These are documents that Delaware Riverkeeper Network received from our Open Public Records Act (OPRA) request on August 9, 2022 from the Delaware and Raritan Canal Commission.
**SUMMARY FOR STAFF REPORT**

**Existing Conditions:** Sunoco Pipeline L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey, and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

The project area, described as a 4.42-acre site, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District which extends 300 feet to either side of the mid-line of the canal.

On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to repair a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in
that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** The applicant, Sunoco Pipeline, L.P., is proposing to install an approximately 2,500 feet of pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline using Horizontal directional drill (HDD) installation techniques. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacobs Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and Route 29.

Going from PA into NJ in a west to east direction, the proposed HDD will cross under PA SR 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD will be installed from both the PA and NJ sides of the Delaware River. On the PA side, the HDD entry point will be within a private residential property. Two (2) 1250-foot HDD pipeline strings will be assembled and tested within the same private residential area and an additional residential/farm property. Access to the PA residential and residential farm property will be off Oakdale Avenue.

On the NJ side, the HDD exit point will be on what if referred to as the Gristmill property (see Figure 4). Access to the Gristmill property will be through a residential property off Creek Rim Drive and the existing Gristmill driveway off Route 29. The contractor will travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment will use an additional access location through an existing private residence property located on Creek Rim Drive.

The proposed HDD will be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacobs Creek and the Delaware River. On the NJ side the HDD installation will be tied in on the Grist Mill property and on the PA side it will be tied in within Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie ins will be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline will be removed from Jacobs Creek and the remaining existing/abandoned pipeline will remain in place. Jacobs Creek will be dammed off using sand bags or a port-a dam to allow access into the stream and to the exposed pipe which will be cut and capped at this location. Access to the western end of the exposed pipe will along an existing Delaware Raritan Canal gravel tow path down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river.

As directed by NJDEP the scour hole under the existing pipe will not be filled. Upon removal of the existing pipeline, construction disturbance will be restored and no further
impacts to Jacobs creek are proposed. As directed by DEP, a tree clearing moratorium from April 1 to August 31 will be enacted in order to protect nesting birds. Also as directed by NJDEP, in-stream work will not take place between March 1 and June 30 in order to protect anadromous fish.

Access to the site will include via the D&R Canal State Park from Bernard Drive in Ewing Township north along the towpath to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property. The applicant states that the project will result in no new impervious surface and that the proposed disturbance is 4.42 acres.

**Stream Corridor:** Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A… of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.

Commission staff will require additional information in order to evaluate potential stream corridor impacts.

**Stormwater Impact:** Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in no new impervious surface. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, Definitions, which includes gravel surfaces, and confirm the amount of impervious surface resulting from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

**Recommendations:** Based upon a review of the submitted documentation, the following information should be provided prior to staff approval.

**Additional Information Required:**

1. Please submit a Delaware and Raritan Canal Commission Stream Corridor delineation map that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

2. Please provide specific details on any proposed disturbances within the defined Commission stream corridor areas. Please be reminded that any new intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area are strictly prohibited. The applicant must either remove the prohibited activities from within the stream corridor or provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor buffer regulations for any remaining disturbances.
with the corridor pursuant to N.J.A.C. 7:45-12. This should include a discussion of
the square footage of proposed intrusions including but not limited to the amount of
land disturbance, new impervious areas, landscaping and grading. The application
should outline any mitigation efforts that are proposed. For any conditional uses
sought in the stream corridor, the applicant must meet the standard of N.J.A.C. 7:45-
9.4(a).

3. The definition of impervious surface at N.J.A.C. 7:45-1.3 includes graveled surfaces.
Please confirm the amount of new impervious surface proposed for the project. Please
provide the amount of temporary impervious surface, including gravel, and an
estimated duration of its placement within the project site.

________________________________________        __________________
Joseph Ruggeri, P.E., CFM
Review Zone Officer

Date
ENGINEERING REPORT
Delaware & Raritan Canal Commission

DRCC File:  21-5265C

Project:  Sunoco Jacobs Creek Pipeline Replacement

Location:  Block 438, 427, 99.01, 437, 137; Lots 2, 1, 6, 9, 10, 3.01, 1, 1.01, 7
Hopewell & Ewing Townships, Mercer County

Engineer:  Christopher Antoni, P.E.
STV Energy Services

Date:  June 6, 2022

SUMMARY FOR STAFF REPORT

Existing Conditions:  Sunoco Pipeline L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL's Twin Oaks, Pennsylvania terminal to their Newark facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey, and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

The project area, described as a 4.42-acre site, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District which extends 300 feet to either side of the mid-line of the canal.

