



Township Council of Lower Saucon Township

CP15-558

February 18, 2016

ORIGINAL

Officials:
 Ron Horisny, President
 Sandra Yerger, Vice President
 Priscilla deLeon
 Glenn Kern
 Donna Louder

Sarah Binckley
 AECOM
 625 West Ridge Pike, Suite E-100
 Conshohocken, PA 19428

Re: Request for Land Use Response
 PennEast Pipeline Project Municipal Notification
 Lower Saucon Township in Northampton County, PA

FILED
 SECRETARY OF THE
 COMMISSION
 2016 MAR -1 P 2:39
 FEDERAL ENERGY
 REGULATORY COMMISSION

Dear Ms. Binckley:

Lower Saucon Township is in receipt of your letter dated February 1, 2016 regarding the above referenced subject. The letter was written to address the requirements of Acts 14, 16, 68 & 127 and the Pennsylvania Municipalities Planning Code for the PennEast Pipeline Project seeking Township action in the form of executing the Land Use Response Form and returning it to your office. In summary, your letter notified the Township of their intent to submit an application for coverage under the Erosion and Sediment Control General Permit (ESCGP-2) for Earth Disturbance Associated with Oil & Gas Exploration, Production, Processing or Treatment Operations Facilities and a Chapter 105 Water Obstruction and Encroachment Permit from Pennsylvania Department of Environmental Protection (PADEP) to construct pipeline of various diameter, launchers and interconnect facilities within the Township.

The letter also provides general information about the proposed project and requests that the Township execute the Land Use Response form which was attached to the letter within 30 days of receipt. The Township received the letter on February 4, 2016 and as such the Township's response deadline to your office is March 5, 2016.

The Township Zoning Officer, Christopher Garges, has reviewed the General Information Form and accompanying USGS maps and has executed the form which is attached to this letter. Mr. Garges' response indicates that the proposed project **does not** meet the provisions of the local zoning ordinance and **has not** received zoning approval. In general, the Township does not have enough information to confirm the projects compliance with our municipal zoning provisions.

More specifically, Mr. Garges and Township representatives have reviewed the letter and at this time offer the following comments for your consideration:

- Comments regarding the General Information Form (GIF) – Authorization Application (Items shown in *italics* and comments shown in regular text):
 - Land Use Information:
 - Item #4: *Does the proposed project meet the provisions of the zoning ordinance or does the proposed project have zoning approval? (marked "Yes")*. The proposed project does **not** meet the provisions of the zoning ordinance and does **not** have zoning approval.

o Coordination Information:

- Item #3.0 *Will your project, activity, or authorization have anything to do with a well related to oil or gas production, have construction with 200 feet of, affect an oil or gas well, involve the waste from such a well, or string power lines above an oil or gas well? (marked "No").* Undetermined. An application and/or plans detailing the project area have not been submitted.
- Item #4.0 *Will the project involve a construction activity that results in earth disturbance? (marked "Yes").* Approval has not been granted. To date the Township has not received an application for applicable approval(s) or detailed plans to determine compliance.
- Item #5.1 *Water and Obstruction and Encroachment Projects –Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a watercourse, floodway or body of water? (marked "Yes").* Approval has not been granted. Applicant must demonstrate compliance with ZO Section 180-95 Environmental Protection Standards. To date the Township has not received an application for applicable approval(s) or detailed plans to determine compliance.
- Item #5.2 *Wetland Impacts –Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a wetland? (marked "Yes").* Approval has not been granted. Applicant must demonstrate compliance with ZO Section 180-95 Environmental Protection Standards. To date the Township has not received an application for applicable approval(s) or detailed plans to determine compliance.
- Item #5.3 *Floodplain Projects by the commonwealth, a Political Subdivision of the commonwealth or a Public Utility –Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a floodplain? (marked "No")* Undetermined. An application and/or plans detailing the project area have not been submitted.
- Item #6.0 *Will the project involve discharge of stormwater or wastewater from an industrial activity to a dry swale, surface water, ground water or an existing sanitary sewer system or separate storm water system? (marked "Yes").* An application and/or plans detailing the project area have not been submitted. Approval is required.
- Item #9.0 *Will the project involve the subdivision of land, or the generation of 800 gpd or more of sewage on an existing parcel of land or the generation of an additional 400 gpd of sewage on an already-developed parcel, or the generation of 800 gpd or more of industrial wastewater that would be discharged to an existing sanitary sewer system? (marked "Yes" and noted "Subdivision of Land").* An application and/or plans detailing the project area have not been submitted. Approval is required.
- Item #11 *Does the project involve construction, modification or removal of a dam? (marked "No").* Undetermined. An application and/or plans detailing the project area have not been submitted.
- Item #12.0 *Will the project interfere with the flow from, or otherwise impact, a dam? (marked "No").* Undetermined. An application and/or plans detailing the project area have not been submitted.
- Item #13.0 *Will the project involve operations (excluding during construction period) that produce air emissions (i.e., NOX, VOC, etc.)? (marked "Yes")* An application and/or plans detailing the project have not been submitted. Approval is required.
- Item #14.0 *Does the project include the construction or modification of a drinking water supply to serve 15 or more connections or 25 or more people, at least 60 days out of the year? (marked "No").* Undetermined. An application and/or plans detailing the project area have not been submitted.

