



February 3, 2022

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

Re: Technical Deficiency Letter No. 1  
ESCGP-3 Permit Application  
Pennsylvania Pipeline Project (PPP)/Mariner East II  
Major Permit Amendment Request  
Marsh Creek Sediment Remediation  
Southeast Regional Office Submission  
Construction Spread 6  
DEP File No. ESG0100015001  
Upper Uwchlan Township  
Chester 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. Please provide/label the Limit of Disturbance. [102.11(a)(1)]
2. Please provide additional E&S controls between CFS-15 and CFS-16 in the event the travel lane suffers from earth disturbance. [102.11(a)(1)]
3. Please provide E&S controls for the access drive below CFS-20. [102.11(a)(1)]
4. Please fill in the gaps between CFS-11 and 12 and CFS-9 and 10; please check rest of plans for similar and address. [102.11(a)(1)]

5. Please provide a description of the level of earth disturbance for the staging area and access lanes down to the lake, i.e., limit of mat placement, description if topsoil is to be removed, accessing only on existing ground, etc. [102.11(a)(1)]
6. The E&S plans should be revised to address all Pennsylvania Natural Diversity Inventory (PNDI) Clearance/Condition related activities outlined in the agency letters. [102.11(a)(1)]
7. There are at least two cross culverts under Lakeview Drive that will discharge stormwater into the work area; please evaluate the flows from these pipes and provide bypass systems if needed so as not to washout or overwhelm the site area or its E&S Controls. [102.11(a)(1)]
8. Please illustrate the systems to dewater the earthen berm that is surrounding the SMA Area such as anticipated pump and hose layout along with the proposed outlet/discharge location from the Water Treatment System and Polymer Makedown Unit Operation Areas. [102.11(a)(2)]
9. Please illustrate the proposed/anticipated geo tube layout within the SMA area. [102.11(a)(1)]
10. Please provide construction details for the proposed geo tube system. [102.11(a)(1)]
11. The Sequence of Construction should be updated to address the Critical Stage Inspections for when the site's engineer is required to oversee and verify Site Restoration. [102.11(a)(1) and (2)]
12. Please include Pre Construction Meeting requirements in the beginning of the Sequence of Construction and ensure it is updated to invite the District, the PA DEP, DCNR, Upper Uwchlan Township, the permittee, the site's contractor, the site's Environmental Inspector, and any other needed personnel. [102.11(a)(1)]
13. The Sequence of Construction should be updated to cross reference the documents that authorize the permittee to conduct activities regulated pursuant to 25 Pa. Code Chapter 105, specifically the implementation of the turbidity barriers. [102.11(a)(1)]
14. The second to last step of the Sequence of Construction should be a final Critical Stage Inspection by the site's engineer, to verify that all E&S Controls are removed, and Site Restoration has been established; please revise. [102.11(a)(1) and (2)]
15. The last step of the Sequence of Construction should be to submit a Notice of Termination (in coordination with the overall ESCGP Permit). [102.11(a)(1)]

**Technical Deficiencies from DEP**

1. Please justify the use of the riparian buffer exception and waiver as indicated in the application. Since an exception is checked, please explain how the existing riparian buffer will be undisturbed to the extent practicable as requested in the application. For the exception, the “other” box is marked. Please indicate which exception is being referred to as “other.” Since a waiver is checked, please explain how existing riparian buffers will be undisturbed to the extent practicable as requested in the application. [ESCGP-3 application, 102.14]
2. Please amend the E&S and Site Restoration Plan Drawings to include the riparian buffer boundary lines for Zones 1 and 2 following the criteria at 102.14. [102.14]
3. Please add the project site boundary to the E&S and Site Restoration plan drawings. Please follow the definition of “project site” at 102.1. [102.1. 102.14]
4. It is uncertain how each of the disturbed areas will be restored. The Act 167 Stormwater Consistency Verification Report indicates the disturbed areas will be restored to a meadow in good condition or better or the equivalent of the pre-existing condition. Is the intent of the Site Restoration Plan to restore the disturbed areas to a meadow in good condition or better, or the equivalent of the pre-existing condition? Or is the preparer of the application stating that the pre-existing condition is equivalent to a meadow in good condition? Please clarify this and revise the application package accordingly. [102.8(n)]
5. There are several different references to the site restoration specifications/descriptions throughout the application package. We have listed the different references below for your team’s information. Please make these site restoration specifications/descriptions consistent with each other in all locations throughout the application package. [102.8(n)]
  - a. Following completion of activities, the area will be returned to the general grade present prior to project in order to maintain preconstruction elevations and drainage patterns. Disturbed area will be returned to preconstruction conditions.
  - b. Project is of a temporary nature where the site will be fully restored to its preexisting conditions during the ESCGP permit term.
  - c. Restore Site to Meadow in Good Condition or Better, or Existing Conditions.