On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to repair a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in
that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** The applicant, Sunoco Pipeline, L.P., is proposing to install an approximately 2,500 feet of pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline using Horizontal directional drill (HDD) installation techniques. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacobs Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and Route 29.

Going from PA into NJ in a west to east direction, the proposed HDD will cross under PA SR 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD will be installed from both the PA and NJ sides of the Delaware River. On the PA side, the HDD entry point will be within a private residential property. Two (2) 1250-foot HDD pipeline strings will be assembled and tested within the same private residential area and an additional residential/farm property. Access to the PA residential and residential farm property will be off Oakdale Avenue.

On the NJ side, the HDD exit point will be on what if referred to as the Gristmill property (see Figure 4). Access to the Gristmill property will be through a residential property off Creek Rim Drive and the existing Gristmill driveway off Route 29. The contractor will travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment will use an additional access location through an existing private residence property located on Creek Rim Drive.

The proposed HDD will be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacobs Creek and the Delaware River. On the NJ side the HDD installation will be tied in on the Grist Mill property and on the PA side it will be tied in within Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie ins will be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline will be removed from Jacobs Creek and the remaining existing/abandoned pipeline will remain in place. Jacobs Creek will be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe which will be cut and capped at this location. Access to the western end of the exposed pipe will along an existing Delaware Raritan Canal gravel tow path down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river.

As directed by NJDEP the scour hole under the existing pipe will not be filled. Upon removal of the existing pipeline, construction disturbance will be restored and no further
impacts to Jacobs creek are proposed. As directed by DEP, a tree clearing moratorium from April 1 to August 31 will be enacted in order to protect nesting birds. Also as directed by NJDEP, in-stream work will not take place between March 1 and June 30 in order to protect anadromous fish.

Access to the site will include via the D&R Canal State Park from Bernard Drive in Ewing Township north along the towpath to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property. The applicant states that the project will result in no new impervious surface and that the proposed disturbance is 4.42 acres.

**Stream Corridor:** Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.

As Jacobs Creek drains to the Delaware and Raritan Canal State Park, the Commission defines “stream corridor” to mean Jacobs Creek, the 100-year floodplain associated with Jacobs Creek, and all of the land within a 100-foot buffer adjacent to the 100-year flood line associated with Jacobs Creek. The applicant has provided a Delaware and Raritan Canal Commission exhibit; however, the 100-year floodplain delineation line has not been illustrated or labelled on the exhibit.

The existing stream corridor is currently made up of a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. The applicant has also submitted a tree survey data for the proposed project.

The applicant is proposing intrusions within the Commission stream corridor area. Therefore, this project will be subjected to a stream corridor impact review as per N.J.A.C. 7:45-9.1(a). Impacts to the Commission stream corridor include land grading, which appears to be somewhat temporary in nature. Additional impacts will include the proposed installation and removal of existing pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline. A portion of this disturbance will be by using Horizontal directional drill (HDD) installation techniques and a portion will be trenched. Construction of new structures, regrading and removal of vegetation are all considered to be prohibited uses in accordance with N.J.A.C. 7:45-9.3(a).

The applicant has suggested that portions of the proposed disturbances within the stream corridor could be considered to be a conditional use. As per N.J.A.C. 7:45-9.4(a)7, underground utility transmission lines may be permitted, as a conditional use, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan. 14-inch diameter pipeline will be installed within the stream corridor to provide transport of petroleum from SXLs Twin Oaks, Pennsylvania terminal to their Newark facility. A portion of the pipeline installation will be directionally drilled to minimize disturbance of sensitive land. The proposed work will
take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, the pipe removal work will take place in accordance with these same measures.

Commission staff will require additional information in order to evaluate potential stream corridor impacts.

**Stormwater Impact:** Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in no new impervious surface. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, Definitions, which includes gravel surfaces, and confirm the amount of impervious surface resulting from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

**Recommendations:** Based upon a review of the submitted documentation, the following information should be provided prior to staff approval.

