. The bore lengths are different on Sheet 15 of Tab 7A than those shown on Sheet 240 of 321 provided to West Cornwall Township. Provide consistent and up-to-date plans to the Department and West Cornwall Township. *[25 Pa. Code §§105.13(e)(1)(i)(C)]*
52. The HDD lengths are not the same on Sheet 18 of Tab 7A and Sheet 243 of 321 provided to West Cornwall Township. Provide consistent and up-to-date plans to the Department and West Cornwall Township. *[25 Pa. Code § 105.13(e)(1)(i)(C)]*
53. It appears that the permanent floodway impacts were not calculated correctly for Stream S-A17, which may be partially due to this HDD having a permanent ROW. Revise and clarify the impact table to accurately reflect the proposed impacts. *[25 Pa. Code §§105.15(a), 105.21(a)(1)]*
54. There do not appear to be permanent floodway impacts to Stream S-A18 as listed on Sheet 18 of Tab 7A. Remove the value from the description block. *[25 Pa. Code §§105.13(e)(1)(i), 105.21(a)(1)]*
55. The site specific drawing references "Stream Restoration" but no detail or plan for this stream restoration has been provided. Provide a plan for the stream restoration referenced in the site specific drawings. In addition, clarify if this will be utilized at additional stream crossings or not and identify the crossings where it will be utilized. *[25 Pa. Code §§105.13(e)(1)(i)(G), 105.13(e)(1)(i)(C), 105.311(2), 105.15(a)]*
56. The E&S plan sheets indicate that wetland J47 is within both Dauphin and Lebanon Counties. Clarify if all of the proposed impacts to this wetland are accounted for in the Dauphin County Application. Revise the impact plan drawing to depict the county

boundary and accurately identify the impacts to the wetland in Lebanon County on the impact table. In addition, it is recommended that the Dauphin County application be evaluated and revised for consistency as necessary. [25 Pa. Code §§105.13(e)(1)(i)(B), 105.15(a), 105.21(a)(1)]

57. The impact plans and impact table indicate temporary impacts from a temporary bridge are proposed to stream S-A49. However, the E&S plans do not depict any proposed temporary impacts. Revise the plans to depict any proposed temporary impacts to stream S-A49 and clarify what permanent impacts are proposed beyond the HDD installed pipelines. [25 Pa. Code §§105.13(e)(1)(i)(C), 105.21(a)(1)]
58. The plans indicate that Streams S-B77, S-A2, S-A3, S-A5, S-A10, and S-H7 flow in and along and under the ROW and proposed pipelines and not across and immediately through them. The E&S plans do not provide sufficient detail on the stream limits, banks, and excavation limits etc. Provide site-specific plans, cross sections, and profiles that adequately depict the existing and proposed conditions, stream bed, stream banks, limits of excavation, and methods for the stream restorations. [25 Pa. Code §§105.13(e)(1)(i)(C), 105.13(e)(1)(i)(G)]
59. Site plan sheet 8 contains a note to see the Site Specific Plan in tab 7D. However, there is no site specific plan for any resources on this plan sheet. Provide the referenced plan drawing. [25 Pa. Code §§105.13(e)(1)(i), 105.21(a)(1)]
60. The HDD plan drawing PA-LE-0055.0000-RD depicts the temporary workspace as being located partially within wetland A12. However, no other plan drawings depict this. Revise this HDD plan drawing to be accurate for the proposed impacts and consistent with the other plan drawings. [25 Pa. Code §§105.13(e)(1)(i), 105.21(a)(1)]
61. The HDD plan drawing PA-LE-0055.0000-RD indicates that the HDD Entry/Exit point will be located within wetland A13. However, the site impact plan drawings and the E&S plan drawing depict that this entry exit point will not be located within this wetland. Revise and clarify the plan drawings and impact tables to be consistent and accurately reflect the proposed impacts. [25 Pa. Code §§105.13(e)(1)(i), 105.21(a)(1), 105.15(a)]
62. The stream banks of S-A25 are not depicted on the E&S plan drawing ES-1.50. Based on the width of the stream, it appears that this stream may be partially located within the permanent ROW on the southern portion of the proposed ROW. Revise the plan drawing to depict the proposed stream banks and any proposed impacts to the stream from the meander of the stream re-entering the proposed ROW. [25 Pa. Code §§105.13(e)(1)(i), 105.301(1)]
63. The water body identified as Pond-A1 is identified as a pond; however, multiple aerial photographs depict variable open water and vegetation cover on varying years. Therefore, it appears this is a wetland and not a pond. No information, photographs, or description of

this pond is located in the Aquatic Resource Report. Revise the application to provide more detail on pond, color photographs with a map depicting the location and direction, and include it in the Aquatic Resource Report narrative. [25 Pa. Code §§105.13(e)(1)(iv), 105.13(e)(1)(x)(A), 105.451]