- d. Following completion of the project, all portions of the major amendment, including associated workspaces and the temporary access road shall be returned to the general grade present prior to project in order to maintain preconstruction drainage patterns. After completion of major construction work, topsoil that was stockpiled during construction will be replaced. Grounds disturbed by any of the operations necessary to complete the work for this project are to be permanently seeded, or if specified, sodded, unless occupied by structures or paved. Disturbed areas, which are at final grade, shall be seeded and mulched as soon as practical. The permanent seed mixture will restore disturbed areas to a meadow in good condition or better or the equivalent of the pre-existing condition. As a result of restoring workspaces and the temporary access road to a meadow condition or the pre-existing condition in accordance with 25 Pa Code § 102.8(n), there will be no increase in stormwater runoff rates or volume attributed to those areas, and a quantitative stormwater analysis is not required for the project.
  - e. SCARIFY 3 TO 5 INCHES MINIMUM AND 6 TO 12 INCHES ON COMPACTED SOILS. PLACE TOPSOIL TO EXISTING GRADE ELEVATIONS. PLACE SEED AND MULCH IN ACCORDANCE WITH THE NOTES AND PERMANENT VEGETATION TABLE (AGRICULTURAL AREAS) ON THE SHEET D-01.
  - f. MAINTAIN EXISTING MOWED GRASSY WALKWAY. REMOVE AND GRADE RUTS BACK TO EXISTING GRADE AND CONDITIONS. PLACE TOPSOIL, SEED, COVER CROP, AND MULCH OVER EXPOSED SOILS AND IN ACCORDANCE WITH THE NOTES AND PERMANENT VEGETATION TABLE (NONAGRICULTURAL AREAS) ON THE SHEET D-01.
6. It is understood that the applicant chose to continue through the application process as a concurrent review as described in the PNDI Policy. Upon receipt, please provide a copy of the clearance letters from each of the PNDI agencies for the above-referenced ESCGP-3 permit application. If your team receives recommendations from any of the PNDI agencies in the form of conservation measures, avoidance measures, etc., please provide a copy of the recommendation(s) and please provide a demonstration for how your team will be addressing the recommendations with any cross references to the plan drawings. [PNDI Policy]
  7. Please add the name(s) of the receiving surface water(s) and its classification under Chapter 93 to the E&S and Site Restoration plan drawings. Please include the status of siltation-impaired and any other impairments to the receiving surface water(s). [Notice of Intent (NOI) Checklist]

8. Please add the following notes to the E&S and Site Restoration plan drawings:
  - a. The design, installation, operation, and maintenance of the turbidity curtains, the dredge area, the water treatment system's clean water intake, the dredge slurry pipeline, the filtrate discharge, and the temporary culvert crossing over the roadside ditch were not reviewed as part of the Application for the ESCGP-3 Major Amendment, and are not covered under this Permit Amendment.
  - b. The design, installation, operation, and maintenance of the sump pumps, the discharge lines to the water treatment system, the impermeable liner, the geo-composite liner, and the geotextile tubes as part of the Sediment Management Area (SMA) were not reviewed as part of the Application for the ESCGP-3 Major Amendment, and are not covered under this Permit Amendment.
  - c. Any changes to the Chapter 102 BMPs or any additional Chapter 102 BMPs that are determined to be needed before, during, or after construction will require a permit amendment following the guidelines described in the PADEP Chapter 102 Permit Amendment Frequently Asked Questions (FAQ) document.
9. Please include the volume and rate of runoff from the project site and its upstream watershed area in the application narrative following the NOI checklist. [NOI Checklist]
10. The plan drawings refer to a "rock construction entrance." The sequence of construction refers to a "stone construction entrance." Please make the references consistent with each other. [102.11(a)(1)]
11. The following comments are regarding the Standard E&S Notes on PDF page 121 of 208 [102.11(a)(1)]:
  - a. For note No. 1, why does this note refer to a plan dated February 13, 2017? Please clarify or revise accordingly.
  - b. For note No. 2, please include DEP and the District in the invite.
  - c. For note No. 12, what is the performance specification for the contractor to determine if the soils are compacted? Please clarify in this note and other scarification references throughout the permit amendment application package.
  - d. For note No. 17, please clarify or define "fill outslopes." Are there any fill outslopes on the plan drawings?