**Additional Information Required:**

1. A Delaware and Raritan Canal Commission Stream Corridor delineation map exhibit has been submitted by the applicant. However, the 100-year floodplain delineation line has not been illustrated or labelled on the exhibit. Please provide a stream corridor exhibit that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. The method of delineation for the 100-year floodplain should also be identified on the exhibit.

2. Please provide specific details on any proposed permanent or temporary disturbances within the defined Commission stream corridor area. Please be reminded that any intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area, including temporary disturbances are strictly prohibited. The applicant must either remove the prohibited activities from within the stream corridor or provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor buffer regulations for any remaining disturbances with the corridor pursuant to N.J.A.C. 7:45-12. This should include a detailed discussion and tables of the square footage of the existing conditions and the proposed permanent or temporary intrusions within the stream corridor including but not limited to the amount of land disturbance, new impervious areas, landscaping and grading. The amount of linear-feet and square-footage disturbance for the portion of Horizontal directional drill (HDD) installation and for the trenching should also be identified. The application should outline any mitigation efforts that are proposed, including details on the re-establishment of native vegetation and original land surface grades.
3. The definition of impervious surface at N.J.A.C. 7:45-1.3 includes graveled surfaces. Please confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site.

________________________________________
Joseph Ruggeri, P.E., CFM
Review Zone Officer

________________________________________
Date
SUMMARY FOR STAFF REPORT

Existing Conditions: Sunoco Pipeline L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum pipeline that transports product from SXLs Twin Oaks, Pennsylvania terminal to their Newark facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey, and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

The project area, described as a 4.42-acre site, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District which extends 300 feet to either side of the mid-line of the canal.

On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to repair a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in
that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** The applicant, Sunoco Pipeline, L.P., is proposing to install an approximately 2,500 feet of pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline using Horizontal directional drill (HDD) installation techniques. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacobs Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and Route 29.

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The proposed HDD will be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacobs Creek and the Delaware River. On the NJ side the HDD installation will be tied in on the Grist Mill property and on the PA side it will be tied in with in Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie ins will be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline will be removed from Jacobs Creek and the remaining existing/abandoned pipeline will remain in place. Jacobs Creek will be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe which will be cut and capped at this location. Access to the western end of the exposed pipe will along an existing Delaware Raritan Canal gravel tow path down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river.

As directed by NJDEP the scour hole under the existing pipe will not be filled. Upon removal of the existing pipeline, construction disturbance will be restored and no further
impacts to Jacobs creek are proposed. As directed by DEP, a tree clearing moratorium from April 1 to August 31 will be enacted in order to protect nesting birds. Also as directed by NJDEP, in-stream work will not take place between March 1 and June 30 in order to protect anadromous fish.

Access to the site will include via the D&R Canal State Park from Bernard Drive in Ewing Township north along the towpath to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property.

Based upon the submitted application, the total proposed area of impervious coverage onsite is estimated to be about 0.68-acres (29,426 square-feet). All of the proposed impervious surface consist of temporary gravel construction entrances and laydown areas that will be in place for the duration of construction which is estimated to be about four months. In addition, the proposed project shall result in a total area of land disturbance of about 4.42-acres.

**Stream Corridor:** Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.

As Jacobs Creek drains to the Delaware and Raritan Canal State Park, the Commission defines “stream corridor” to mean Jacobs Creek, the 100-year floodplain associated with Jacobs Creek, and all of the land within a 100-foot buffer adjacent to the 100-year flood line associated with Jacobs Creek. The applicant has provided a Delaware and Raritan Canal Commission exhibit. The 100-year floodplain delineation line has been obtained from the FEMA Flood Insurance Rate Map (FIRM) Number 34021CO113F, last revised July 20, 2016. Commission staff has determined that an appropriate stream corridor delineation has been submitted.

The existing stream corridor is currently made up of a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. The applicant has also submitted a tree survey data for the proposed project.

The applicant is proposing intrusions within the Commission stream corridor area. Therefore, this project will be subjected to a stream corridor impact review as per N.J.A.C. 7:45-9.1(a). Impacts to the Commission stream corridor include land grading, which appears to be somewhat temporary in nature. Additional impacts will include the proposed installation and removal of existing pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline. A portion of this disturbance will be by using Horizontal directional drill (HDD) installation techniques and a portion will be trenched. A total disturbance of 2.74-acres including existing easements (0.21-acres), proposed permanent easements (0.79-acres) and temporary workspace (1.74-acres) within the stream corridor. Construction of new structures, regrading and removal
of vegetation are all considered to be prohibited uses in accordance with N.J.A.C. 7:45-9.3(a).

