



July 16, 2020

Christopher Smith, P.E.
Chief, Construction Permits Section
Waterways and Wetlands
PADEP Southeast Region
2 East Main Street
Norristown, PA 19401

RE: Incompleteness Review Letter- Adelphia Gateway Project- Tilghman Lateral- Phase 2B
Erosion and Sediment Control General Permit (ESCGP)
Permit Application No. ESG 01 00 19 001
JMT Job No. 18-00672-001

Dear Mr. Smith:

Johnson, Mirmiran & Thompson (JMT) is pleased to submit the Comment Resolution Summary letter in response to the Incompleteness Review Letter – Erosion and Sediment Control General Permit (ESCGP) for Adelphia Gateway Project – Phase 2B, dated July 2, 2020.

The re-submitted ESCGP permit includes the following documents. Please note the documents in bold text were updated per comments in the Incompleteness Review Letter.

- **Notice of Intent for ESCGP-3 for Adelphia Gateway Project- Tilghman Lateral Phase 2B, signed and notarized, with completed Checklist**
- **Adelphia Gateway Project, Tilghman Lateral- Phase 2B, PCSM and E&SC Plans dated 7/15/20 (42 sheets)**
- Erosion and Sediment Control Report, Adelphia Gateway Project- Tilghman Lateral Phase 2B, dated June 2020
- Post Construction Stormwater Report, Adelphia Gateway Project- Tilghman Lateral Phase 2B, dated June 2020
- **Act 14 Notification Letters with Proof of Receipt for Delaware County, Lower Chichester Township, Borough of Trainer and City of Chester, dated 6/11/20**
- Pennsylvania Natural Diversity Inventory Receipt dated 4/4/20 and associated clearance letters
- HDD Design and Constructability Review Report dated 8/26/19 prepared by Laney
 - Included to address Condition 4B for the Water Quality Certification
- Inadvertent Release Contingency Plan dated 5/2020 prepared by NV5
 - Included to address Condition 4B for the Water Quality Certification
- NV5 Letter to SHPO dated December 28, 2017
- SHPO Letter to NV5 dated January 11, 2018
- Response to the PHMC's January 11, 2018 Information Request dated August 17, 2018
- SHPO Letter to NV5 dated September 14, 2018
- Phase 1 Archaeology Survey dated June 2019
- PHMC Response Letter to Phase 1 Archaeological Survey for Tilghman Lateral dated July 2019.
- Preparedness, Prevention, and Contingency Plan dated May 2020 prepared by NV5
 - Included to address Condition 4B for the Water Quality Certification
- Supplemental Wetland and Waterbody Identification and Delineation Report for Adelphia Gateway Project – Tilghman Lateral, dated May 2020 prepared by NV5
- **Adelphia Gateway Project - Master Plan dated 6/19/20**

- **Notice of Intent for ESCGP-3 for Adelpia Gateway Project- Phase 1 from original submission to PADEP on March 25, 2019, Page 4**
- **Scanned check for \$1,900 dated March 14, 2019**
- **Scanned check for \$1,000 dated March 21, 2019**

Please note that this resubmission includes the improvements to PECO meter station which is the termination point of the Tilghman lateral. The majority of the site will be restored to its existing gravel condition except for the 2 buildings (260 SF) located onsite. These areas are to be managed for stormwater, the application, plans, and reports have been updated accordingly.

Items for Resubmittal or Submission of Additional Information:

1. **PADEP Comment (7/2/20):** In the ESCGP-3 application, Part 2 of Section I “Antidegradation Analysis” was not completed for E&S. For the portions of the project site that drain or discharge to a receiving water that is impaired for siltation, ABACT BMPs for E&S should be employed and marked in Part 2 of Section I accordingly. [Application]

JMT Response (7/17/20): Part 2 of Section I Antidegradation Analysis was completed for Marcus Hook Creek. Marcus Hook Creek is the only siltation-impaired waters within the project limit. ABACT BMPs for E&S are shown on the plans and marked in Part 2 of Section I.
2. **PADEP Comment (7/2/20):** On each E&S and Site Restoration plan drawing, please identify the name of the receiving stream, the designated and existing use under Chapter 93 of the receiving stream, the status of the receiving stream as siltation-impaired water, and the direction and distance to the receiving stream from the drawing sheet limits. [102.4(b)(5), 102.8(f)]