64. The Site Plan drawing and impact table state that the stream crossing S-A27 will be a dry crossing; however, the site plan drawing, sheet 30, and E&S plan drawing, ES-1.53, depict that the stream will have temporary timber mat bridge crossing, but the pipelines will be bored underneath the stream. Revise the application to be consistent and accurate to what is proposed, and include a site specific/auger bore drawing for this crossing. [25 Pa. Code §§105.13(e)(1)(i), 105.21(a)(1), 105.301(1), 105.301(3)]
65. The “ATWS” area in the floodplain and floodway of Stream S-A24 on Sheet 26 of Tab 7A is designated for spoil; however a plan depicting the location of the spoil in conjunction with E&S controls could not be found. Provide plans that demonstrate proper measures to minimize the potential for discharge of fill material to streams. [25 Pa. Code §§105.13(g)]
66. There are plan sheets in Tab 7A with streams that do not show enough information beyond the temporary right-of-way (ie. Floodway delineation, stream orientation, and hydrologic connections) to properly evaluate the proposed impacts. Provide a better depiction of the streams outside of the proposed temporary rights of way. [25 Pa. Code §§105.13(e)(1)(i)(A)]
67. Provide profiles for the temporary crossings identified in the E&S plan that depict at a minimum the existing conditions and the proposed conditions. Identify the aggregate and the typical timber mat crossing being used. [25 Pa. Code §§105.13(e)(1)(i)(C)]
68. The plans indicated on E&S plan ES-1.32 that stream S-A17, which is 25-feet wide, will be temporarily crossed with timber mats. Explain how timber mats will be utilized to construct a temporary bridge of this length. [25 Pa. Code §§105.13(e)(1)(iii)(A)]
69. The following streams start and/or end within the aquatic resource survey area and/or proposed ROW and the plan maps, photographs or narrative do not give justification, or appear to depict why they start/end: S-B76, S-B77, S-A5, and S-C35. Revise the application to explain their start/end points, at a minimum, within the entire survey area, and ensure that the floodways and proposed floodway impacts are fully identified and depicted. Provide color photographs which depict the resource and surrounding area sufficiently, including photographs of start/end locations. [25 Pa. Code §§105.13(e)(1)(i)(A), 105.13(e)(1)(iv)]
70. The Mitigation Plan states that the excavated stream banks will be reseeded; however the E&S detail for bank restoration does not indicate this. Revise the Bank Restoration Detail to be consistent and include the native seeding mixture to be utilized. [25 Pa. Code §§105.13(e)(1)(ix), 105.14(b)(4), 105.21(a)(1)]

71. The E&S plan details for temporary stream crossings and plan drawings state timber mats or temporary equipment bridge may be utilized but only depicts a timber mat bridge. Provide details for the proposed temporary equipment bridge(s) which depict the size, shape, and span of the structure. Provide separate details depicting the timber mat and other bridge structure crossing's cross sections. In addition, revise the E&S plan and/or other plan drawings to identify the method of each temporary stream crossing proposed at each location. *[25 Pa. Code §§105.13(e)(1)(C), 105.13(e)(1)(i)(G), 105.13(e)(1)(iii)(A), 105.151(1), 105.21(a)(1)]*
72. Trench plugs are proposed to be located at wetland/upland interfaces. Additional trench plugs may be necessary along the length of the crossing due to the length and/or slope to maintain hydrology throughout the wetland. Review and revise the application and plans accordingly. Some additional guidance is available in the PA E&S Control BMP Manual. *[25 Pa. Code §§105.13(e), 105.18a ]*
73. Temporary road stream crossing details utilizing culverts are provided on E&S plans ES-0.10 and ES-0.12; however, the E&S plans and impact plans do not identify that any of these crossings are to be used. Revise the E&S plans to remove these proposed crossing methods if not proposed to be utilized, or identify where the proposed crossing methods will be utilized. *[25 Pa. Code §§105.13(e)(1)(i)(C), 105.151(1), 105.21(a)(1), 105.13(e)(1)(iii)(A)]*
74. Revise the stream Bank Restoration Detail to clearly indicate that the existing bank slope and grade and elevation are to be restored, to identify a biodegradable erosion control blanket to be utilized, and to specify the native plantings to be used. In addition, some stream banks are likely to be a-typical, like vertical banks, or very low banks, or eroding banks. Provide plans and details for how banks of a-typical conditions will be restored. *[25 Pa. Code §§105.13(e)(1)(i)(G), 105.13(e)(1)(ix), 105.1, 105.13(e)(1)(x), 105.15(a)(1), 105.14(b)(4), 105.16(d)]*
75. Provide plans or a detail for the restoration of stream beds at open cut stream crossings. This should include replacement of native stream bed material and assurance that no significant changes in bed grade occur. *[25 Pa. Code §§105.13(e)(1)(i)(G), 105.13(e)(1)(ix), 105.1, 105.13(e)(1)(x), 105.15(a)(1), 105.14(b)(4), 105.16(d)]*
76. Multiple streams which begin within the proposed ROW or immediately adjacent to it are proposed to be crossed by the proposed pipelines. Revise the application to discuss and provide plans outlining how source(s) of the streams will be protected and maintained. Revise the Environmental Assessment and Mitigation Plan to discuss the impacts to the streams both within the ROW and the downstream affects to the resources and properties. Provide compensatory mitigation for streams in which flow will be adversely affected. Provide this information for the following streams, at a minimum: S-B76, S-B77, S-A5, S-A5a, S-A12, S-A11, and S-C35. *[25 Pa. Code §§105.13(e)(1)(ix), 105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(12), 105.14(b)(3), 105.15(a)(1), 105.16(d)]*

