

July 10, 2020

Texas Eastern Transmission, LP
c/o Mr. William Brett, Supervisor – Environmental Construction Permitting
890 Winter Street, Suite 300
Waltham, MA 02451

Re: Incompleteness Notification
Water Obstruction & Encroachment Permit
Conemaugh River Crossing Project
DEP Application No. E6583220-026
APS ID No. 1017926; AUTH ID No. 1317195
Derry Township, Westmoreland County
Blacklick Township, Indiana County

Dear Mr. Brett:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and has determined it to be incomplete. The following list specifies the items missing from the submission which must be included in your resubmittal of your application and/or the submission of additional information. **Chapter 105 Dam Safety and Waterway Management regulations** includes information that will aid you in responding to some of the items listed below. The items are based on applicable laws and regulations, and the guidance sets forth DEP's preferred means of satisfying the applicable regulatory requirements.

Items Missing from Submission

1. Regarding the PHMC correspondence for the project, one letter from PHMC was provided with the application (ER 2020-0684-042-B) dated May 6, 2020. In addition, no proof of receipt was provided. Please provide the proof of receipt in addition to all PHMC correspondence and associated responses relating to this project, including ER 2020-0684-042-A. §105.13(e)(1)(x), §105.14(b)(5), 105.21(a)(1)
2. The construction plan drawing provided in Requirement H does not identify what types of wetlands are shown/impacted, does not show any E&S BMPs, and does not show the limits of the floodway and floodplain. Please ensure that wetland types are labeled (if the wetland polygon has more than one type, ensure that the boundary between the types is visually distinct), E&S BMPs are shown, and the limits of the floodway and floodplain are visible. §105.13(e)(1)(i)
3. Certain elements of the site plan drawing provided in Requirement H are difficult to interpret or are missing. Please ensure that the limits of the floodplain, floodway, and

wetland boundaries (particularly for the wetland polygons that exhibit multiple wetland types) are visually distinct. §105.13(e)(1)(i)

4. The project as proposed will permanently impact 0.10 ac of PFO wetlands, however, no permanent impacts are listed on the ARIT. Please review and revise as necessary. §105.13(e)(1)(x), §105.21(a)(1)
5. Will PSS Wetland W-BJM-010 located within the ROW be permanently maintained in an emergent state? If so, this is considered a permanent wetland impact and should be incorporated into the ARIT and E.A. §105.13(e)(1)(x), §105.21(a)(1)
6. Please provide subfacility details table for all proposed water obstruction(s) and encroachment activities, including any required details in accordance with the E.A. Form Instructions - Module S3.C, and E.A. Form Instructions - Appendices IV and V. §105.13(e)(1)(x); §105.15(c); E.A. Form Instructions, Module S3.C (DEP Doc. No. 3150-PM-BWEW0017, Rev. 6/2017)
7. Please ensure that all applicable information requested in the E.A. Form Instructions for Module S4.C (Compensatory Mitigation Items) is provided. §105.13(e)(1)(x), §105.15(c); E.A. Form Instructions (DEP Doc. No. 3150-PM-BWEW0017, Rev. 6/2017)
8. In the mitigation plan, Texas Eastern stated that they "assume a mitigation ratio of 1:1 will be required to offset the conversion of PFO wetland to PEM". The Department is requesting a mitigation ratio of 2:1 for permanent conversion of Other PFO wetland to Other PEM. §105.13(e)(1)(ix), §105.20a(a)
9. Please submit the letter of consistency with Derry Township's Stormwater Management Ordinance. If the letter of consistency has not yet been received, please forward the letter upon receipt. §105.13(e)(1)(v)
10. Within the Project Description, please provide the effect of the project on public health, safety and the environment. §105.13(e)(1)(x)

As stipulated in 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations (regarding Complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before **September 8, 2020** or DEP will consider the application to be withdrawn by the applicant and no further action will be taken on the application. Fees are not refunded when an application/registration is considered to be withdrawn.

You may request a time extension, in writing, before **September 8, 2020** to respond to the 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).

Please be advised that the Joint Permit Application is considered as an application for a license to occupy the submerged lands of the Commonwealth. Section 15 of the Dam Safety and Encroachments Act requires that no permit may be issued for any project in any navigable lake or river or stream declared a public highway unless an easement, right-of-way or license has been first obtained. Information from your permit package needs to be provided to this office in order to prepare the agreement. DEP Central Office staff will contact you with further directions.

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.

If you have questions about the identified incompleteness items, please contact Nick Rossi at 717.772.5667 or nicrossi@pa.gov and refer to the Application Number referenced above to discuss your concerns or to schedule a meeting. You may also follow your application through the review process, please visit eFACTS on the Web at:

<http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,



Kevin S. White, P.E.

Environmental Group Manager
Regional Permit Coordination Office

cc: AECOM
U.S. Army Corps of Engineers, Pittsburgh District
PA Fish & Boat Commission, Division of Environmental Services
Westmoreland County Conservation District
Indiana County Conservation District
Blacklick Township
Derry Township