The applicant has suggested that portions of the proposed disturbances within the stream corridor could be considered to be a conditional use. As per N.J.A.C. 7:45-9.4(a)7, underground utility transmission lines may be permitted, as a conditional use, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan. The 14-inch diameter pipeline will be installed within the stream corridor to provide transport of petroleum from SXLs Twin Oaks, Pennsylvania terminal to their Newark facility. A portion of the pipeline installation will be directionally drilled to minimize disturbance of sensitive land. Based on the submitted application, a 4-foot-wide trench excavation will be required for the installation of 14-inch pipe resulting in 1,580 square-feet of land disturbance within the stream corridor. The proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, the pipe removal work will take place in accordance with these same measures.

If a use is prohibited and not a conditional use, the proposed prohibited use must be removed from the project, or a waiver must be submitted. The applicant is requesting a waiver of the Commission stream corridor impact standards under N.J.A.C. 7:45-12(a)1 with justifications. Based on the nature of the proposed work, the applicant does not anticipate impacts to the stream corridor’s ability to function as a buffer for the water course’s ecological health and natural area. This determination is based on the following design criteria incorporated in the project design:

- The entirety of the proposed project area will be restored to original grade and restored utilizing native seed mixes upon completion of the pipeline installation.
- Tree removal within the Commission stream corridor has been reduced to the greatest extent possible limiting tree removal within the corridor to only areas needed along the proposed pipeline easement. Additional protections are being added (temporary fencing) around those trees along the stream corridor that are not being removed but in close proximity to the work area.
- Removal of 316-feet of currently exposed cased petroleum pipeline from Jacob’s Creek will be done during periods of low flow, without excavation in the stream bed, will result in the removal of an existing impediment and allow for additional flow of water through the existing canal culvert. Pipeline removal will be accomplished by purging the existing line and grouting after tie in of the new line to the existing. At which point the exposed line will be cut into sections, pulled though the culvert and loaded onto trailers for offsite removal. As directed by NJDEP no instream excavation is proposed.

Commission staff agrees that the proposed underground utility transmission lines may be permitted, as a conditional use as per N.J.A.C. 7:45-9.4(a)7. In addition, Commission staff believes that the applicant has justified and met the requirements of a stream corridor waiver under N.J.A.C. 7:45-12(a)1.
**Stormwater Impact:** Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in 0.68-acres (29,426 square-feet) of new impervious surface. The Commission definition of “impervious surface” at N.J.A.C. 7:45-1.3, includes gravel surfaces. All of the proposed impervious surface consist of temporary gravel construction entrances and laydown areas that will be in place for the duration of construction which is estimated to be about four (4) months. These areas are proposed to be revegetated upon completion of the project. As such, the stormwater management requirements of N.J.A.C. 7:45-8 will be met. However, the applicant should be required to submit an As-Built plan upon completion of the project to confirm compliance.

**Recommendations:** Based upon a review of the submitted documentation, this project has been designed in accordance with the requirements of Commission at N.J.A.C. 7:45-8. However, the Certificate of Approval should be conditioned upon the following requirement.

**Approval Condition:**

1. Upon completion of the project, the applicant shall submit and As-Built plan confirming that all disturbed and graveled areas have been revegetated and that the stream corridor area has been revegetated with native type vegetation.

____________________________________  __________________
Joseph Ruggeri, P.E., CFM           Date
Review Zone Officer
State of New Jersey
Department of Environmental Protection
Delaware and Raritan Canal Commission
Application Form
P.O. Box 539
Stockton, NJ 08559-0539
(609) 397-2000
www.nj.gov/dep/drcc

(PLEASE PRINT OR TYPE)

1a. Applicant/Owner: ______________________________ Telephone: (609) 859-3358
Permanent Legal Address: 100 Green Street
Municipality: __________________________________ State: ______ Zip Code: ____________
E-Mail: _____________________________

1b. Agent/Attorney (if applicable) ______________________ Telephone: ( ) ______________
Permanent Legal Address: _______________________________________________________
Municipality: _________________________________ State: ______ Zip Code: ____________
E-Mail: _____________________________