77. The following wetland is identified in the application as Exceptional Value (EV) due to Wild Trout: A12. However, the Department was unable to determine wild trout status for the adjacent streams or tributaries thereto. Clarify and revise the application accordingly. *[25 Pa. Code §§105.13(e)(1)(x)(B), 105.17(1)(iii), 105.21(a)(1)]*
78. Revise impact Table 3 and the impact plans to correctly identify whether streams are wild trout or not. As presently proposed, streams S-A18 and S-A17 are not wild trout streams. *[25 Pa. Code §§105.21(a)(1), 105.15(a)]*
79. The Mitigation Plan states that for HDD crossings, a telemetry guidance system will be used.
- Revise the application to identify what type of telemetry guidance system will be utilized; specifically if it will utilize cables, wires, or other obstructions placed or strung across waters of the commonwealth. *[25 Pa. Code §§105.13(e)(1)(iii), 105.13(e)(1)(i), 105.301(7)]*
  - If cables, wires, or other obstructions will be utilized across waters of the commonwealth revise the application to identify these temporary impacts, and include them in the impact tables. Provide plan drawings and cross sections depicting the obstructions, and provide information on the purpose, function, and length of time they will be installed. *[25 Pa. Code §§105.13(e)(1)(i), 105.301(3), 105.301(5), 105.15(a), 105.13(e)(1)(iii)]*
  - If cables or other obstructions are proposed over streams, an Aids-To-Navigation (ATON) Plan may be required by the PA Fish and Boat Commission; therefore, if cables or other obstructions are proposed, provide approved ATON plans along with approvals and/or documentation from the PA Fish and Boat Commission documenting where ATON plans are not applicable. Contact Thomas Burrell with the Pennsylvania Fish and Boat Commission at 717.705.7838 regarding ATON requirements. *[25 Pa. Code §§105.14(b)(6), 105.21(a)(2), 105.14(b)(2)]*
80. Provide information about the pump size, flow rate, and duration of use for those open cut crossings (dry crossings) that will use the typical bypass pump-around method. Provide justification for why larger streams do not utilize the proposed flume option. How will aquatic life be able to pass throughout the stream safely? *[25 Pa. Code § 105.401(4), 105.13(g)]*
81. The impacts described under Section 5.0 of the Mitigation Plan are inconsistent with the impacts provided in the impact tables in the Environmental Assessment. Revise this inconsistency to state the correct impact totals throughout the application. *[25 Pa. Code §§105.15(a), 105.21(a)(1), 105.13(e)(1)(i)(ix)]*

82. The application states that the period of instream work to install the proposed pipeline(s) will be less than 24 hours in minor waterbodies and 48 hours for crossing of "intermediate" (10-30' across) waterbodies. Describe how these timeframes coincide with the hydrostatic testing procedures outlined in the project description. Do the trenches remain open during testing? To facilitate the further understanding of your project, revise your application to discuss the estimated time installation will take in crossings of wetlands and larger watercourses. [25 Pa. Code § 105.13(e)(1)(iii)]

### Environmental Assessment

83. Revise the application to clarify if the exceptional value wetland analysis included all factors listed in 25 Pa Code §105.17(1). If the analysis did not consider all factors, revise it to analyze all factors and update the application. [25 Pa. Code §§105.13(e)(1)(x)(B), 105.17(1)]
- a. Provide an assessment of the functions and values of any additional Exceptional Value wetlands and wetland with impacts over 1 acre. [25 Pa. Code §§105.13(e)(3), 105.15(a)]
  - b. Multiple wetland Functions and Values Assessments identify that wetlands have a function/value for Endangered Species Habitat for providing critical habitat for a threatened or endangered species. However, this function/value is not identified elsewhere in the application, and the wetlands are not identified as EV in the application. Revise the application to include in the analysis an evaluation of whether these wetlands are Exceptional Value. [25 Pa. Code §§105.13(e)(3), 105.15(a)]
84. Enclosure C of the Environmental Assessment discusses the various sections in terms relative to the existing pipeline ROW; however, the proposed ROW does not fully overlap the existing ROW but abuts/parallels the existing ROW. Revise Enclosure C to discuss the functions, habitat, and other factors in Enclosure C outside of the existing ROW and in areas of proposed impact and the overall resources. [25 Pa. Code §§105.13(e)(1)(x), 105.15(a), 105.14(b)(4)]
85. Public water supplies are located within in the vicinity of the proposed pipeline. The application states that there will not be any impacts the water supplies as a result of the pipeline. Provide the supporting documentation that led to this conclusion. Locate the public drinking water supplies in the vicinity of the proposed pipeline. Additionally, we recommend that you contact any public water supplier in order to help determine if your project will impact the public water supplier and subsequently provide documentation of interactions, through correspondence, with each supplier. Ensure all Public water supplies in the vicinity of the proposed pipeline are identified within the location map. Enclosed are instructions on how to utilize DEP's eMapPA to identify public water supplies in the vicinity of your project. [25 Pa. Code §§105.13(e)(1)(ii) & 105.13(e)(1)(x) & 105.14(b)(5)]

- a. Upon identification of public drinking water supplies, revise questions 14.0, 15.0, and 16.0 of the General Information Form accordingly. [*General Information Form Instructions*]
  - b. Upon identification of public drinking water supplies, revise the Environmental Assessment Form and associated enclosures accordingly to discuss the resources and impacts from water obstructions and encroachments on the public water supplies. [*25 Pa. Code §§105.15(a), Environmental Assessment Form Instructions*]
  - c. Upon identification of public drinking water supplies, revise the Alternatives Analysis and Mitigation Plan accordingly to avoid and minimize impacts to public water supplies and provide a detailed discussion on alternative routes, designs and methods documenting that there is no practicable alternative to further avoid and minimize impacts. [*25 Pa. Code §§105.13(e)(1)(viii), 105.13(e)(1)(ix), 105.14(b)(5)*]
86. The application does not identify if the resources proposed to be affected are part of or located along a private water supply, including surface and groundwater sources. Revise the application and the Environmental Assessment to identify if any of the proposed resources are part of or located along a private water supply. [*25 Pa. Code §§105.15(a), Environmental Assessment Form Instructions*]
- a. If private water supplies are identified, revise Enclosures C and D of the Environmental Assessment to identify them and discuss the impacts on them from the proposed water obstructions and encroachments.
  - b. Provide procedures that will be followed to investigate and resolve impacts to private water supplies should they occur as a result of the proposed activities. These procedures should discuss, at a minimum, how private water supply owners will be alerted in the event of an inadvertent return and how impacts will be resolved and/or mitigation.
87. Section F, Attachment 11, EA Form, Page 2, item 7 states, "Is the water resource part of or located along a private or public water supply?" The Applicant checked "No". However, no documentation validating this statement is provided in the application. The Department is concerned that private and perhaps public water supply wells are located along crossed stream and wetland water resources and/or along the length of the HDD operations. The applicant needs to propose measures to protect all water uses, both surface intakes and groundwater sources, located along and/or downstream of the proposed work areas. Special attention needs to be applied to the potential unplanned impacts that HDD and inadvertent releases (IR) may have on groundwater sources. In addition, where a structure or activity is in a wetland, the applicant must demonstrate that this project will not cause or contribute to the pollution of groundwater or surface water resources or diminution of resources sufficient to interfere with their uses, including use