Ms. Sarah Binckley

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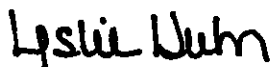
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- Item #15.0 *Will your project include infiltration of storm water or waste water to ground water within one-half mile of a public water supply well, spring or infiltration gallery? (marked "No")*. Undetermined. An application and/or plans detailing the project area have not been submitted.
 - The project also includes the construction of several aboveground facilities to support the pipeline system.
 - An application and/or plans detailing the project area have not been submitted. Applicant shall demonstrate compliance with the zoning ordinance (Chapter 180 of the Township Code) as well as the subdivision and land development ordinance (Chapter 145 of the Township Code), the earth disturbance ordinance (Chapter 77 of the Township Code) and the stormwater management ordinance (Chapter 137 of the Township Code), including but not limited to, the following:
 - Subdivision of land (as referenced in the General Information Form)
 - Impervious surface coverage
 - Building/structure height
 - Setbacks
 - Stormwater management structures

As mentioned above, as requested I have enclosed a copy of the executed Land Use Response. At this time the Township has responded that the project is not consistent with municipal zoning provisions. As such Lower Saucon Township would request that additional information as outlined above be provided to the Township for review. The Township also respectfully requests an extension to the March 5, 2016 comment deadline so it may have the ability to review the project in the detail necessary to determine compliance with the provisions of the Township's zoning ordinance as you requested.

Should you have questions or comments about this letter, please contact me at 610-865-3291.

Sincerely,



Leslie Huhn
Township Manager

Enclosure: Land Use Response

cc: Council
 B. Lincoln Treadwell, Township Solicitor
 C. E. Elliott, Environmental Counsel
 Senator Lisa Boscola
 Representative Robert Freeman
 Representative Justin Simmons
 Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426
 Pennsylvania Department of Environmental Protection, Northeast Regional Office, 2 Public Square,
 Wilkes-Barre, PA 18701-1915



Date: FEBRUARY 12, 2016

To: Pennsylvania Department of Environmental Protection, Northeast Regional Office

From: The Municipality of Lower Saucon Township

Re: PennEast Pipeline

The Municipality of Lower Saucon Township states that it:

has adopted a county or multi-county comprehensive plan. Date of adoption: _____

has not adopted a county or multi-county comprehensive plan.

If applicable:

The above referenced project:

is consistent with the adopted county or multi-county comprehensive plan.

is not consistent with the adopted county or multi-county comprehensive plan.

The Municipality of Lower Saucon Township states that it:

has adopted county-wide zoning ordinance, municipal zoning ordinance or joint municipal zoning ordinance. Date of adoption: NOVEMBER 1963

has not adopted county-wide zoning ordinance, municipal zoning ordinance or joint municipal zoning ordinance.

If applicable:

The Municipality of Lower Saucon Township states that its zoning ordinance is generally consistent with municipal comprehensive plans and the county comprehensive plan. YES

The above referenced proposed project

meets the provisions of the local zoning ordinance DOES NOT

If zoning approval is required for the project to proceed, the above referenced project:

has received zoning approval.

has not received zoning approval.



Additional Comments (attach additional sheets if necessary):

PLEASE SEE ACCOMPANYING LETTER DETAILING
DEFICIENCIES

Submitted By:

Name:	CHRISTOPHER GARGES
Title:	ZONING OFFICER
Contact Information (Address & Phone):	3700 OLD PALADISPHIA PK. BETHESDA PA 18015
Signature:	
Date:	2/12/16

Document Content(s)

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