



December 12, 2023

Texas Eastern Transmission, LP
c/o Joe McGaver, Manager Environmental Projects
11 East Superior Street, Suite 125
Duluth, MN 55802

Re: Technical Deficiency Notification
Water Obstruction & Encroachment Permit
Schuylkill River Horizontal Directional Drilling Project
DEP Application No. E1583223-013
APS ID No. 1091837; AUTH ID No. 1445595
Spring City Borough, Chester County
Upper Providence Township, Montgomery County

Dear Joe McGaver:

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. Please update JPA files to show the entire LOD, with additional upland associated with the cathodic protection, as discussed in the August 31, 2023 phone call. [25 Pa. Code §§105.21(a)(1) and 105.13(e)]
2. As discussed during the site visit on October 27th, the Alternatives Analysis (AA) did not discuss design or site layout alternatives and the impacts associated with each. Please address and include all avoidance and minimization efforts evaluated during the site visit and incorporated into the project to minimize impacts to Wetland 1. [25 Pa. Code § 105.18a(a)(3) and 105.21(a)(1)]
3. During the field visit on October 27th, changes to the construction methods to remove the pipe were discussed. Please updated the application plans, narrative, and Environmental Assessment (EA) to reflect the coffer dam and pipe removal. The Department will review these changes and may have additional comments. [25 Pa. Code §105.21(a)(1)]

4. In the AA, discuss the need for approximately 215 feet of workspace in the river. Please consider necking down impacts down if possible. [25 Pa. Code §§ 105.13(e)(1)(viii) and 105.21(a)(1)]
5. Please provide the Aid to Navigation (ATON) Plan. [25 Pa. Code §§ 105.14(b)(6) and 105.21(a)(1)]
6. Please incorporate and address comments from DCNR regarding the Schuylkill River Pennsylvania Scenic Rivers Corridor System and provide the signed document within the resubmission. In addition, please discuss the potential of including a Replanting Plan, which may include planting shrubs from 5 to 15 feet from pipeline and trees from 15 or greater feet from the pipeline. [25 Pa. Code §§ 105.21(a)(1) and 105.24]
7. It appears there may be a conflict between instream construction restrictions between PFBC (October 16 – April 14) and DCNR (Construction should be done either in late fall or early spring when recreational use of the stream is minimal). Please address and provided any additional agency coordination regarding this matter. [25 Pa. Code §§ 105.21(a)(1) and 105.24]
8. In the project description the statement, “No impacts proposed with the HDD. Texas Eastern has developed and will implement an Inadvertent Return Contingency Plan” is incorrect. Structures under the resource are still considered impacts. Please revise. [25 Pa. Code § 105.21(a)(1)]
9. The EA Form Module S2A indicates there are no local parks or recreation areas; however, the site plans and wetland delineation report note the Schuylkill River Trail. Please include a discussion on any impacts the project may have on public safety regarding use of the trail and how these impacts will be mitigated. Please update section S2A, S3B, and S3D2iv accordingly. [25 Pa. Code § 105.21(a)(1)]
10. Per the EA instructions, Module S2B3 requires size of the exsisting resource to the nearest 0.01 acre. Please provide. [25 Pa. Code § 105.21(a)(1)]
11. Please update Module S2C of the EA regarding the finalized agency consultation and avoidance measures and include a discussion of the Northern Red-Bellied Cooter in Section S3D. Please also include avoidance measures and construction restrictions in the permit description narrative and Erosion and Sediment Control Plans (E&S Plans). [25 Pa. Code §§ 105.21(a)(1) and 105.24]
12. There appears to be inconsistencies with the HGM classification of Wetland 1 between the Wetland Report and the EA. Please provide the HGM classification to greater detail, as listed in the PA_HGM_Key_1.0, referenced within the instruction of the EA (3150-PM-BWEW0017) and discuss the dominant source(s) of water and the associated hydrodynamics of the wetland. [25 Pa. Code § 105.21(a)(1)]
13. Per the EA instructions, please discuss each of the function and value parameters listed in Module S3D2. [25 Pa. Code §§ 105.18a(a)(3) and 105.21(a)(1)]
14. Per the EA instructions, please provide a summary table for Module S3.A. This table is different than the ARIT. [25 Pa. Code § 105.21(a)(1)]
15. The ARIT states the cutting of PFO wetlands is a permanent impact. This, however, is not discussed or displayed in the EA. Please use the subfacility Wetland (Permanent) Indirect Impact (WTIIM) for the PFO wetland impacts. Please update Module S3D and throughout the EA discussion as necessary. [25 Pa. Code § 105.21(a)(1)]