as a public or private water supply. Your assessment needs to include identification, notification and consultations with water suppliers and/or well owners. A notification contact list needs to be included in your PPC Plan and Inadvertent Release Plan. [25 Pa Code §105.13; §105.14(b)(4); §105.14(b)(5); §105.18a(5); §105.18a(b)(5); §91.33(b)].

88. Revise Enclosures C & D to discuss the watercourses and wetlands proposed to be impacted and the impacts on them, and not discuss the impacts in general terms of the overall project or general type of impacts. [25 Pa. Code §§105.13(e)(1)(x), §105.15(a)]
89. The application states that topsoil will be segregated. Provide a revised Enclosure D of the Environmental Assessment that explains how the topsoil depth will be determined in the field. [25 Pa. Code §§105.15(a), 105.15(b), and Environmental Assessment Instructions]
90. Revise section B.1.b.5. of Enclosure D of the Environmental Assessment to discuss the impacts of the water obstructions and encroachments on migration both within and outside the boundaries of Middle Creek Wildlife Management Area. [25 Pa. Code §§105.15(a), 105.14(b)(4), 105.14(b)(5), 105.18a(a)(1), 105.18a(b)(1)]
91. Update and revise section A.3 of Enclosure D of the Environmental Assessment to discuss any avoidance and minimization measures relative to clearance for the Pennsylvania Historical and Museum Commission. [25 Pa. Code §§105.13(e)(1)(x), 105.15(a), 105.14(b)(5), Environmental Assessment Form Instructions]
92. Revise Enclosure D of the Environmental Assessment to discuss the impacts on the Game Lands crossed in Lebanon County by the water obstructions and encroachments, and provide documentation of coordination and approval from the Pennsylvania Game Commission. As necessary, provide any supporting documentation and/or coordination materials for the approval from the Game Commission. [25 Pa. Code §§105.13(e)(1)(x), 105.15(a), 105.14(b)(5), Environmental Assessment Form Instructions]
93. Section A.3 of Enclosure D of the Environmental Assessment identifies the Allegheny Portage Railroad of the Pennsylvania Canal in Cumberland County, when it is located in Blair County. Revise this section to be accurate. [25 Pa. Code §§105.13(e)(1)(x), 105.21(a)(1), 105.15(a)]
94. Revise section B.4 d. of Enclosure D of the Environmental Assessment to discuss specific hiking trails which will be temporarily closed and identify their locations within the project boundary. If hiking trails within the project boundary are associated with proposed water obstructions or encroachments, provide a discussion on the impact to the trail, the length of time it is proposed to be closed, plans for signage and detours, and correspondence from any agencies or trail organizations regarding coordination of the closure. [25 Pa. Code §§105.13(e)(1)(x), 105.15(a), 105.14(b)(5), Environmental Assessment Form Instructions]

95. Revise section A.9 of Enclosure D of the Environmental Assessment to discuss and identify impacts to preserved farms and/or farms with agriculture preservation easements or restrictions. Discuss how the minimization measures would affect preserved farms and how they will be affected, such as not being able to replant an orchard or vineyard. [25 Pa. Code §§105.13(e)(1)(x), 105.15(a), 105.14(b)(5), 105.14(b)(4), *Environmental Assessment Form Instructions*]
96. Enclosure C of the Environmental Assessment mentions that the project crosses the Middle Creek Important Bird Area (IBA), but Enclosure D does not discuss the impacts that water obstructions or encroachments may have on this area. Revise Enclosure D of the environmental assessment to discuss the impacts the proposed water obstructions and encroachments will have on this area. In addition, identify if/how the recommendations in the USFWS letter dated June 24, 2016, are being addressed. [25 Pa. Code §§105.13(e)(1)(x), 105.14(b)(4), 105.15(a)]
97. Revise Section B.1.c. of Enclosure D of the Environmental Assessment to discuss, any avoidance and minimization measures, and committing to implementing them. It currently states that clearances are being worked on. [25 Pa. Code §§105.15(a), 105.14(b)(4), 105.21(a)(1)]
98. Revise Enclosure C of the Environmental Assessment to identify all Core Habitat and Supporting Landscape areas crossed by the proposed pipelines; including the Middle Creek Core Habitat, The Middle Creek Supporting Landscape, and the Chickies Creek, Penryn Park, and Walnut Run Supporting Landscape. In addition, revise Enclosure D to discuss potential impacts to these areas from the proposed water obstructions and encroachments. [25 Pa. Code §§105.15(a), 105.14(b)(4), *Environmental Assessment Instructions*]
99. Revise the description of wetland functions and values to not only include the principle functions and values, but all the functions and values the wetlands provide. [25 Pa. Code §§105.13(e)(2), 105.14(b)(13), 105.15(a)]
100. Revise the Environmental Assessment to discuss the impacts to each wetland where a vegetative class change is proposed (ex. PFO to PSS). The discussion should be specific to the wetland and its functions and values. [25 Pa. Code §§105.14(b)(4), 105.14(b)(13), 105.14(b)(11), §105.15(a), 105.18a(b), 105.18a(a)]
101. Based on the information in the application, it is apparent that wetland functions and values are present in multiple wetlands which have not been identified in the functions and values assessments and descriptions table (ex. wildlife habitat, groundwater discharge/recharge, flood flow alteration, and nutrient removal). Based on the information provided, the functions and values have been applied inconsistently across the wetlands. Re-evaluate and revise the functions and values assessments and

descriptions for all wetlands. [25 Pa. Code §§105.13(e)(2), 105.13(e)(3), 105.14(b)(13), 105.15(a)]

