



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

September 19, 2016

PennEast Pipeline Company LLC  
c/o Mr. Anthony Cox  
1 Meridian Boulevard  
Suite 2C01  
Wyomissing, PA 19610

Re: Incompleteness Review #2  
PennEast Pipeline Project – Northampton County  
APS ID# 893363, AUTH ID# 1111983  
DEP Application No. E48-435  
Lehigh Township, Moore Township, East Allen Township,  
Upper Nazareth Township, Lower Nazareth Township, Bethlehem Township,  
Easton City, Lower Saucon Township & Williams Township  
Northampton County

Dear Mr. Cox:

The Department of Environmental Protection (DEP) has reviewed your response, received on June 23, 2016, to the April, 26, 2016 Incompleteness Review Letter for the above referenced application package and has determined that the application remains incomplete. The following list specifies the items that remain missing from the submission which must be included in the resubmittal of your application and/or the submission of additional information.

Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before **November 18, 2016**, or DEP will consider the application withdrawn.

## **Items Missing from Submission**

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1. (Original Comment #3) Please provide the resolution of potential impacts to threatened and endangered species from Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish & Boat Commission, Pennsylvania Game Commission and U.S. Fish & Wildlife Service. Please request/provide county specific letters from the agencies indicating that county specific impacts are resolved. *[25 PA Code §105.14(b)(5)]*

**To date, we have not received clearance letters from Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish & Boat Commission, Pennsylvania Game Commission or U.S. Fish & Wildlife Service. Please provide.**

2. (Original Comment #4) An Act 167 Stormwater Management Plan has been prepared/adopted for Northampton County under the Stormwater Management Act. Please provide an analysis of the project's impact on the Stormwater Management Plan and a letter from the municipality and County commenting on the analysis. [25 PA Code §105.13(e)(1)(vi)]

**Your response did not adequately address the comment. In the event that there was not a response from either the County and/or local Municipalities within the specified 30 day period (after proof of receipt) indicating that a review of the project will take place and/or a consistency letter will be provided; the applicant should send a second letter to both the County and Municipalities indicating that it is the applicant's intent to proceed with the project and that any future comments regarding consistency with the approved stormwater plan be directed to the Department's Northeast Regional Office, Waterways & Wetlands Program. Provide the County and/or local Municipality a statement from the Project Manager indicating that the project location, design and proposed construction is in accordance with the approved stormwater plan.**

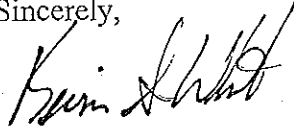
3. Upon further evaluation by the Department and in accordance with the 25 Pa. Code §105.13(e), complete delineation of impacts to wetlands, streams and floodways needs to be provided for the Department to perform the required environmental review of the application and make a proper permit decision. The impacts to wetlands, streams and floodways cannot be based on remote sensing. 25 Pa. Code §105.13(e)(1)(i)(A) requires a complete demarcation of the floodplains and regulated waters of this Commonwealth on the site. This requirement will not be waived under 25 Pa. Code §105.13(k) as remote sensing or national wetland inventory data alone may not identify all wetlands, streams and floodways present, nor does it adequately identify any unique characteristics of the wetlands, or the functions that they provide. As such, the remote sensed impacts for all resources will require in field verification, and all relevant portions of the application will need to be revised prior to making a permit decision. [25 PA Code §105.13(e)]

You may request a time extension, in writing, before **November 18, 2016** to respond to the 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).

As stipulated in 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations (regarding Complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before **November 18, 2016** or DEP will consider the application/registration to be withdrawn by the applicant and no further action will be taken on the application/registration. Fees are not refunded when an application/registration is considered to be withdrawn.

If you have questions about your application, please contact Michael Luciani, Application Manager, at 570-830-3089, and refer to Application No. E48-435, Authorization No. 1111983.

Sincerely,



Kevin S. White, P.E.  
Environmental Group Manager  
Waterways & Wetlands Program

cc: AECOM, c/o Ms. Sarah K. Brinkley  
U.S. Army Corps of Engineers, Philadelphia District  
PA. Fish & Boat Commission, Southeast Regional Office  
Northampton County Conservation District  
Lehigh Township  
Moore Township  
East Allen Township  
Upper Nazareth Township  
Lower Nazareth Township  
Bethlehem Township,  
Easton City  
Lower Saucon Township  
Williams Township

