



May 27, 2020

Mr. Mathew Gordon
Sunoco Pipeline, L.P. (SPLP)
535 Fritztown Road
Sinking Spring, PA 19608

Re: Sunoco Pipeline, L.P. – Pennsylvania Pipeline Project (Mariner East II)
DEP File No. E23-524
Major Modification - Installation Method Change at 0620 HDD
APS No. 879056, AUTH ID 1087492
Middletown Township
Delaware County

Dear Mr. Gordon:

The Pennsylvania Department of Environmental Protection (DEP) has reviewed the above-referenced application package and has identified the following significant technical deficiencies. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's preferred means of satisfying the applicable regulatory requirements.

Technical Deficiencies:

April 2020 Technical Deficiency Comments of March 25, 2019, Amendment Request

1. Wetland WL- 11 was classified as an exceptional value (EV) wetland by TetraTech (TT) based on the wetland's location of 0.5 mile upstream of the Aqua PA Chester Creek intake. 25 Pa. Code § 105.17(1) defines five factors, one being along an existing public or private water supply that maintain the quality and quantity of the water supply. Any one of the five factors classify a wetland as "Exceptional Value" (EV). The other four EV criteria (such as wild trout reproduction or threatened and endangered species habitat) are not met by the wetland (*see* 25 Pa. Code § 105.17(1)). TT based its EV wetland classification on the location relative to an existing public drinking water intake, *see* 25 Pa. Code § 105.17(1)(iv). Due to the distance between the wetland and the water intake, it appears that the wetland is not maintaining the quality and quantity of the downstream drinking water supply. As such, WL-11 is more appropriately correctly classified as an "Other wetlands" as defined in 25 Pa. Code § 105.17(2).
2. The size-area of the PEM portion of WL-11 is a total of 0.49 acre; the eastern PFO portion is 0.62 acre and the western PFO portion is 0.24 acre. Based on review of the submitted site plans, the width of the PEM portion of the wetland within the Limits of

Disturbance (LOD) ranges from approximately 60 ft to 110 ft. The PFO portions of the wetland immediately abuts the PEM portion. TT states that there will be no impacts to the PFO portions and requests increasing the width of the LOD from 50 feet to 110 feet due to “hot lines” in the work area. If the LOD is widened, then it appears that impacts will occur to one or both of the PFO portions of WL-11. Address this issue, including an explanation of the “hot lines” and associated safety issues and fully explain the reasons why the width of the LOD should be extended.

3. An Alternatives Analysis (AA) submitted in support of the proposed amendment is very brief and lacks sufficient details. An AA must assess the impacts to wetlands as stated and meet all the conditions in 25 Pa. Code § 105.18a(b)(1) through (7). Alternatives such as utilization of a boring method (other than HDD) under the stream and wetland, and other impact avoidance and minimization measures, must be fully assessed. Boring is being proposed for two street crossings and one railroad crossing. You need to explain why boring cannot be used to cross wetlands and streams.
4. The amendment submittal refers to direct and indirect impacts as “minor” and “temporary.” It is questionable whether the impacts are minor due to the number and nature of impacts to date. The classification of minor and temporary needs to be based on monitoring after the construction is completed and restoration is accomplished. The degree and numerous impacts to the wetlands may have altered the hydrology of the wetland to a degree that it cannot be restored. An evaluation of whether the wetland can be restored, including a hydrology assessment, needs to be conducted. If it is found to be unlikely that suitable hydrology can be restored, then off-site options will need to be evaluated. A study plan needs to be prepared in accordance with this comment, and other relevant comments regarding the hydrology in the August 2018 comments, and submitted to DEP for review.
5. The applicant needs to install orange protective fencing along the boundaries of each wetland in or adjacent to the LOD.
6. Explain in detail the present impacts to WL-11 due to the ME1 valve station upgrade as is stated in the amendment request.
7. Submit a clearance letter from the Pennsylvania Historic and Museum Commission regarding the plan to survey six acres designated as an Area of Potential Effect.

You may request a time extension, in writing, before **July 26, 2020**, to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by 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).

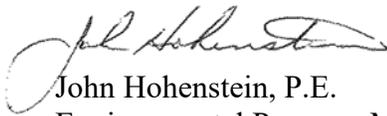
DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, 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.

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 **July 26, 2020**, or DEP may consider the application to be withdrawn by the applicant.

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 Ms. Ranjana Sharp by e-mail at rsharp@pa.gov or at the telephone number located in the first page footer and refer to Application No. E23-524 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. [for PDG applications/registrations: 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,



John Hohenstein, P.E.
Environmental Program Manager
Waterways and Wetlands

Enclosure

cc: Delaware County Conservation District
Middletown Township
PA Fish and Boat Commission
Army Corps of Engineers - Philadelphia
Mr. Simcik, P.E. – Tetra Tech, Inc.
Mr. Nassani
Mr. Knorr
Ms. Sharp, P.E.
Re 30 (GJS20WAW)152-7