

February 28, 2024

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

Re: Technical Deficiency Notification #2
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 upload the entire updated permit package for file storage. In the previous submission some files, such as the EA, did not contain all the attachments from the first submission. [25 Pa. Code §§105.21(a)(1)]
2. In accordance with 25 Pa. Code § 78a.68a(i), when an IR or **loss of circulation** is discovered, the IR or loss of circulation should be immediately reported to the Department. Please revise documents accordingly. [25 Pa. Code § 78a.68a(i)]
3. The EA states, “The excavated trench will be backfilled, and clean fill added as needed to reach existing grade.” Please note, restored streams shall use a minimum of twelve (12) inches of native stream bed material and the size and type of clean fill should be identified. In the E&S, Plan please provide a cross section or detailed drawing of the proposed backfilled trench clearly depicting the types and depths of the substrate material. [25 Pa. Code §§105.21(a)(1)]
4. Please include notes in the E&S plans that include language from the PFBC letter including a) all dewatering activities of the Schuylkill River shall be conducted under the supervision of a

Northern Red-bellied Cooter qualified biologist and b) herpetologist that is qualified/recognized to survey for the Northern Red-bellied Cooter should be on-site to clear the area of turtles prior to fence installation and to insure that the fence is placed in appropriate habitat. [25 Pa. Code §§105.21(a)(1) and 105.24]

5. The Mitigation Plan indicates 0.15 acres will be replanted. Please indicate the acreage of wetland and riparian areas. [25 Pa. Code §§105.21(a)(1)]
6. On the Plan Drawings and Mitigation Plan please provide a table of the proposed planting plan. Please include size, type (bare root/container), and quantity of plantings. [25 Pa. Code §§105.21(a)(1)]
7. As mentioned in previous comment 18, please include corrective action plan to address noxious weeds at percentages higher onsite than outside disturbed areas. [25 Pa. Code §§105.20a(a), 105.21(a)(1), and 105.13(e)]
8. In the E&S Site Restoration Plan, only the riparian area has Erosion Control Blanket (ECB). Review whether the area around the wetland requires ECB. [25 Pa. Code § 105.13(g)]
9. In the Technical Deficiency Response Letter #23 and #27, Texas Eastern affirms geotextile fabric and timber mats will be used in wetlands for stockpiling. It is not clear in the Typical Wetland Construction detail in the E&S plan nor in the Figure WC-1 of the HHD plan sheets that mats will be placed under stockpiles. Please revise. Please also show the wetland will be matted on the Plan Sheets. [25 Pa. Code § 105.13(g)]
10. Previous comment 24 does not appear to have been placed on the E&S Plans. 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(g)]
11. In the E&S Narrative, please provide a narrative about removal of the Port-a-dam, should high flows be encountered. [25 Pa. Code § 105.13(g)]
12. In the E&S Plans, the sequence should include the evaluation of weather forecast and a sign-off by environmental inspector, foreman, and any other responsible individual prior to the start of the resource crossing. [25 Pa. Code § 105.13(g)]
13. Please include in the Sequence of Construction the installation and removal of the proposed Port-a-dam. This should include any steps needed for installation, dewatering, etc. Also, please show all proposed E&S BMPs required for installation of the Port-a-dam and removal of the existing natural gas pipeline. This should include all pumps, dewatering areas, filter bags, etc. [25 Pa. Code § 105.13(g)]
14. The Sequence of Construction should be very specific to the proposed construction activities. Please revise the Sequence of Construction to be site specific in relation to the scheduling of

earth moving activities on the Erosion and Sediment Control Plans. This includes direct installation, construction, stabilization and removal of BMPs in relation to the scheduling of earth disturbance activities. [25 Pa. Code § 105.13(g)]

15. In the E&S Plan, provide maintenance of the Port-a-dam. [25 Pa. Code § 105.13(g)]

16. Plan mapping notes a turbidity curtain, but details call for a Port-a-dam system, please consistently label the proposed BMPs to be used in the river crossing. [25 Pa. Code §102.11(a)(1)]

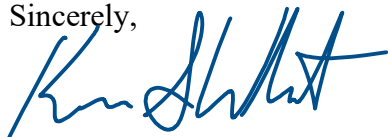
Pursuant to 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before April 28, 2024, or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before April 28, 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).

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)