

# Exhibit A-136

---

**From:** Himes, William  
**Sent:** Friday, January 20, 2017 12:56 PM  
**To:** Rocco, Domenic; Holesh, Gregory; Crawford, Nathan  
**Cc:** Smith, Christopher; Graham, Rita; McClelland, Timothy; Smith, Christopher; Williamson, Scott; Roda, Ann; Atkinson, Aneca; Furjanic, Sean  
**Subject:** Draft Technical Deficiency Letters for Sunoco- Mariner East II RE-submission Dec 2016  
**Attachments:** SERO ESG0500015001 Tech Def Letter II 1-20-2017.doc; SWRO ESG0500015001 Tech Def Letter II 1-20-2017.doc

Attached are the draft letters in response to Tetra Techs resubmission of the Sunoco – Mariner East II – Pa Pipeline project, resubmitted Dec 2016.

SERO and SWRO letters are attached and the SCRO letter will follow later.

William D. Himes, P.E. | Senior Civil Engineer, General  
Department of Environmental Protection | Bureau of Clean Water  
3001 Fairway Drive | Altoona, PA 16602-4493  
814.946.7325 | Fax 814.949.7938  
[whimes@pa.gov](mailto:whimes@pa.gov)  
[www.dep.pa.gov](http://www.dep.pa.gov)

(DATE)

Matthew Gordon  
Sunoco Logistics, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Technical Deficiency Letter – Erosion and Sediment Control General Permit(ESCGP)  
Pennsylvania Pipeline Project (aka Mariner East II)  
DEP File No. ESG0500015001  
East Goshen, East Nantmeal, East Whiteland, Upper Ulwchlan, Ulwchan, Wallace, West Goshen, West Nantmeal, Westtown, West Whiteland Townships and Elverson Borough, Chester County  
Aston, Chester, Edgmont, Middletown, Thornbury, and Upper Chichester Townships, and Brookhaven Borough, Delaware County

Dear Mr. Gordon:

The Department of Environmental Protection (DEP) and the following County Conservation Districts; Chester and Delaware, have reviewed the above referenced application and have identified the following technical deficiencies. The Pennsylvania Erosion and Sediment Pollution Control Program Manual (E&S Manual) and the Pennsylvania Stormwater Best Management Practices Manual (PCSM Manual) include 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 preferred means of satisfying the applicable regulatory requirements.

The technical deficiencies have been assembled from the County Conservation Districts and DEP staff. General technical deficiencies are identified that appear to be a re-occurring technical deficiency throughout the plan narratives and drawings. Specific examples of the general deficiencies are provided for reference; however, all of the specific instances may not have been identified. Sunoco Logistics, L.P. and their consultant team should review the entire project submittal to ensure any and all specific deficiencies and general technical deficiencies are addressed from a comprehensive/entire permit application standpoint.

Please note that pursuant to 25 Pa. Code § 102.6(c), this information must be received within 60 calendar days by (DATE) or DEP may consider the application withdrawn.

The following deficiencies are broken out for general and by county. Even though a deficiency may not be identified by all counties, it is the Applicant's responsibility to ensure that the deficiency is addressed for the entire permit application.

**General Comments consistent with all Counties**

The diversion berm needs to have all necessary calculations presented for it. Also the diversion berms need to have a stable flow path from the end of the diversion berm to a surface water or some type of BMP to disperse the flow to a sheet flow condition. Using stacked sock for diversion may not be appropriate. Specification for the growing media should be given in Table similar to table 4.2 Compost standards.