102. Section B.2.a of Enclosure D of the Environmental Assessment states the natural drainage patterns of the wetlands and small or headwater streams will be maintained. However, no information has been provided including detailed contours or cross sections depicting the drainage patterns, cross section, or what the drainage patterns are in the wetlands in their existing conditions. Explain how the final “restored” wetland elevations and natural drainage patterns of wetlands and streams will be determined. [25 Pa. Code §§105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(11), 105.15(a), 105.18a(a), 105.18a(b)]
103. Wetlands are located in mapped soils with shallow bedrock and restrictive soil layers, and the application’s data sheets and functions and values assessment identifies shallow rock layers, shallow bedrock, and/or restrictive soil layers are present. Also, based on the functions and values descriptions wetlands may contain groundwater discharges, such as springs or may be concave and not connected to groundwater.
- a. For each wetland to be impacted, identify the locations of restrictive layers which contribute to and/or maintain the wetlands’ hydrology. [25 Pa. Code §§105.15(a), 105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(13), 105.18a(a), 105.18a(b)]
  - b. Identify and provide a discussion on any potential permanent impacts to wetland hydrology from excavation or alteration from construction of the proposed project. Provide a plan, plan sheets, cross sections, and other details which demonstrates that impacts to the wetlands’ hydrology from alteration of restrictive layers have been avoided and minimized. [25 Pa. Code §§105.15(a), 105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(13), 105.18a(a), 105.18a(b)]
  - c. Wetlands C17 and Pond-A1 contain/may contain open water/seasonal inundation, based on the information provided in the application. Provide site specific information on the hydrology and soils and data on why the wetlands maintain open water/seasonal inundation and provide site specific construction plans, cross sections, and restoration details to ensure that the hydrology and functions and values of the wetland is not altered and it continues to maintain inundation and seasonal hydrology. [25 Pa Code §105.13(e)(1)(x) & §105.14(b)(4) & §105.14(b)(13) & §105.15(a) & §105.18a(a)(1) & §105.18a(a)(3) & §105.18a(a)(4) & §105.301(4) & §105.301(5)]
104. To aid in evaluating the condition of and change in condition to watercourses and wetlands as discussed in other comments, the Department recommends utilizing the Draft Pennsylvania Riverine Condition Level 2 Rapid Assessment Protocol and the Draft Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol. These protocols are not for identifying the functions and values of the resources, but rather are utilized to assess the current and proposed conditions of the resources. [25 Pa. Code §§105.14(a), 105.14(b)(4), 105.14(b)(13), 105.14(b)(12), 105.15(a), 105.13(e)(1)(x)]

105. Revise Enclosure D of the Environmental Assessment to explain, on an individual crossing and cumulative basis, why open cut pipe installation combined with permanent ROW maintenance will not result in an adverse impact to exceptional value wetlands or a significant adverse impact to other wetlands. The analysis should include a discussion of potential temporary or permanent impacts to hydrology as a result of the open cut, as well as a loss of woody species in forested/scrub shrub areas. Provide a plan to minimize the risk of permanent impacts to wetland hydrology for each wetland where an impact may occur. *[25 PA Code §§105.13(e)(1)(ix) & 105.18a]*
106. Revise Enclosures C&D to assess the condition and discuss the condition of and impacts to forested and scrub shrub riparian areas. Revise the enclosures to discuss the primary impacts and secondary impacts, as well as consideration of antidegradation on watercourses for each watercourse crossing from the riparian vegetation impacts. *[25 Pa. Code §§105.15(a), 105.13(E)(1)(x), 105.14(b)(4), 105.14(b)(11), 105.14(b)(12), 105.14(b)(14)]*
- a. In general, the Department recommends evaluating the riparian areas from the top of bank landward 100ft, and if the area utilized is less than 100ft justification should be given as to why. *[25 Pa. Code §§105.15(a), 105.13(E)(1)(x), 105.14(b)(4), 105.14(b)(11), 105.14(b)(12), 105.14(b)(14), Riparian Forest Buffer Guidance, Document # 394-5600-001]*
  - b. To avoid and minimize the impacts to the watercourses, provide a plan to replace the vegetation lost in both permanent and temporary ROW and workspaces. Alternatively, where it cannot be replaced and provided protection from clearing during the proposed project's operation and maintenance, provide an explanation as to why it cannot be replaced. *[25 Pa. Code §§105.15(a), 105.13(E)(1)(x), 105.14(b)(4), 105.14(b)(11), 105.14(b)(12), 105.14(b)(14), 105.1, 105.14(b)(7)]*
  - c. Revise the application plan drawings and project description, to clearly and specifically state if vegetation clearing, cutting, removal, or other alteration is proposed as part of the proposed projects' construction, operation, and maintenance. Revise the plan drawings to clearly indicate all locations where maintenance clearing, cutting, removal, or other alteration is not part of proposed maintenance activities. *[25 Pa. Code §§105.13(e)(1)(ix), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.11(d)]*

#### Mitigation Plan/Environmental Assessment

107. The Mitigation Plan appears to indicate that streams and wetlands which will be crossed by HDD are not proposed to have vegetative impacts either during construction or during operation and maintenance of the proposed pipelines. However, it is unclear on the plan

drawings and in the application narrative precisely if vegetation cutting, clearing, removal, or grubbing is or is not part of the proposed construction, operation, and maintenance. Where Horizontal Directional Drill (HDD) and Bore crossings of resources are proposed a Permanent Easement is identified and impacts are identified as permanent only for the pipe size itself, and at other resource crossings a permanent ROW is identified and impacts are identified as permanent for the entire ROW. No explanation has been provided in the application for this different nomenclature.