- e. For note No. 23, please clarify this note. Attempts to locate “Standard and specification for substance drain” were unsuccessful.
12. Please amend the plan drawings to include the identification of the existing vegetative cover in the areas of the proposed earth disturbance activities. This should follow TR-55 cover types. In addition, why are some disturbed areas being restored using the “agricultural areas” seed mix and other areas are being restored using the “non-agricultural areas” seed mix. Please provide the justification for the use of these different seed mixes, and please add this justification to the application narrative. [102.8(f)(1), 102.11(a)(2)]
13. The Rock Construction Entrance detail on PDF page 123 of 208 reflects the wash rack as optional. Since the project site is located in a high-quality watershed, the rock construction entrance needs to be upgraded to an Antidegradation Best Available Combination of Technologies (ABACT) rock construction entrance. A rock construction entrance with a wash rack is considered an ABACT BMP. Please revise the detail accordingly. [102.11(a)(1)]
14. The PA Stormwater BMP Manual (BMP 6.7.3) recommends ripping (subsoiling) to a depth of 20 inches (or 8 inches for areas of minor compaction). Please revise the specification for scarification on the plan drawings (“scarify 3 to 5 inches minimum and 6 to 12 inches on compacted soils.”) to match or exceed the recommendations in the PA Stormwater BMP Manual, or provide adequate justification for the listed scarification depths on the plan drawings. Also, soil restoration is recommended in the PA Stormwater BMP Manual (BMP 6.7.3) to include soil and compost with 10" of compost/amendment for major compaction and 6" of compost/amendment for minor compaction. Please revise the soil restoration specifications on the plan drawings, or please provide adequate justification for not providing compost or other soil amendment to the topsoil. [102.11(a)(2)]
15. The project description in the application states that 1.37 acres of the Limit of Disturbance will be topsoiled and graded. It also states that the remaining 2.69 acres will not be topsoiled and graded. The Site Restoration plan drawings indicate all 4.06 acres will receive topsoil. Please clarify the project description to match the plan drawings, and please distinguish the 1.37 acres and the 2.69 acres on the E&S and Site Restoration plan drawings as referenced in the project description. [ESCGP-3 application]
16. Please provide the characteristics of the project site, including the past, present, and proposed land uses in the application narrative as referenced in the NOI checklist – Item 7.c. [ESCGP-3 application]

17. On the Site Restoration plan drawings, please provide a long-term operation and maintenance schedule which provides for the inspection of the site restoration BMPs, including the repair, replacement, or other routine maintenance of the site restoration BMPs to ensure proper function and operation as referenced in the NOI checklist – Item 7.j. [ESCGP-3 application]
18. The Site Restoration Plan Narrative states that “No existing riparian buffers have been identified within the project area.” This doesn’t seem to be accurate. Please revise the narrative accordingly. [102.14]
19. In the Site Restoration Plan Narrative, the Antidegradation requirements were not discussed or addressed for the post construction condition of the site. Please amend the narrative accordingly. [ESCGP-3 application]

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.

The Applicant should copy their resubmission to the District at [ccsoil@chesco.org](mailto:ccsoil@chesco.org). The resubmission should include a **complete comment response letter** and the **complete document(s)**, which include the **highlighted** revised information, that need to be resubmitted. (For example, if page 5 of the Application/NOI needs to be corrected, please resubmit the entire Application/NOI with the revised information on page 5 highlighted. Do not send an individual page. NOTE: Documents/drawings/plans that were previously submitted that do not require changes do not need to be resubmitted.)

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 Marsh Creek Sediment Remediation, 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. Sofranko – Chester County Conservation District  
Mr. Hohenstein, P.E.  
Mr. Shankar, P.E.  
Re 30 (GJS22WAW)32-6