**Chester County Comments**

1. Comment 1- The designer indicates Compost sock is indicated but the contractor can use the silt fence in Non Specially Protected Watersheds and provided a table for the contractor to use for slope lengths and silt fence requirements. It is not the contractors job or responsibility to design the E&S Controls and the designer should either properly propose silt fence at appropriate locations and update the legend accordingly or remove the silt fence details and associated notes. [25 Pa. Code §§ 102.11(a)(1)]
2. Comment 6- The response referred to sheet ES-0.04. The information requesting addressing IR could not be found on this page or surrounding pages, please specifically note where the information can be found if added, in not added, please add to the plans. [25 Pa. Code §§ 102.11(a)(1)]
3. Comment 7- The note provided in TetraTech's response could not be found. It is still observed that the site restoration plans do not fully and specifically address site restoration throughout the entire Right of Way. [25 Pa. Code §§ 102.11(a)(1) and (2)]
4. Comment 10- Water bar discharge to a sump area and then compost sock was not provided. [25 Pa. Code §§ 102.11(a)(1)]
5. Comment 16- Not fully addressed. Compost sock slope lengths are exceeded through-out the project. For an example please see station 14518+00. 12" sock in this location has a 600' + slope length. These perimeter controls will quickly fail in a storm event. Please reevaluate all perimeter controls. In a lot of cases the maximum size sock may be required in addition to other BMPs such as diversions, immediate stabilization measures etc. [25 Pa. Code §§ 102.11(a)(1)]
6. Comments 17 & 18- Not addressed. The CCCD requests the use of a minimum of 24" filter sock adjacent to streams and wetlands per 102.4(C). Additionally steep slopes down to water way crossings are not being adequately protected. Please address. [25 Pa. Code §§ 102.11(a)(1) & 102.4(c)]
7. Comments 19 & 20- Not addressed. Specific stream crossing blow ups should be part of the full sized set of plans for use during construction. Each blow up should clearly illustrate the full E&S control layout. [25 Pa. Code §§ 102.11(a)(1)]

8. Comment 23- Compost sock not shown through wetland area WL-C49, check this area and rest of plans. [25 Pa. Code §§ 102.11(a)(1)]

9. Comments 26 & 27- Not fully addressed. The CCCD offers the following comment: The provided restoration plan that is coupled with the E&S Control Plan does not specifically or clearly cover full restoration requirements for the entire disturbance along the Right of Way. The CCCD recommends that each plan map sheet be updated with the required restoration standards for each section of pipeline disturbance. Existing lawn areas should be specified to be returned to lawn; cleared wooded areas should be restored to brushy meadow or similar within the ROW outside the ROW in Temporary Workspaces, re-wooded/ treed; Ag land restored to Ag Land, etc. All individual seed mixes and planting requirements should be included in the detail sheets of the plans and plan mapping can cross reference back to these mixes and plantings. Additionally the site restoration notes and details should clearly address de-compaction of the entire ROW to pre-construction levels and topsoil replacement in addition to the information already provided on the plans. [25 Pa. Code §§ 102.11(a)(1)& (2)]

New comment- There are areas throughout the plans where segments of filter sock don't adequately overlap which will allow of sediment laden flows to leave the Right of Way. Please go through the plans and fill these areas in with additional sock or extend the existing segments to fill in the gaps. For example see south side of temporary workspace located on sheet ES-6.51, north border of temporary workspace on sheets 6.56 & 6.57, along the Right of Way throughout the plan, please address. 102.11(a)(1)

New Comment-Please provide specific sequences of construction each block valve site in Chester County that includes the Critical Stage Inspections of the PCSM BMPs. 102.11(a)(1)&(2)

Delaware County

Twin Oaks Station (All comments relate to Chapter 102.11 (a)(1))

1. Silt barrier should be placed up and around the end wall and extend to edge of disturbance at cross culvert. [25 Pa. Code §§ 102.11(a)(1)]

2. Basin redesign – Why is the top of the riser higher than the emergency spillway?

3. Temporary stone filter – Horse shoe shaped berm for Basin outlet protection as opposed to compost filter sock. [25 Pa. Code §§ 102.11(a)(1)]
4. Previous Item #4 – Limit of disturbance still extends beyond the E&S Controls. [25 Pa. Code §§ 102.11(a)(1)]

#### Delaware County Technical Deficiencies

1. Previous Comment #1 – It is recommended that the design engineer use the worst case scenarios to specify the size of silt fence that can be substituted for what size compost filter sock in not special protection watersheds. [25 Pa. Code §§ 102.11(a)(1)]
2. Previous Comment #2 – I do not believe the arsenic issue has been adequately addressed.
  - i. Has the area been tested or previously blended to mitigate the area during the construction of the residential subdivision.
  - ii. Can excess material be hauled off site?
  - iii. Will the area be tested during final restoration?
3. Previous Comment 3B – Sta. 15232+00 – Sta. 15634+25 the Ephemeral Stream is totally within the disturbed area, The drainage area is not provided and has adequate E&S Control. [25 Pa. Code §§ 102.11(a)(1)]
4. Previous Comment # 6 – Arsenic issue similar to comment # II (b)
5. Previous Comment - #6B – Row Crops fields will not be considered to be undisturbed areas for discharging water bars and slope pipes. Also an issue off of Valley Road, Edgmont, Twp. [25 Pa. Code §§ 102.11(a)(1)]
6. New Comment – Design Detail on Sheet ES-0.11 of 60 – Design Detail on Sheet ES-0.09 of 60 for Temporary Slope Pile detail. No protection is shown at outlets of slope pipe. [25 Pa. Code §§ 102.11(a)(1)]
7. New Comment - Design detail on sheet ES-0.1 of 60 – Silt barrier not on contour and sectioning does not attempt to discharge treated water to undisturbed areas. This issue has been repeated on several of the stream crossing design details. [25 Pa. Code §§ 102.11(a)(1)]