16. Please provide subfacilities for the floodway (TFIM) and stream (TSIM) impacts for the coffer dam. At this time, only PIPE subfacility will be required for HDD/bored impacts. [25 Pa. Code § 105.21(a)(1)]
17. Please expand on the discussion of the secondary impacts in Module S3G. Specifically, please discuss the potential secondary impacts associated with the removal of trees within the seasonally flooded areas of the wetlands and how these impacts may affect the hydrological, biogeochemical, and habitat functions of these areas. [25 Pa. Code § 105.21(a)(1)]
18. Please provide a Mitigation Plan and associated Plan Drawing. The mitigation plan should follow the Department's guidance, Design Criteria - Wetlands Replacement/Monitoring (DEP Doc. No. 363-0300-001), and should include, at minimum, information requested in Sections V.D.6 and VII relating to vegetative conditions and monitoring. The monitoring plan should also include corrective actions to address invasive species and noxious weeds. [25 Pa. Code §§105.20a(a), 105.21(a)(1), and 105.13(e)]
19. As discussed in the field meeting on October 27th, please evaluate the planting of larger trees as an alternative to the current proposed mitigation, to increase the survival rate and reduce the amount of time it takes for the site to be restored. [25 Pa. Code §§ 105.14(b)(13) and 105.20a(a)]
20. Please verify the post construction monitoring in the EA and those in Section 8.1 of the E&S Plan do not contain contradictions. [25 Pa. Code §§105.21(a)(1) and 105.13(e)]
21. Please provide a site-specific E&S Plan, displaying the location of all erosion and sediment control BMPs. Please remove any detail(s) which are not associated with this project (e.g. TETLP_Line1 Mapping file, Figure WC-2 shows a Typical Wet Waterbody Crossing). [25 Pa. Code § 105.13(g)]
22. On the site plans, please show the PFO and PEM wetland boundary locations. In addition, please identify the locations of the seasonally flooded habitats within Wetland 1. [25 Pa. Code § 105.21(a)(1)]
23. The Department does not recommend stockpiling soil or subsoil within the wetland. Evaluate the ability to stockpile soils outside wetland boundaries throughout project when possible. [25 Pa. Code §105.13(e)]
24. DEP suggests the addition of the following note: If a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation of a wetland, a knowledgeable wetlands scientist on the Environmental Inspection Team shall oversee backfilling of the trench and installation of trench plugs, in order to maintain wetland hydrology. [25 Pa. Code § 105.13(e)]
25. Please show the location of trench plugs. The proposed replacement of the pipeline through the wetland appears to be greater than 100 feet. The Department recommends that wetland crossings greater than 100' should have a trench plug every 100'. Please add the appropriate number of trench plugs. Additionally, note 3 within the Figure EC-10 (pg. 80) states, "do not install trench breakers within a wetland;" please revise for consistency. [25 Pa. Code § 105.21(a)(1)]
26. Please state source of water and method of disposal of water during hydrostatic testing. [25 Pa. Code §105.13(e)]
27. When necessary, geotextile fabric and matting should be placed between the stockpile soil and existing ground. Please add a note to the wetland crossing and restoration details and discuss within the Alternative Analysis minimization section. [25 Pa. Code §§ 105.21(a)(1), 105.13 (e)(1)(viii), and 105.17]

28. The Department encourages site restoration with native wetland and riparian specific seed mixes with a nurse crop. Consider revising seed mixtures in the E&S Plan. [25 Pa. Code §§105.13(e) and 105.21(a)(1)]
29. Drawing ES-0036 Note 7. States, "Do not use synthetic monofilament Mesh [...] in areas designated as sensitive wildlife habitat." Due to the presence of the Northern Red-Bellied Cooter, please consider using naturally decomposing fiber matting in lieu of bio-or photo-degradable plastic mesh erosion control blankets near sensitive wildlife habitat. [25 Pa. Code §§ 105.16(d) and 105.13(g)]
30. Trenchless Technology Inadvertent Return Preparedness, Prevention and Contingency (PPC) Plan should be prepared. At a minimum, the PPC Plan should include measures to prevent, control, or mitigate loss of circulation and notification procedures for these events. The PPC Plan must be maintained and available on-site and updated as needed. An example PPC Plan is provided on the Department's Trenchless Technologies Resource Page which can be found here:
<https://www.dep.pa.gov/About/Regional/RPCO/Pages/Trenchless.aspx>. [25 Pa. Code § 78a.68a.]
31. The DEP posted a second public comment period in the PA bulletin. Additional comments may be forthcoming based on any comments received from the public by December 24, 2023. [25 Pa. Code § 105.21(a)(1)]

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 February 10, 2024, or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before February 10, 2024 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 Michael Luciani at 570.826.2597 or mluciani@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: Sara Hayes (by email)
U.S. Army Corps of Engineers, Philadelphia District (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Chester County Conservation District (by email)
Montgomery County Conservation District (by email)
Southeast Regional ARD (by email)
Southeast Regional Waterways and Wetlands (by email)
Spring City Borough (by email)
Upper Providence Township (by email)