- a. Revise the application plan drawings and application narratives, including but not limited to the project description and mitigation plan, to clearly and specifically state if vegetation clearing, cutting, removal, or other alteration is or is not proposed as part of the proposed projects' normal construction, operation, and maintenance. [25 Pa. Code §§105.13(e)(1)(ix), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.11(d)]
  - b. Revise the plan drawings to clearly indicate all locations where maintenance clearing, cutting, removal, or other alteration is not part of proposed maintenance activities. [25 Pa. Code §§105.13(e)(1)(ix), 105.13(e)(1)(i), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.11(d)]
  - c. If construction, normal operation, or normal maintenance activities will require the clearing, cutting, removal, or other alteration of the vegetation in or adjacent to the wetland and streams the application must be revised to identify and discuss in detail the primary impacts and secondary impacts to these resources from the proposed project. The applications Environmental Assessment should be revised to discuss the resources and the impacts thereto. Compensatory mitigation may be necessary and required to compensate for impacts to these resources. [25 Pa. Code §§105.15(a), 105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.14(b)(11), 105.13(e)(1)(ix), 105.15(a), 105.18a(a), 105.18a(b)]
108. The Mitigation Plan implies through mention of "No Mow" signs that PSS and PFO wetlands which will be crossed by open cut methods are not proposed to have vegetative impacts after they are re-vegetated following construction during the operation and maintenance of the proposed pipelines. However, it is unclear on the plan drawings and in the application narrative precisely if vegetation cutting, clearing, removal, or grubbing is or is not part of the proposed operation, and maintenance of the proposed pipelines.
- a. Revise the application plan drawings and application narratives, including but not limited to the project description and mitigation plan, to clearly and specifically state if vegetation clearing, cutting, removal, or other alteration is or is not proposed as part of the proposed projects' normal construction, operation, and maintenance. [25 Pa. Code §§105.13(e)(1)(ix), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.11(d)]

- b. Revise the plan drawings to clearly indicate all locations where maintenance clearing, cutting, removal, or other alteration is not part of proposed maintenance activities. *[25 Pa. Code §§105.13(e)(1)(ix), 105.13(e)(1)(i), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.11(d)]*
  - c. If construction, normal operation, or normal maintenance activities will require the clearing, cutting, removal, or other alteration of the vegetation in or adjacent to the wetlands the application must be revised to identify and discuss in detail the primary impacts and secondary impacts to these resources from the proposed project. The applications Environmental Assessment should be revised to discuss the resources and the impacts thereto. Compensatory mitigation may be necessary and required to compensate for impacts to these resources from these impacts. *[25 Pa. Code §§105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.15(a), 105.11(d), 105.13(e)(1)(ix), 105.18a(a), 105.18a(b)]*
109. The Mitigation Plan and Environmental Assessment state that conversion of Palustrine Forested Wetlands (PFO) is proposed to occur, and that there will be a functional loss, but the loss is de minimus.
- a. Revise the Mitigation plan to replant the PFO wetlands in the permanent and temporary ROW with native trees if possible, and if not possible provide specific details and documentation on why this is not possible. *[25 Pa. Code §§105.13(e)(1)(viii), 105.1, 105.14(b)(4), 105.14(b)(13), 105.18a(a), 105.18a(b)]*
  - b. Based on the Mitigation Plan, PSS wetlands are acceptable in the permanent ROW. Therefore, if replanting of PFO wetlands in the permanent or temporary ROW is not possible, revise the mitigation plan to replant converted PFO wetlands in the ROW with shrubs. *[25 Pa. Code §§105.13(e)(1)(viii), 105.1, 105.14(b)(4), 105.14(b)(13), 105.18a(a), 105.18a(b)]*
  - c. The application does not evaluate the cumulative conversion of PFO wetlands for the entire project. The applications for Blair, Huntingdon, Juniata, Perry, Cumberland, York, Dauphin, Lebanon, Lancaster, and Berks Counties within the Department's Southcentral Region propose a conversion on approximately 0.528 acre of PFO wetlands. Based on the Department's review of the impacts for PFO wetlands, compensatory mitigation is required to offset the identified PFO functional impacts of conversion to PSS. Revise the application to assess the impact to the effected forested wetlands, evaluate the cumulative effect on all counties of the proposed project, and provide compensatory replacement for the lost functions and values. *[25 Pa. Code §§105.13(e)(1)(ix), 105.13(e)(1)(viii), 105.14(b)(4), 105.14(b)(12), 105.14(b)(13), 105.14(b)(14), 105.15(a), 105.18a(a), 105.18a(b), 105.20a(a)(2)]*
110. The application states that temporarily impacted Palustrine Scrub Shrub (PSS) and PFO wetlands will be replanted with native trees and shrubs, PSS wetlands in the permanent

ROW will be planted with wetland shrubs, and PFO wetlands in the permanent ROW will be allowed to revert to PSS/PEM wetlands. Provide planting plans and details for these areas and for the replanting of PFO areas in the permanent and temporary ROWs. The planting plans must identify the locations of the plantings and wetlands, the species to be planted, the planting density, the proposed size of the plantings, planting timing, goals and objectives for success, and a monitoring plan to ensure re-establishment. [25 Pa. Code §§105.13(e)(1)(ix), 105.18a(a), 105.18a(b), 105.20a]