## 8. New Comment – Temporary upslope Diversion Berms[25 Pa. Code §§ 102.11(a)(1)]

- iv. Calculations are required
- v. Velocity may exceed vegetation and will required additional stabilization measures. (ex-Sheet 6.14)
- vi. Compost filter sock should be impervious and not standard filter sock. This needs to be specified at design detail.
- vii. Temporary swales in HQ need to be designed for 2.25 c.f.s.

You may request a time extension, in writing, before (DATE) to respond to the deficiencies beyond the sixty (6) calendar days. Requests for time extension will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including the specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code § 102.6(c).

As stipulated in 25 Pa. Code § 102.6(c) of DEP's Chapter 102 rules and regulations (regarding complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before (DATE), or DEP will consider the application to be withdrawn by the applicant and no further action will be taken on the application. Fees are not refunded when an application is considered to be withdrawn.

Should you have any question regarding the identified deficiencies, please contact me at 484-250-5152, and refer to ESG050015001, to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60 calendar days allotted for your reply, unless otherwise extended by DEP.

Sincerely,

Christopher Smith, P.E.  
Chief, Construction Permits Section  
Waterways & Wetlands Program

cc: Tetrartech  
661 Anderson Drive  
Pittsburgh, PA 15220

Ed Magargee Delaware CCD  
Joe Sofranko – Chester CCD

Matt Gordon

<<PAGE>>

<<DATE>>

bcc:

**(CC ADDRESS)**

Elverson Borough  
West Nantmeal Township  
East Nantmeal Township  
Wallace Township  
Upper Uwchlan Township  
Uwchlan Township  
West Whiteland Township  
East Whiteland Township  
West Goshen Township  
East Goshen Township  
Westtown Township  
Thornbury Township  
Edgemont Township  
Middletown Township  
Aston Township  
Brookhaven Borough  
Chester Township  
Upper Chester Township

(DATE)

Matthew Gordon  
Sunoco Logistics, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Technical Deficiency Letter – Erosion and Sediment Control General Permit(ESCGP)  
Pennsylvania Pipeline Project (aka Mariner East II)  
DEP File No. ESG0500015001  
Allegheny County: Forward Twp. And Elizabeth Borough  
Cambria County: Cambria Twp., Cresson Boro., Jackson Twp., and Washington Twp.  
Indiana County: Burrell Twp., East Wheatfield Twp., and West Wheatfield Twp.  
Washington County: Chartiers Twp., North Strabane Twp., Nottingham Twp., and Union  
Twp.  
Westmoreland County: Delmont Boro., Derry Boro., Hempfield Twp., City of Jeanette,  
Loyalhanna Twp., Murrysville Boro., Penn Twp., Rostraver Twp., Salem Twp.,  
Sewickley Twp., and South Huntingdon Twp.

Dear Mr. Gordon:

The Department of Environmental Protection (DEP) and the following County Conservation Districts; Allegheny, Cambria, Indiana, Washington and Westmoreland, have reviewed the above referenced application and have identified the following technical deficiencies. The Pennsylvania Erosion and Sediment Pollution Control Program Manual (E&S Manual) and the Pennsylvania Stormwater Best Management Practices Manual (PCSM Manual) include 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 preferred means of satisfying the applicable regulatory requirements.

The technical deficiencies have been assembled from the County Conservation Districts and DEP staff. General technical deficiencies are identified that appear to be a re-occurring technical deficiency throughout the plan narratives and drawings. Specific examples of the general deficiencies are provided for reference; however, all of the specific instances may not have been identified. Sunoco Logistics, L.P. and their consultant team should review the entire project submittal to ensure any and all specific deficiencies and general technical deficiencies are addressed from a comprehensive/entire permit application standpoint.

Please note that pursuant to 25 Pa. Code § 102.6(c), this information must be received within 60 calendar days by (DATE) or DEP may consider the application withdrawn.

The following deficiencies are broken out for general and by county. Even though a deficiency may not be identified by all counties, it is the Applicant's responsibility to ensure that the deficiency is addressed for the entire permit application.

