Chapter 105 Alternatives Analysis Technical Guidance Document

Presentation to the Water Resources Advisory Committee

March 2020
Alternatives Analysis Technical Guidance Document – Development Process

- **Stipulated Settlement – 2018**
  - Clean Air Council
  - Delaware Riverkeeper Network
  - Mountain Watershed Association

- **Workgroup Meetings - 2019**
  - Preliminary Draft (200 Comments)
  - Stakeholder Draft (364 Comments)
• **State Agency Representatives**
  - DEP’s Regional Permit Coordination Office
  - DEP’s Bureau of Oil and Gas
  - DEP’s Southeast Regional Office
  - DEP’s Bureau of Clean Water
  - DEP’s Bureau of Waterways Engineering and Wetlands
  - PA Department of Conservation and Natural Resources
  - PA Department of Transportation (PennDOT)
  - PA Fish & Boat Commission

• **Appellant Representatives**
  - Clean Air Council
  - Mountain Watershed Association
  - Delaware Riverkeeper Network

• **Federal Agency Representatives**
  - U.S. Army Corps of Engineers

• **Industry Representatives**
  - Oil and Gas Experts
  - Transportation Experts
  - Pa Homebuilders
  - Consultant, Ch. 105 Expert
Alternatives Analysis Technical Guidance Document – Development Process

• **Presentation of Stakeholder Draft documents to advisory committees and boards - 2019 /2020**

  • Water Resources Advisory Committee (WRAC) – *October 2019*
  • Agricultural Advisory Board (AAB) – *November 2019*
  • Citizens Advisory Council (CAC) – *March 2020*
  • Environmental Justice Advisory Board (EJAB) - *February 2020*
  • Oil and Gas Technical Advisory Board – *January 2020*
  • Water Resources Advisory Committee (WRAC) – *May 2020*
  • Agricultural Advisory Board (AAB) – *May 2020*
• Public comment period - Fall / Winter 2020?

• Final publication - Coordinating release with the Chapter 105 Regulation Annex

• Tutorial video - Department’s Clean Water Academy?

• Additional Coordination - Merge with other guidance documents to develop a larger manual?
Alternatives Analysis Regulatory Background

• Existing regulation
  • §105.13(e)(viii) Alternative Analysis - A detailed analysis of alternatives to the proposed action, including alternative locations, routings or designs to avoid or minimize adverse environmental impacts.

• Component of Chapter 105-permit Joint Permit Application
  • Trenchless Technology is an example of an alternative

• Alternatives Analysis Technical Guidance Document enhance existing guidance in the Environmental Assessment form
The guidance outlined in this document is intended to supplement existing requirements. Nothing in the guidance shall affect regulatory requirements.

The guidance presented herein is not an adjudication or a regulation. There is no intent on the part of the DEP to give this guidance that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this guidance if circumstances warrant.
TABLE OF CONTENTS

I. PREAMBLE .................................................. 3
   A. Executive Summary .................................. 3
   B. Definitions .......................................... 4
II. ALTERNATIVES ANALYSIS ............................... 6
   A. Background .......................................... 6
   B. Location Alternatives ............................... 6
   C. Design Avoidance and Minimization ............. 6
   D. Components of All Alternatives Analyses ....... 6
III. ENVIRONMENTAL AND PROJECT-SPECIFIC CONSIDERATIONS ..... 8
    A. Land Development Projects ....................... 8
    B. Linear Utility Projects ........................... 9
    C. Transportation Projects .......................... 10
    D. Restoration and Pollution Abatement Projects ... 11
IV. Alternatives Analysis Process & Template of Items to Submit to the Department ...... 11
    A. Alternatives Analysis Process .................... 11
    B. Template of Items to Submit to the Department ... 12
    C. Example Location and Design Alternatives Analysis Summary Tables .......... 13
    D. Flowchart for Evaluating Project Alternatives .............. 16
V. REFERENCES ............................................. 17
VI. APPENDICES ........................................... 18
    A. NEPA vs. Chapter 105 Alternatives Analyses .......... 18
    B. Data Resource List ................................... 20

• Section II
  - Context of what an alternatives analysis is and when it must be completed
  - Difference between alternatives analysis for the Department vs. NEPA
  - Components of an alternatives analysis
• **Section III**
  
  - Land Development Project
  - Linear Utility Projects
  - Transportation Projects
  - Restoration and Pollution Abatement Projects
• Section IV

• Alternatives Analysis Process

• Template of Items to Submit to the Department

• Example Location and Design Alternatives Analysis Tables

• Flowchart for Evaluating Project Alternatives
Questions