



October 28, 2020

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

Re: Technical Deficiency 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 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

1. Question number 3 on the PASPGP-5 review checklist is answered incorrectly. Please revise and resubmit. §105.21(a)(1)
2. The project description provided in Module S1.A of the Environmental Assessment (EA) states that "*Construction of the Project will result in a total of approximately 21,792 square feet (0.60 acres) of temporary impact and 4,472 square feet (0.10) of permanent/conversion impact to wetland W-BJM-010, and 59,116 square feet (1.36 acres) of temporary impact to wetland W-BJM-011.*" The total permanent/conversion impact to wetland W-BJM-010 does not appear to also account for the permanent conversion of the PSS portion of that wetland. Please revise this statement as necessary. §105.15(c); 105.21(a)(1)
3. Table S1-2, "Summary of Proposed Impacts", provided in Module S1.B of the EA appears to have an error regarding the permanent wetland impacts. Note that a direct impact consists of filling, draining, or conversion of a resource to another type, such as a wetland to an open body of water; direct impacts result in a loss of resource acreage. An indirect impact, however, consists of altering the chemical, physical or biological components of an aquatic resource; but does not result in a loss of resource acreage (e.g. conversion of a

PFO wetland to a PEM or PSS wetland). Please revise this table accordingly. §105.15(c); 105.21(a)(1)

4. Module S2.B of the EA only details the wetland resources that may be affected by the project. Please ensure that details of all aquatic resources that may be affected by the project are discussed (i.e. Conemaugh River). §105.15(c); 105.21(a)(1)
5. The "Impact Summary" provided in Module S3.A of the EA states that "*Construction of the Project will result in a total of approximately 1,761 square feet (0.05 acres) of permanent impact to wetland W-CMS-016 and stream/floodway S-JLK-037, and 85,380 square feet (1.96 acres) of temporary impact to wetlands W-BJM-010 and W-BJM-011.*" The permanent conversion impacts to wetland W-BJM-010 are not discussed. Please revise this statement as necessary. §105.15(c); 105.21(a)(1)
6. The Subfacilities Details Table (Table S3-1) provided in Module S3.C contains errors and is missing information. Please provide all applicable subfacility codes and key details in accordance with Appendices IV and V of the E.A. Instructions. §105.15(c); 105.21(a)(1); E.A. Form Instructions, Module S3.C (DEP Doc. No. 3150-PM-BWEW0017, Rev. 6/2017)
7. The "Resource Function Effects" narrative provided in Module S3.D of the EA states that "*W-BJM-011 and W-BJM-010 will be temporarily impacted by the temporary workspace, and W-CMS-016 will be permanently impacted by the pipeline that will be bored under the wetland.*" The permanent conversion impacts to wetland W-BJM-010 are not discussed. Please revise this statement as necessary. §105.15(c); 105.21(a)(1)
8. The "Potential Secondary Impact Evaluation" provided in Module S3.G of the EA states that "*There are no dams, water obstructions, or encroachments necessary to fulfill this Project purpose.*" The proposed project is, by definition, a water obstruction. Please clarify/revise this statement as necessary. §105.15(c); 105.21(a)(1)
9. Regarding Module S4.B of the EA, please briefly discuss how maintenance will be performed within wetlands along the ROW after construction is complete for the life of the project. What measures will be taken to ensure that wetlands are protected from disturbance during maintenance activities, and how will wetlands disturbed during maintenance activities be restored? §105.15(c)
10. The data form for point UPL-BJM-001 (40° 27' 27.34" N, 79° 17' 45.16" W), identifies this area as upland. The determination of whether or not this point is considered a wetland is completely dependent upon the absence of hydrophytic vegetation. Given the time of year that the delineation for this area was done, and potential misidentification of plant species recorded, the Department requests that this location be evaluated again to definitively determine the presence/absence of a wetland. Please provide a new data form, a few photographs of this location indicating direction taken, and updated coordinates (if necessary). If, after revisiting and documenting this location again, modifications need to

be made to the wetland report, impact tables, and associated documents, please ensure those updates are made accordingly throughout the application. §105.15(c)