### **General Comments consistent with all Counties**

The diversion berm needs to have all necessary calculations presented for it. Also the diversion berms need to have a stable flow path from the end of the diversion berm to a surface water or some type of BMP to disperse the flow to a sheet flow condition. Using stacked sock for diversion may not be appropriate. Specification for the growing media should be given in Table similar to table 4.2 Compost standards.

#### **Allegheny County**

No Further Comments

#### **Cambria County**

No Further Comments

#### **Indiana County Comments**

1. Drawings S-N87-A and S-N87-B: Stream S-N87 is identified in two separate locations. Confirm the identity and location of each stream. 25 Pa. Code §102.4(b)(5)(vii).
2. Drawing SN87-B: Stream restoration areas are not appropriately labeled on the drawing or in the legend. 25 PA Code § 102.4 (b)(4).
3. Drawings S-0100-A and S-0100-B: Profile shows W-063 this does not match the wetlands identified at the same location on the Existing Conditions Plan or the Erosion and Sediment control Plan or the Restoration Plan. 25 PA Code § 102.4 (b)(5)(v).
4. Drawings WL-063-A and WL-063-B: Profile shows crossing for W-063 this does not match the wetland crossing identified at the same location on the Existing Conditions Plan or the Erosion and Sediment control Plan or the Restoration Plan. 25 PA Code § 102.4 (b)(5)(v).
5. Drawings WL-055-A and WL-055-B: Profile, Existing Conditions Plan , Erosion and Sediment control Plan and the Restoration Plan identifies S-078 as UNT to Conemaugh River (CWF.) ES-0.02 identifies S-078 as UNT to Findley Run-CWF-HQ. Provide accurate stream identification. 25 PA Code § 102.4 (b)(5)(v).
6. Drawings S-076-A and S-076-B: Existing Conditions Plan , Erosion and Sediment control Plan and the Restoration Plan identifies S-077 and S-076. The Profiles show SC-077 and SC-076. All are identified as UNTs to Conemaugh River (CWF). ES-0.02 identifies S-

076 and S-077 as UNTs to Findley Run-CWF-HQ. ES-0.02 does not identify SC-077 or SC076. Provide accurate stream identification. 25 PA Code § 102.4 (b)(5)(v).

7. Drawings WL-W135-A and WL-W135-B: Profile, Existing Conditions Plan , Erosion and Sediment control Plan and the Restoration Plan identifies wetland W-054. ES-0.02 does not identify this wetland. Provide accurate stream identification. 25 PA Code § 102.4 (b)(5)(v).

### **Washington County**

No Further Comments

### **Westmoreland County Comments**

E&S for Spread 1&2

1. Erosion control blanket has not been shown to extend 100' from the disturbance when working within a crossing of a HQ water as directed on page 273 of the Pa E&S manual. Examples include Spread 2 ES-0.16, Spread 2 ES-2.09, and Spread 2 ES-2.12

E&S Comments for Delmont Station

2. Channels, rip-rap aprons, inlets and outlets should be labeled/numbered so they can be referenced during review and inspection.
3. What drains to the manhole atop the proposed pad in quadrant D9? Is there an underground storage facility or is there possibly a yard drain here?
4. Outletting the rip-rap apron at the existing pads fill slope edge is likely to cause erosion, please revise.

You may request a time extension, in writing, before (DATE) to respond to the deficiencies beyond the sixty (6) calendar days. Requests for time extension will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including the specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code § 102.6(c).

As stipulated in 25 Pa. Code § 102.6(c) of DEP's Chapter 102 rules and regulations (regarding complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before (DATE), or DEP will consider the application to be withdrawn by the applicant and no further action will be taken on the application. Fees are not refunded when an application is considered to be withdrawn.

If you have questions about your application, please contact Mr. Tim McClelland at 412.442.4305 and refer to ESG0500015001 to discuss your concerns or to schedule a meeting.

Please be advised that the meeting must be scheduled within the 60-day period allotted for your reply, and a complete set of responses must be received within the 60-day period even if a meeting is requested.

Sincerely,

Gregory W. Holesh, P.E.  
Environmental Group Manager  
Permitting & Technical Services  
Waterways & Wetlands Program

Enclosure

cc:     Tetratech  
          661 Anderson Drive  
          Pittsburgh, PA 15220

Allegheny County Conservation District  
Cambria County Conservation District  
Indiana County Conservation District  
Washington County Conservation District  
Westmoreland County Conservation District

Matt Gordon

<<PAGE>>

<<DATE>>

# Exhibit A-137