



Southwest Regional Office

May 5, 2020

Matthew Gordon
Sunoco Pipeline, L.P.
525 Fritztown Road
Sinking Spring, PA 19608
Email Address: MLGordon@sunocologistics.com

Re: DEP FILE E11-352-A1
Second Technical Deficiency Letter
Pennsylvania Pipeline Project – Mariner East 2 Goldfinch Lane HDD Reroute
APS ID # 876467
Jackson Township
Cambria County

Dear Matthew Gordon:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and had identified significant technical deficiencies on **March 2, 2020**. The attached list specifies the deficiency items that still need to be resolved. The deficiencies are based on applicable laws and regulations, and the guidance set forth as DEP's preferred means of satisfying the applicable regulatory requirements.

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 on the attached list. Please note that this information must be received within Thirty (30) calendar days from the date of this letter or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing before the due date to respond to deficiencies beyond the thirty (30) calendar days. Requests for time extensions will be reviewed and considered by DEP. You will be notified of the decision in writing to either 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 providing permit decisions within the published time frames, provided applicants submit complete, technically adequate applications 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 Since you did not submit a complete and/or technically adequate application, DEP's Permit Decision Guarantee is no longer applicable to your application.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 related to the engineering comments, please contact James Sommer at **412.442.4268** or jamsommer@pa.gov. For questions related to the environmental comments, please contact Joseph Snyder at **412.442.4308** or jossnyder@pa.gov. Please refer to Application No. **E11-352-A1** to discuss your concerns or to schedule a meeting. You may also follow your application review process via *eFACTS on the Web* at: <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,

Dana Drake

Dana Drake, P.E.
Environmental Program Manager
Waterways & Wetlands Program

Enclosure(s)

cc: Jackson Township
Cambria County Conservation District – Bobbie Blososky
Brad Schaeffer, Tetra Tech, Inc. (brad.schaeffer@tetrattech.com)
U. S. Army Corps of Engineers
PA Fish & Boat Commission
Permitting & Technical Services Section DEP File No. E11-352-A1
Dana Drake, P.E., Program Manager

PLEASE ENCLOSE A COPY OF THIS LETTER WHEN SUBMITTING
THE REQUESTED INFORMATION
ALL REQUESTED INFORMATION BELOW MUST BE SUPPLIED IN TRIPLICATE
Items Needed for TECHNICAL ADEQUACY

Second Technical Deficiency Notice

*For ease of review we have repeated the original comment from the first Technical Deficiency Letter followed by **the information/changes that are still needed (In Bold)**.*

Environmental Comments:

1. §105.13(e)(1)(viii), §105.16(a) and §105.18a(b)(3): An Aquatic Resource Table that lists the impacts along the current route of the section of pipeline that is to be re-routed, and provide a cumulative total for all types of aquatic resources to be impacted. (Former TDL item 2.b)
Status: Per Table 1, the total permanent wetland impact along the original route is 0.121 acre; however, your response to Item 3, includes another table that indicates that the permanent wetland impacts along the original route, using an open cut installation method would be 1.312 acres Please explain the differences between these tables.
2. §105.13(e)(1)(viii), §105.16(a) and §105.18a(b)(3): Related to the preceding item, your Alternatives Analysis indicates that the approximately 1-mile pipeline reroute of this section of pipeline is being proposed to avoid extensive, permanent, conversion impacts to a PFO wetland area. To facilitate the Department's review of your alternatives analysis, quantify and describe the impact to the PFO wetland area that will be avoided by this proposed reroute. In addition, compare this impact, which you are proposing to avoid, to the new/additional impacts to aquatic resources that are anticipated within the proposed reroute. (Former TDL item 3)
Status: Please explain why permanent and temporary impacts to PFO wetlands are reported in tables 1 & 2 to be 0.032 acre, along the 16 HDD Route, while your response to this item reports impacts to PFO wetlands to be 0.57 acre. Please explain the differences between these reported values. In addition, provide a map that shows the location and boundaries of the PFO wetland that you are proposing to avoid, in relation to the 16 HDD Route and the 16 Inch Reroute.
3. §105.13(e)(1)(viii) and §105.13(e)(1)(x): Because of the differences in the values that are noted in the preceding comments, provide an accurate comparison between the wetland and stream impacts that are associated with the original route (16 HDD Route) versus the proposed reroute (16 Inch Reroute). (New item)
4. §105.13(e)(1)(viii) and §105.18a(b)(3): Evaluate the feasibility of the following adjustments to the proposed reroute, to potentially avoid or minimize impacts to wetlands:
 - a. Could proposed open cuts through Wetland W1r, at three (3) locations, be avoided or minimized by moving the pipeline some tens of feet to the southwest? (Former TDL item #9.a)
Status: Your response indicates that any further adjustment of the ROW to the south would affect another new parcel. Please further evaluate this alternative, including whether

this new parcel could reasonably be obtained, utilized, expanded or managed, to potentially avoid or minimize impacts to Wetland W1r.

