



June 23, 2023

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

Re: Technical Deficiency Notification #2  
Water Obstruction & Encroachment Permit  
Appalachian to Market II & Armagh & Entrioken 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. Please submit response and all files, including those provided in the April 25, 2023 resubmission, in similar format to the original submission. Provide each file in its full and complete form, as opposed to one consolidated document. [25 Pa. Code § 105.21(a)(1)]
2. Trench plugs should not be placed on bedding material. Please revise the trench plug installation detail per the Corrections for Erosion and Sediment Pollution Control Program Manual document (TGN 363-2134-008, last modified 3/31/15), which can be found on the Department's E&S Resources webpage under "Guidance", or at this URL: <https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwat>

er%20Construction/Documents/Corrections Sheet.pdf§105.449. [25 Pa. Code §§ 105.13(g)]

3. 2/23/23 TD Notification Comment #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)]

**Regarding previous comment #1: Applications with PNDI Receipts dated before March 31, 2023, require a new PNDI screening due to the recent listing of the Northern Long-eared Bat as an endangered species. Please submit an updated PNDI search receipt, along with any necessary clearance letters or approvals.**

4. 2/23/23 TD Notification Comment #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)]

**Regarding previous comment #3: The ARIT still lists the crossing as a directional bore. Please remove language for project accuracy and consistency. Please further discuss the shape of the cross section on Sheet IMPACT-01 and clarify that the bore pits are of sufficient depth for a conventional bore.**

5. 2/23/23 TD Notification Comment #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)]

**Regarding previous comment #4: The response added WC-2 to the E&S plan. This is a wet crossing detail. The DEP does not recommend crossings in the wet, please discuss and consider removing from the E&S Plans and Standard ESCP details.**

6. 2/23/23 TD Notification Comment #8. The equipment crossing of wetland MJU-850 and stream KMB-001 is approximately 40-feet wide. Consider reducing width of matting. [25 Pa. Code § 105.18a(b)(2)]

**Regarding previous comment #8: The wetland MJU-852 crossing should have also been included in this comment. Please review and consider reducing the width of matting.**

7. 2/23/23 TD Notification Comment #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)]

**Regarding response to previous comment #13: In the module, please describe what parameters will be tested under the FERC guidelines.**

8. 2/23/23 TD Notification Comment #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)]

**Regarding response to previous comment #19: The temporary floodway impacts in the ARIT and those listed in Table 1-2 and S4.C1 appear to be slightly different. Please review.**

Huntingdon County:

9. 2/23/23 TD Notification Comment #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)]

**Regarding the Huntington waiver request: Please include updated material and the response to #24 in the waiver and provide a full and complete document.**

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 thirty (30) calendar days from the date of this letter, on or before July 23, 2023 or DEP may consider the application to be withdrawn by the applicant.

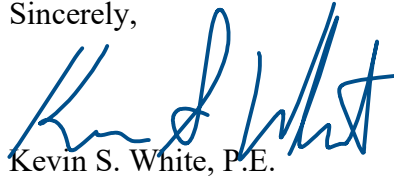
You may request a time extension, in writing, before July 23, 2023 to respond to deficiencies beyond the thirty (30) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date 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](mailto: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 30-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)