

# West Whiteland Township

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Web Page: [www.westwhiteland.org](http://www.westwhiteland.org)

February 9, 2016

Ms Ailene Batoon  
Tetra Tech, Inc.  
285 Ellicott St.  
Buffalo, NY 14203

In re: Sunoco Pipeline L.P., Pennsylvania Pipeline Project  
Review for consistency with local floodplain and stormwater management regulations

Dear Ms Batoon:

In response to your correspondence to this office dated November 18, 2015, please be advised as follows:

## STORMWATER CONSISTENCY:

West Whiteland Township has a Stormwater Management Ordinance, adopted as Township Ordinance 409 on December 11, 2013 pursuant to and consistent with the requirements of Pennsylvania Act 167, which now exists as Chapter 270 of our Code of Ordinances. Unfortunately, the information you provided with your request was not sufficient for me to make a determination of compliance.

The mapping you provided with your request shows segments of "horizontal directional drill," which I assume indicates sub-surface activity and would not be subject to regulation by our Stormwater Management Ordinance. However, it is not clear whether the other segments will require excavation or other surface disturbance. As provided for in §270-6.B of the Stormwater Management Ordinance, this project will be exempt from the Ordinance requirements if no area of proposed earth disturbance exceeds 5,000 square feet. Please provide information showing the proposed limits of disturbance as well as the size of each such area so that we may make a determination of whether this project is exempt.

Please note that even if we should determine that this project is exempt, §270-6.B also states that "exemption shall not relieve the Applicant from implementing such measures as are necessary to protect health, safety, and welfare, property, and water quality." If this project will involve *any* earth disturbance (as that term is defined in §270-14), we will also need to review the measures you are proposing in response to §270-6.B.

We conclude that we require more information in order to make a determination as to the consistency of the above-referenced project with the Township Stormwater Management Ordinance.

**FLOODPLAIN CONSISTENCY:**

The West Whiteland Township floodplain regulations are fully consistent with those required by the Federal Emergency Management Agency in order for our residents and property owners to participate in the National Flood Insurance Program. These regulations are found in Article XIII of our Zoning Ordinance. As shown on the mapping you provided, the proposed pipeline(s) will cross both floodways and floodplains associated with Lionville Run (see sheet 26) and Valley Creek (sheet 28).

Uses permitted in floodways and floodplain areas are listed in §325-62 of the Zoning Ordinance. Based upon our understanding that the Public Utility Commission has ruled that this project is a type of public utility, it is our determination that pipeline crossings are permitted by right pursuant to §325-62.B(1)(a)[6] and §325-62.C(1)(a) of the Zoning Ordinance as a type of "utility transmission line." We therefore conclude that the proposed activity for the above-referenced project is consistent with the FEMA floodplain management program effective in the Township. However, should it be determined at some time in the future that Sunoco Pipeline L.P. or this project is not a public utility, then we will need to revisit this conclusion.

I trust that this response addresses your request. Complete copies of all Township Ordinances, including those referenced above, are available on-line as a link from the Township website at [www.westwhiteland.org](http://www.westwhiteland.org). Please contact me if you have further questions regarding this matter.

Regards,



John R. Weller, AICP  
Director of Planning & Zoning / Zoning Officer  
West Whiteland Township

cc: Township Manager  
Township Solicitor