JMT Response (7/17/20): Notes 1 and 2 on SR-8 to SR-34 have been updated to clarify that Delaware River and Stoney Creek are not siltation-impaired waters. The direction and distance to the receiving stream from the drawing sheet limits are shown on each sheet.
3. **PADEP Comment (7/2/20):** In the ESCGP-3 application checklist for Phase 2B, the applicant noted N/A for the filing fee. It is assumed from this response that the filing fees were paid for the entire project and submitted with the initial phase. Please provide proof of total disturbed acres for this phased project and the amount of fee already provided to be part of the Phase 2B package. [Application Checklist]

JMT Response (7/17/20): A copy of the original NOI (Page 4) dated March 25, 2019 is included in this submission. The original NOI indicates a fee of \$2,900. Two scanned checks for \$1,000 and \$1,900 are included in this submission to indicate the fee amount already provided.
4. **PADEP Comment (7/2/20):** Please provide proof of delivery of the Act 14 notification from a commercial carrier, e.g. please provide the USPS tracking report that the Act 14 notification sent via certified mail was delivered for Phase 2B to all municipalities and Delaware County. [Application Checklist]

JMT Response (7/17/20): Act 14 notifications were sent to Lower Chichester Township, City of Chester, Borough of Trainer and Delaware County. Proof of receipts are included in the submission.
5. **PADEP Comment (7/2/20):** The response from PA State Historic Preservation Office does not include the City of Chester. It seems that portions of Phase 2B are located within the City of Chester. Please address. [Application Checklist]

JMT Response (7/17/20): On behalf of Adelpia, NV5 first consulted with the PA SHPO on the Tilghman Lateral on December 28, 2017. The Lateral is partially located in the City of Chester (and the only Project component located in City of Chester); therefore, this consultation request and subsequent

correspondence took into consideration the potential for impacts to sensitive archaeological and architectural resources in this City.

In its December 28, 2017 letter, NV5 provided Project maps, including the portion of the Tilghman Lateral that crosses the City of Chester; and a summary of file searches conducted to identify previous cultural resource surveys and reports done in the area, historic sites within the area of potential effects, and known archaeological sites within a 0.5-mile radius of the Project area. Based on its findings, NV5 stated that the entire Tilghman Lateral was not considered sensitive for historic-period archaeological resources and that no impacts to aboveground historic resources are anticipated due to the Lateral. NV5 did identify some areas along the Lateral, including one at approximate milepost 3.7 in/near the City of Chester, that were potentially sensitive for prehistoric archaeological resources and recommended additional field survey and analysis of utility records and historic maps to document the extent of previous disturbance of these areas.

The PA SHPO responded on January 11, 2018 agreeing with NV5's findings of no impacts to aboveground resources for the Tilghman Lateral and with its recommendation for additional field survey and data analysis along certain areas of the Tilghman Lateral, including the one at milepost 3.7. In addition, the SHPO stated that if extensive previous disturbance could be documented in these areas, Phase I archaeological testing should be conducted.

NV5 assessed the aforementioned locations for prehistoric archeological resources along with an additional area in the City of Chester at approximate milepost 4.4, and provided the results of its assessments in a submittal to the PA SHPO on August 17, 2018. In this submittal, NV5 did not recommend Phase I archaeological testing be performed for the areas in/near the City of Chester, because they were not considered to have remaining archaeological potential. The PA SHPO responded on September 14, 2018 agreeing with NV5's recommendation that no more archaeological testing was needed for the areas along the Tilghman Lateral in the City of Chester.

Copies of the December 28, 2017; January 11, 2018; August 17, 2018 and September 14, 2018 correspondences are attached for your review.

6. **PADEP Comment (7/2/20):** Please provide a copy of the Master Plan for all phases - Phases 1, 2A, and 2B to be part of the Phase 2B package. [Application Checklist for Phased Projects]

JMT Response (7/17/20): *A master plan is provided to show Phases 1, 2A and 2B.*

If you have any questions or need further information, please do not hesitate to contact me at 610-496-4780 or smathew@jmt.com.

Very truly yours,

JOHNSON, MIRMIRAN & THOMPSON, INC.



Shiny M. Mathew, P.E.
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