

February 23, 2023

Texas Eastern Transmission, LP  
c/o Ivana Pejatovic  
890 Winter Street  
Suite 320  
Waltham, MA 02451

Re: Technical Deficiency Notification  
Water Obstruction & Encroachment Permit  
Appalachian to Market II & Armagh & Entriaken HP Replacement Project  
DEP Application No. E3883222-003  
APS ID No. 1068987; AUTH ID No. 1405847  
Bethel Township & Jackson Township, Lebanon County

Waiver of Permit Requirements under Chapter 105.12(a)(2)  
DEP File No. WL3183222-001  
Todd Township, Huntingdon County

Dear Ms. Pejatovic:

The Department of Environmental Protection (DEP) has reviewed the above referenced application and has identified the following technical deficiencies. **Chapter 105 Dam Safety and Waterway Management regulations** includes information that will 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 the DEP's established means of satisfying the applicable regulatory and statutory requirements.

### **Technical Deficiencies**

#### **Lebanon County:**

1. Provide final reports and final PNDI clearances from applicable agencies and revise the application accordingly. [25 Pa. Code §§ 105.21(a)(1) and 105.24(a)]
2. On the GIF, Land Use Information section, the answers indicate there is a zoning ordinance, but the project does not meet the zoning ordinance provisions. Please clarify and revise as necessary. [25 Pa. Code § 105.21(a)(1)]
3. The application describes the bore under W-MJU-851 as both conventional and directional within the application. The bore path appears to be directed in the cross-sectional view, as it is not a straight line between bore holes. Please provide clarification and discuss if fluids will be under pressure. [25 Pa. Code § 105.21(a)(1)]

4. Some standard details within the Enbridge Standard ESCP contradict details within the Appendix C E&S Plan drawings (e.g. WC-2, wetland seed mix). Please correct and consider review throughout to provide consistency. [25 Pa. Code §§105.13(g) and 105.21(a)(1)]
5. Please clarify how the streambed will be restored, the E&S Plan Detail in the Typical Stream Crossing – Open Trench shows the entire stream backfilled with open graded rock choked with native material but notes this will be done where appropriate. It is the Department’s preference to primarily use native material for restoration of the streambed. [25 Pa. Code § 105.13(e)(1)(i)(C)]
6. Please clarify purpose of the compost filter sock (or hay bales/berm) in travel lane of the Typical Temporary Access Road Stream Crossing Detail. Are they to direct flow or filter and are they to be moved during travel? [25 Pa. Code § 105.13(e)(1)(i)(C)]
7. Please include a trench plug in the middle of wetland W-MJU-850. Review Section 3.5.8.1 Permanent Trench Breakers and adjust for constancy. [25 Pa. Code § 105.13(e)(1)(i)(C)]
8. The equipment crossing of wetland MJU-850 and stream KMB-001 is approximately 40-foot wide. Consider reducing width of matting. [25 Pa. Code § 105.18a(b)(2)]
9. Please note, stockpiles should be placed outside of wetlands when practical. If this is not feasible, please provide an explanation detailing why the soil must be temporarily stockpiled in the wetland. Sequence of Construction 4A indicates wetlands topsoil will be removed, please clarify placement. [25 Pa. Code § 105.18a(b)(2)]
10. On the Typical Wetland Crossing detail, please note segregated soils should be placed on timber matting and geotextile to prevent mixing of soils, if soils are unable to be located outside the wetland. [25 Pa. Code § 105.18a(b)(2)]
11. Please display floodways around streams in the Cross-section Profile in both site and E&S Plans. [25 Pa. Code § 105.13(e)(1)(i)(A)]
12. The Environmental Assessment (EA) discusses unnamed tributaries (UNT) to Lower Swatara Creek, but the resources crossed are named Deep Run and its UNT. Please clarify. [25 Pa. Code § 105.21(a)(1)]
13. In Module S2.A of the EA, please provide what parameters will be assessed during private well tests. Please also include a note that users will be notified 72 hours in advance of construction activities. [25 Pa. Code §§ 105.15(c) and 105.21(a)(1)]
14. In Table 3-1. Subfacility Details within the EA, please provide the following details for PIPE Structures within each resource, as shown in Appendix IV of the EA instructions (3150-PM-BWEW0017): Depth of cover for pipeline, width of ROW, length of pipe, whether the pipe is encased, and whether there are shut off controls. [25 Pa. Code § 105.21(a)(1)]

15. In Table 3-1. Subfacility Details within the EA, as impacts are all associated with the PIPE, FLACT and OTHER are not necessary. Please use PIPE in these instances. [25 Pa. Code § 105.21(a)(1)]
16. In Module S3H2 of the EA, please provide a brief discussion on the cumulative effect of this project on impairment, as stated in 105.18a(b)(6) and as requested in the EA instructions (3150-PM-BWEW0017). [25 Pa. Code § 105.21(a)(1)]
17. Please identify and evaluate potential or existing projects as detailed in Module S3H2ii of the EA instructions (3150-PM-BWEW0017). [25 Pa. Code § 105.21(a)(1)]
18. Based on discussions during a February 3, 2023 meeting and the rescission of the Pennsylvania Function-Based Aquatic Resource Compensation Protocol, please provide an updated mitigation section and correct associated language throughout the permit. [25 Pa. Code § 105.21(a)(1)]
19. Based on discussions during a February 3, 2023 meeting, please provide all updated materials associated with project changes including the shifts in the ROW. [25 Pa. Code § 105.21(a)(1)]

Huntingdon County:

20. It appears that floodways within site plans are 40-foot wide. Please verify assumed 50-foot floodways are displayed and accurate impacts are listed. [25 Pa. Code § 105.13(e)(1)(i)(A)]
21. There appears to be a proposed MRC facility and outfall in the floodway. Please provide details of structure and include impact details within ARIT. [25 Pa. Code § 105.21(a)(1)]
22. Consider reducing the amount of floodway within permanent fenced area and the area to be maintained as meadow. [25 Pa. Code § 105.1(mitigation)(i)(C)]
23. Consider using a riparian seed mix during restoration of the floodways and discuss the ability to limit mowing to twice a year to allow floodways to provide habitat and flowers, where possible. [25 Pa. Code § 105.1(mitigation)(i)(B)]
24. The waiver request describes impacts as permanent direct impacts; however permanent direct impact describe loss of aquatic resource area (placement of fill). Areas of cover conversion would be considered Permanent Indirect impacts. Please provide a summary of permanent direct and permanent indirect impacts to floodways. [25 Pa. Code § 105.21(a)(1)]

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 April 24, 2023 or DEP may consider the application to be withdrawn by the applicant.

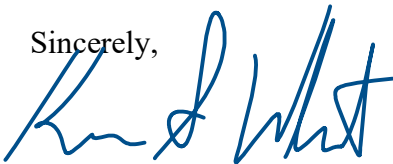
You may request a time extension, in writing, before April 24, 2023 to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date 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.

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 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. 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,



Kevin S. White, P.E.  
Environmental Group Manager  
Regional Permit Coordination Office

cc: AECOM Technical Services, In. (by email)  
U.S. Army Corps of Engineers, Baltimore District (by email)  
U.S. Army Corps of Engineers, Pittsburgh District (by email)  
PA Fish & Boat Commission, Division of Environmental Services (by email)  
Lebanon County Conservation District (by email)  
Southcentral Regional ARD (by email)

Southcentral Regional Waterways and Wetlands (by email)  
Bethel Township (by email)  
Jackson Township (by email)  
Huntingdon County Conservation District (by email)  
Todd Township (by email)