



February 08, 2018

PA DEP Southcentral Regional Office
Dam Safety, Waterways & Wetland Section
909 Elmerton Avenue
Harrisburg, PA 17110

Attention: Mr. Edward J. Muzic – Civil Engineer Manager, Hydraulic

**RE: Notification of Elevated Review
Birdsboro Power Plant Project
Permit Application No. E06-716
Birdsboro Borough and Roberson Township, Berks County**

Birdsboro Power, LLC has reviewed the Department's Notification of Elevated Review memo dated January 30, 2018. We offer the following responses and clarifications for consideration.

1. *Technical Deficiency #12 from DEP's Technical Deficiency Letter dated October 27, 2017 has not been adequately addressed. **The Project Description includes a table (Table 1). Information in the table regarding stream impacts for the RAWA water line conflicts with information contained in the RAWA application, DEP No. E06-718 and associated GP-5 applications. Revise the table to accurately capture the proposed impacts.***

The impacts were not accurately reported. Use the numbers provided in the Aquatic Resource Impact Table, instead of the PASPGP Screening Form to revise Table 1.

Response (see Requirement J, Page 302): Table 1 within the Project Description has been revised to report accurate impact numbers for the RAWA application, E06-718.

Additional Comments based on the new and revised information provided:

1. *Revise the application to identify and address how the proposed water obstructions and encroachments, related to this application, will identify, control, and prevent the spread of contamination at the Armorcast facility. Include plans and process for containment, remediation, disposal, and clean -up standards to be utilized and a description of all remedial activities for contaminants encountered that have been conducted to date. [25 Pa. Code §105.14(b)(4), 105.15(c), 105.13(e)(1)(x)]*

Additionally, revise the cumulative impacts discussion for the overall project in Enclosure D of the EA, in this application. [25 Pa. Code §105.13(e)(1)(x), 105.14(b)(4), 105.14(b)(12), 105.14(b)(14), 105.15(c), 105.18a(b)]

Response (see Requirement H, page 295a; and Requirement L, pages 531-533): A Construction Monitoring and Waste Management Plan is provided as part of the revised application. This plan will be implemented during construction to identify, control, and prevent the spread of contamination at the Armorcast facility. Additionally, Section B(6) and the cumulative impacts section of Enclosure D of the EA Form have been revised to include a discussion of environmental impacts associated with potential spread of on-site contamination.

2. *Provide a letter from Robeson Township commenting on and/or proof of consistency with Robeson Township for the floodplain management analysis submitted November 6, 2017 to Kraft Engineering, if you did not receive any letter from Robeson Township in response the floodplain management analysis that you submitted, please state that in your response and provide a copy of Robeson Township's Floodplain Management Ordinance. [25 Pa. Code §105.13(e)(1)(vi), 105.14(b)(9)]*

Response (see Requirement N, page 733; and Requirement O, page 815): A revised H&H Report for the substation has been included. A response from Robeson Township (Kraft Engineering) regarding consistency with Robeson Township's Floodplain Management Ordinance has been included in the revised application.

3. *Enclosure D (A) (9) states the proposed ring bus station will occupy approximately 5.9 acres of former prime farmland. Provide a brief discussion of the project impacts on prime farmland. [25 Pa. Code §105.14(b)(5)]*

Response (see Requirement L, page 522): Enclosure D(A)(9) has been revised to include a more detailed discussion of prime farmland impacts resulting from the project.

4. *The January 10, 2017 Erosion & Sedimentation Control Plan for Birdsboro outfall Project includes information on Outfall #1, which contradicts other portions of the December 8, 2017 submissions, which has removed Outfall #1. [25 Pa. Code §105.21 (a)(1)]*

Response (see Requirement M, pages 598-653): The "Skelly and Loy Additional LOD" associated with Outfall #1 was removed from E&S Plan completed by Dawood and dated January 12, 2017 (see Sheets B100 and B101). No work is proposed for Outfall #1 and all references have been removed from the application package by blocking text and graphics with opaque white text boxes.

5. *Provide clarification whether a wetland presence/absence determination was conducted for the proposed ring bus station. Provide documentation and supporting evidence for the determination.*

Response (see Requirement L, pages 335a and 335b): The Wetland and Stream Delineation Report was addended with a detailed procedure explaining the wetland delineation approach at the site of the proposed ring bus station. No wetlands were identified within the proposed footprint of the ring bus station.

Other General Comments:

1. *The application states that no clearing or grubbing will take place within 50-feet of top of bank of any stream. However, the application plan sheets show protective fencing less than 50- feet away from the streambank, Erosion & Sedimentation Control Plan Sheet B102, dated January 12, 2017 revised December 4, 2017 is an example. Since the application states that no clearing and grubbing will take place within 50-feet of the top of bank, the Department will ensure protection to that standard, however we request that you revise the drawings for consistency in order to show the correct location of the fencing.*

Response (see Requirement L, pages 523 and 533-534; Requirement M, pages 574-596): The E&S Plan, dated January 12, 2017, has been revised to show exclusion fencing 50-feet from most top-of-banks. Callouts that state hand clearing is required and no grubbing is permitted within 50' of stream banks have been added to the plan sets in areas where fence installation is impractical. Additional callouts have been added at these locations and keyed to an annotation table on Page B100 to explain the reason why fence placement is impractical (see page 575). Sections B(3) and the "Waters of the Commonwealth" section under Section D of the EA Form have been revised to clarify that no "mechanized" clearing will occur within 50' of any tops-of-bank.

Additionally, Part 1-Resource Identification, Question 4, of Enclosure A of the EA Form (see Requirement L, page 317) was revised to answer "yes," since the segment of Hay Creek within the project corridor is now designated as a wild trout stream per PFBC.

If you have any questions or comments, please contact me by phone at (717) 732-8576 or by email at krucker@dawood.cc

Sincerely
Dawood Engineering, Inc.

Kevin Rucker
Environmental Permitting Manager