111. Section 2.2.2.1 of the Mitigation Plan, Construction in Wetlands with Unsaturated Soils, conflicts with the rest of the application, which identifies that all wetland crossings will be crossed with mats or pads. Crossing unsaturated wetlands without timber mats would contribute to soil compaction, rutting, and disturbance of the cut vegetation's roots. Therefore, revise the Mitigation Plan to identify that all wetland crossings shall use mats or pads. [25 Pa. Code §§105.21(a)(1), 105.13(e)(1)(ix), 105.15(a), 105.18a(a), 105.18a(b)]
112. Section 2.2.2.1 of the Mitigation Plan identifies that wetlands will be reseeded with a native wetland seed mixture; however, the mixture is not specified nor is it proposed on the plans. Revise the application to identify the seed mixture to be used and revise the E&S plans to indicate its use for wetland restoration in the Typical Wetland Restoration detail. [25 Pa. Code §§105.13(e)(1)(ix), 105.14(b)(4), 105.14(b)(13)]
113. The application contains HDD Inadvertent Return Contingency Plans in multiple sections of the application, such as the Mitigation Plan and different species conservation plans. However, the Contingency Plans are not all consistent in terms of agency notifications, and the PAFBC Law Enforcement is not identified as being notified as required in the PAFBC PNDI clearance letter. Also, the HDD table is not included in all versions of the Contingency Plan. Revise the HDD Inadvertent Return Contingency Plans to all be consistent, include the appropriate jurisdictional agencies, and provide documentation that revised plans have been sent to all jurisdictional agencies. [25 Pa. Code §§105.21(a)(1), 105.13(e)(1)(ix), 105.14(b)(4)]

#### Alternatives Analysis

114. The Alternatives Analysis states that the Alternatives Analysis is meant to be a summary of major actions taken to avoid/minimize impacts. The Alternatives Analysis must be a detailed analysis of alternatives, including alternative locations, routings, or designs to avoid or minimize adverse impacts and document and provide evidence that there is no practicable alternative which would not involve a wetland or that would have less adverse impact on a wetland. In addition, for the project to be water dependent as stated in the Alternatives Analysis, it must be based on the demonstrated unavailability of any alternative route location, or design or use of location, route or design to avoid or minimize adverse impacts. Revise the Alternatives Analysis to provide a detailed analysis of alternative routings, locations, and designs to avoid and minimize impacts and provide

detailed documentation and evidence that there are not practicable alternatives which would further avoid and minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a(a)(2), 105.18a(a)(3), 105.18a(b)(2), 105.18a(b)(3)]

In addition, address the following specific comments regarding the Alternatives Analysis:

- a. Revise your alternatives analysis to discuss routing alternatives that were considered as alternatives to impacts Exceptional Value wetlands. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a(a)]
- b. Some portions of the proposed ROW and pipelines directly abuts the maintenance corridor of the existing Sunoco pipeline; however, in other portions the proposed ROW has partial or near complete overlap with the existing maintenance area and pipeline. No discussion on this is provided in the alternatives analysis, and it appears that more overlap of the proposed ROW and the existing Sunoco Maintenance corridor is practicable and would further avoid and minimize impacts. Revise the application accordingly to avoid and minimize impacts by locating the proposed ROW with overlap of the existing maintenance corridor, or provide a detailed analysis and discussion with specific details explaining why this overlap is present in some areas and not others, and why the proposed ROW cannot further overlap. [25 Pa. Code §§105.14(b)(7), 105.13(e)(1)(viii), 105.18a(a), 105.18a(b)]
- c. It appears that several waters of the Commonwealth could be crossed using trenchless installation methods. Revise the application accordingly, or provide a revised alternatives analysis that incorporates a discussion of alternative crossing techniques (conventional bore, HDD, micro-tunneling, etc.) that includes documentation and evidence addressing each resource crossing and explaining why trenchless installation methods are not appropriate. [25 Pa. Code §§105.14(b)(7), 105.18a(b)(3), 105.18a(a)(3), 105.13(e)(1)(viii)]
- d. It appears, but is not described in the application, that HDD was assumed by the applicant to be the crossing method presenting the least potential impact to water resources and aquatic species. Revise the alternatives analysis to provide justification for the selection of which water resource (streams and wetlands) crossings will be made by HDD. [25 Pa. Code §§105.14(b)(7), 105.18a(b)(3), 105.18a(a)(3), 105.13(e)(1)(viii)]
- e. It appears that primary impacts and secondary impacts from the Temporary ROW and ATWS's can be avoided by locating them outside the floodway of streams. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7)]



- f. The Alternatives Analysis in Route Variation 10 states that the image document avoidance of wetland impacts in Lebanon County. However, this re-route is located completely within Lancaster County. Revise the application accordingly to be accurate. *[25 Pa. Code §§105.13(e)(1)(i)(viii), 105.21(a)(1)]*
- g. It appears that impacts to wetland B66 and streams S-B76, S-B77, S-B78, and S-B78a could be avoided and minimized by re-locating the alignment to the South. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- h. It appears that impacts to wetlands A2 and A1, and streams S-A1, S-A2, and S-A3 could be avoided and minimized by re-locating the alignment to the North and only cross streams S-A1 and S-A3 and in a more perpendicular manner. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- i. It appears that impacts to wetlands A3, A4, and A6, and streams S-A5, S-A5a, and S-A6 could be avoided and minimized by re-locating the alignment to the North and only cross streams S-A5 and S-A6 and in a more perpendicular manner. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- j. It appears that impacts to wetland A9 and streams S-A10, S-A11, and S-A12 could be avoided and minimized by re-locating the alignment to the North and only cross streams S-A10 and S-A12 and in a more perpendicular manner. Also, it appears installing the pipelines in the Northern portion of the proposed ROW could minimize impacts. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- k. It appears that impacts to wetland A11 and stream S-A16 could be avoided and minimized by extending the auger bore proposed underneath the roadway to also extend under this wetland and stream. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts.