5. 25 Pa. Code Chapters 93, 95, 102 and 105: Section S3.H Potential Cumulative Impacts, in your Environmental Assessment reports a maximum of approximately 47.9 acres of permanent impacts to wetlands, from the overall/entire Pennsylvania Pipeline Project. The Cumulative Impact Analysis that was included with the Joint Permit Application that was submitted for Permit No. E11-352, reported a cumulative wetland impact of 30.561 acres (see Table 22, page 71. The current application for the proposed Goldfinch re-route is reporting 0.77 acre of additional, permanent wetland impacts. Please check these numbers and discuss the increase in acreage of permanent wetland impacts for the Overall Pennsylvania Pipeline Project. (Former TDL item # 12)

Status: As previously requested, please explain the reason for the increase, from the previously reported cumulative wetland impact of 30.561 acres, to the currently reported value of 47.9 acres, since the additional permanent wetland impacts from the proposed reroute is reported to be 0.77 acres.

6. 25 Pa. Code Chapters 93, 95, 102 and 105: Related to the preceding item, Section S3.H Potential Cumulative Impacts, in your Environmental Assessment reports approximately 65,575 linear feet of cumulative waterbody disturbance. The Cumulative Impact Analysis that was included with the Joint Permit Application that was submitted for Permit No. E11-352, reported a total, permanent impact of 12.031 acres to streams, rather than in linear feet (see Table 19, page 56). Accordingly, please check these numbers, and discuss any changes in permanent impacts to watercourses (in linear feet and acres), from the Overall Pennsylvania Pipeline Project. (Former TDL item # 13)

Status: Your response indicates that the reported, total, potential, cumulative, permanent stream impacts of 65,575 linear feet (LF) includes impacts from the overall Pennsylvania Pipeline Project (PPP); as well as, other non-PPP project impacts. Accordingly, the Department understands this value to represent not only total stream impact from PPP, but also includes the total stream impact from other past, present or future projects that affected streams within the project area. Please confirm that the Department's understanding of the value that you are reporting is correct. In addition, please confirm/clarify that potential, cumulative, permanent, stream impacts from the overall Pennsylvania Pipeline Project will be 53,814 LF [53, 131 LF (previously reported as 12.031 acres) + 683 LF (from the proposed Goldfinch modification)].

Engineering Comments:

1. §105.13(a): Please provide the Joint Permit Application Forms and include an original signature for the applicant. These forms are not provided within the package submission. In addition, Attachment I's Joint Application Form Landowner List is not seen. Please provide.
Status: Please revise Section E (Compliance Review) of the submitted Joint Application Forms to list any current violations. Please provide delegation of authority for Nicholas Bryan to sign for the applicant (Sunoco Pipeline, LP).
2. §105.13(e)(1)(x): Please describe how the pipeline will be installed beneath Hinckston Run as it is reported to be roughly 30-feet wide. A pump-around will not work in this location due to the

size of the watercourse. Additionally, please ensure all watercourse and wetland crossings for this amendment are located on the resource crossing table on Sheet ES-0.02 as they are not seen.

Status: The design has been revised to use a flume pipe bypass. Please provide the hydraulic information for the flume pipe size that will convey the normal flow of the stream with a detail for spacing if multiple flume pipes will be implemented. (The current detail shows the pipe against each other with inadequate spacing per the E&S Manual.) Ensure this revision has been included within the ESCGP-3 updated E&S plan sheets.

3. §105.13(g): As revisions have been made to the E&S Plans as part of the ESCGP-3 review, including geohazard mitigation measures, please provide a revised E&S Plan Set in whole for the Joint Permit Application.

Status: The provided drawings and revisions will need to be cross-checked with the ESCGP-3 E&S Plan Set. The ESCGP-3 permit application will need updated E&S sheets and narrative sheets, if applicable, to be consistent with the revisions made in this application.

Please note that the responses should be in the form of revisions to the original application. Any pages revised should bear the revision date. We need three (3) copies of any responses and revisions. Please do NOT send copies of the entire application; only those pages or drawings that change should be submitted.