11. Additional invasive plant species (*Rosa multiflora*, *Microstegium vimineum*, and *Frangula alnus* [Synonym: *Rhamnus frangula*]) were recorded on wetland determination data forms for W-BJM-010 PSS and W-BJM-010 PFO that were not noted on the Invasive Species Presence Worksheet associated with the Wetland Condition Level 2 Rapid Assessment Form for W-BJM-010. Please either discuss why these species were not incorporated into the rapid assessment form or revise the form as necessary. §105.15(c); 105.21(a)(1)
12. *Rosa multiflora* was recorded on the W-BJM-011 PSS wetland determination data form but was not noted on the Invasive Species Presence Worksheet associated with the Wetland Condition Level 2 Rapid Assessment Form for W-BJM-011. Please either discuss why this species was not incorporated into the rapid assessment form or revise the form as necessary. §105.15(c); 105.21(a)(1)
13. *Fallopia japonica* (Synonym: *Polygonum cuspidatum*) was recorded on the W-CMS-016 PEM wetland determination data form but was not noted on the Invasive Species Presence Worksheet associated with the Wetland Condition Level 2 Rapid Assessment Form for W-CMS-016. Please either discuss why this species was not incorporated into the rapid assessment form or revise the form as necessary. §105.15(c); 105.21(a)(1)
14. Please provide the mitigation bank information in accordance with the EA instructions for Module S4.C.1.i. §105.13(e)(1)(ix); 105.15(c); 105.21(a)(1)
15. In the General Information Form (GIF), Site Information – Description of Site, details are needed on the proposed use of the site. This intent of this section is to describe how the proposed site will be used. The current description provides existing use and site access. §105.21(a)(1)
16. In the GIF, Site Information, please confirm that 10 is the correct estimated number of employees to be present at the site. This is the number of employees present once the site is active. §105.21(a)(1)
17. In the GIF, Project Information – Project Description, this section is to be a detailed description of the project. Please clarify that the replacement includes the abandonment of the old line via grouting in place, along with the installation of the new line via HDD and the new mainline valve (MLV). §105.21(a)(1)
18. In the GIF, Land Use Information, item No. 4 is checked indicating that the project does not meet the provisions of the zoning ordinance or have zoning approval. Please clarify the zoning status for this project and attach supporting documentation as necessary. §105.21(a)(1)

19. In Section C of the Application, please add “Wetlands” to the section requesting the Name of Stream and/or body of water, to reflect the wetlands impacted by the project. §105.21(a)(1)
20. In Section F Application Checklist, please use an entry of N/A for Bog Turtle Screening. §105.21(a)(1)
21. A Property Line is shown in Legend for the Construction Alignment; however, no property lines are demarcated on the plans. The Project Narrative indicates the USACE is the primary landowner of the entire project area. Please confirm no property lines should be demarcated on the plans. §105.13(e)(1)(i)(B)
22. In the Project Narrative Purpose and Need, it mentions that the Line 12 MLV located in the existing MLV site on the east side of the Conemaugh River will be removed and replaced with a flange connection. The construction alignment does not show a flange connection, but only the existing valve site. Please clarify if the flange is to be installed and provide appropriate details. §105.13(e)(1)(iii)
23. In the Project Narrative Proposed Construction Activities, it mentions that the total disturbed acres are approximately 12.23 acres, while the GIF lists 12.8 for total disturbed acreage in the Coordination Information No. 4. Please clarify and revise for consistency. §105.13(e)(1)(iii)
24. Within the Project Narrative Proposed Construction Activities, the abandonment and grouting of the old line should be mentioned. Please include this portion of the project. §105.13(e)(1)(iii)
25. The statement in the Risk Assessment section is not accurate, which says that no permanent stream crossings are proposed. The proposed crossing is permanent. This section is for risk analysis regarding stormwater and/or floodplain management. Please indicate that these were evaluated and if an assessment was needed. §105.13(e)(1)(vii)

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 **December 27, 2020**, or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before **December 27, 2020** 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).

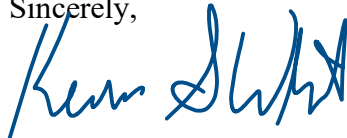
DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision

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 (by email)
U.S. Army Corps of Engineers, Pittsburgh District (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Westmoreland County Conservation District (by email)
Indiana County Conservation District (by email)
Blacklick Township (by email)
Derry Township (by email)