*[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*

- l. It appears the HDD construction installation of the pipeline's could be extended to also install the pipeline's via HDD across wetlands A12 and A13 to minimize impacts. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- m. It appears the temporary access impacts across stream S-A17 could be avoided by accessing from the other side off of Quentin Road. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7)]*
- n. The Alternatives Analysis states that re-routes north or south of wetland A19 are not feasible because it will result in disturbance of previously undisturbed areas and additional pipeline. However, the additional length of pipeline appears minimal and the area is in production agriculture. Therefore, it appears that impacts to wetland A19 could be avoided by locating the proposed pipelines to the North of the wetland. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- o. The Alternatives Analysis states that re-routes north of Pond-A1 are not feasible because it will result in disturbance of previously undisturbed areas and additional pipeline. However, the additional length of pipeline appears minimal and the area is in production agriculture. Therefore, it appears that impacts to Pond-A1 and stream S-A25 could be avoided and minimized by locating the pipelines to the North. In addition it appears utilizing trenchless technology such as HDD or Auger Bore could avoid and minimize impacts. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. *[25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]*
- p. The Alternatives Analysis states that routes to the North or South of wetland W5c are not feasible due to the proximity of residences and other undisturbed areas. However, other portions of the proposed pipeline are near residences and the area appears to be predominately agricultural fields. No information, documentation, or evidence has

been provided to support this claim; therefore, it appears that impacts to wetland W5c could be avoided by locating the pipelines to the North of the wetland or South of the wetland and existing Sunoco pipeline. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]

- q. The Alternatives Analysis states that re-routes north of wetland H4 are not feasible because it will result in disturbance of previously undisturbed areas and additional pipeline. However, the additional length of pipeline appears minimal and the area is in production agriculture. Therefore, it appears that impacts to wetland H4 could be avoided by locating the proposed pipelines to the North of the wetland. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]
  - r. It appears that impacts to wetland C17 and stream S-C37 could be avoided by utilizing trenchless technology such as HDD or Auger Bore. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]
  - s. It appears that impacts to wetland C16 and stream S-C35 could be avoided by utilizing trenchless technology such as HDD or Auger Bore. In addition, it appears impacts to this stream and wetland could be avoided by locating the proposed pipelines to the South and South of the existing Sunoco pipeline. Revise the application accordingly to avoid and minimize impacts, or provide a detailed analysis of alternative routes, designs and methods to avoid and minimize these impacts which documents and provides evidence that other routes and designs would not further avoid or minimize impacts. [25 Pa. Code §§105.13(e)(1)(viii), 105.14(b)(7), 105.18a]
115. Revise the application plans to include all avoidance and minimization measures for identified species of concern associated with water obstructions and encroachments from the Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, Pennsylvania Department of Conservation and Natural Resources, and the U.S. Fish and Wildlife Service. Ensure any seed mixtures, matting, or other specified items are included in the plans and/or E&S plans. In addition, revise the Environmental Assessment to discuss the avoidance and minimization measures and clearances received. [25 Pa. Code §§105.15(a), 105.14(b)(4), 105.16(c)(3)]

Other

116. If any changes to the proposed route occur, revise all parts, components of the application to reflect these changes. This includes providing copies of the submission to and clearance from the PHMC, USFWS, PFBC, DCONR, and PGC. [25 Pa. Code §§105.13(e)(1), 105.21(a)(1)]

117. Please respond to and address the comments from the Pennsylvania Fish and Boat Commission found on the attached sheet. Due to the number of crossings and time-of-year restrictions, the Department recommends identifying the time-of-year restrictions on the plans. [25 Pa. Code §§105.14(b)(4), 105.14(b)(6)]

You must submit a response for each of the above deficiencies. You may request a time extension, in writing, before November 7, 2016 to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code §105.13a(b).

DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, provided applicants submit complete, technically adequate applications/registrations that address all applicable regulatory and statutory requirements, in the first submission. Since you did not submit a complete and/or technically adequate application, DEP's Permit Decision Guarantee is no longer applicable to your application.

Pursuant to 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before November 7, 2016 or DEP may consider the application to be withdrawn by the applicant.

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be withdrawn or denied.

Should you have any questions regarding the identified deficiencies, please call Herman Jackson at 717.705.4814 and Andrew McDonald at 717.705.4776 and refer to Application No. E07-459 to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60-day period allotted for your reply, unless otherwise extended by DEP. You may also follow your application through the review process via *eFACTS on the Web* at: <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,



Edward J. Muzic, P.E.  
Civil Engineer Manager, Hydraulic  
Dam Safety, Waterways & Wetlands Section

Enclosure (Attach: PAFBC comments and eMapPA Instructions)

cc: Brad Schaeffer, Tetra Tech, Inc.  
U.S. Army Corps of Engineers, Baltimore District – Pat Strong  
Pennsylvania Fish and Boat Commission, Division of Environmental Services  
Pennsylvania DEP, Southwest Regional Office, Waterways and Wetlands Program  
Pennsylvania DEP, Southeast Regional Office, Waterways and Wetlands Program  
Lebanon County Conservation District  
Lebanon County Planning Commission  
Cornwall Borough  
Heidelberg Township  
South Annville Township  
South Lebanon Township  
South Londonderry Township  
West Cornwall Township