2. If applicable, give name of Engineer or Architect (specify):
Name: ________________________________ NJ License: ______________
Name of Firm: ________________ Telephone: (610) 385-8233
Address: ____________________________
Municipality: _________________________________ State: ______ Zip Code: ____________
E-Mail: _____________________________

3. Name of Project (if applicable): _________________________________________________
Total Acreage: __________________
Block#(s): 2, 1, 6, 9, 10, 3, 1, 1, 1, 0, 7 Lot#(s)
Address (Street/Road): ____________________________
Municipality: _________________________________ State: ______ Zip Code: ____________
4. Have any other applications for this site/project been submitted, or have any state permits been issued for this project? (If “yes,” proceed to #5)

X Yes ________ No

5. If answered “Yes to Question #5, please indicate permit status and project number below.

<table>
<thead>
<tr>
<th>PERMIT Type</th>
<th>APPLICATION STATUS</th>
<th>Project #</th>
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<tr>
<td>5.01 Freshwater Wetlands</td>
<td>Approved</td>
<td>1106-20-0001.1</td>
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<td>5.02 Stream Encroachment</td>
<td>Approved</td>
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</tbody>
</table>

5. What municipal approvals are necessary for this project? (i.e. construction permit, zoning variance, historic commission approval, subdivision or site plan approval)

- Hopewell tree clearing permit

6. Brief Description of the proposed project and intended use: (If residential, include number and type of units -- townhouses, single family, etc. If non-residential, specify type of structures -- warehouses, office, etc...) **INCLUDE TOTAL AREA OF NEW IMPERVIOUS SURFACE and TOTAL AREA OF DISTURBANCE, IN ACRES.**

- See attached project description for a detailed description of all proposed work.
- No impervious surfaces are proposed

7. List any individuals owning 10% or more in the project.

- Sunoco Pipeline L.P. is the sole owner of this project
8. Attach application fee sheet and required fee. Make check payable to "Treasurer, State of New Jersey." (See Fee schedule on Page 4)

Amount of fee enclosed $____________________

9. I certify under penalty of law that the information provided in this document is true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.

Colleen Armstrong 9/2/20
Print: Name & Date

Signature of Applicant/Owner

Project Manager
Print: Position

Date:

9/2/20
# FEE SCHEDULE

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Review of Traffic Impact: ($500.00) $ _________

Review of Subdivision (Lot line only): ($100.00) $ _________

Review of Extension Request to an approval request secured prior to January 1, 2009: ($50.00) $ _________

Review of a Major Modification: (25% of all fees originally charged for the approval being modified) $ _________

TOTAL $ _________

* Includes Review of Waiver request of Stream Corridor Impact if needed
(PLEASE PRINT OR TYPE)

1a. Applicant/Owner: ________________________________ Telephone: (     ) ______________
Permanent Legal Address:________________________________________________________
Municipality: __________________________________ State: ______Zip Code: _____________
E-Mail: _______________________________________________________________________

1b. Agent/Attorney (if applicable) ______________________ Telephone: (    ) _____________
Permanent Legal Address: _______________________________________________________
Municipality: _________________________________ State: ______ Zip Code:  ____________
E-Mail: _______________________________________________________________________

2. If applicable, give name of Engineer or Architect (specify):
Name: _____________________________________________NJ License: _________________
Name of Firm: _____________________________________ Telephone: (      )______________
Address: ______________________________________________________________________
Municipality: _________________________________State: ________Zip Code_____________
E-Mail: _______________________________________________________________________

3. Name of Project (if applicable): _________________________________________________
Total Acreage: __________________
Address (Street/Road): __________________________________________________________
Municipality: _________________________________ State: ________ Zip Code:  ___________
4. Have any other applications for this site/project been submitted, or have any state permits been issued for this project? (If “yes,” proceed to #5)

X Yes ______ No

5. If answered “Yes to Question #5, please indicate permit status and project number below.

<table>
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<tr>
<th>PERMIT Type</th>
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<tbody>
<tr>
<td>5.01 Freshwater Wetlands</td>
<td>Approved</td>
<td>1106-20-0001.1</td>
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<tr>
<td>5.02 Stream Encroachment</td>
<td>Approved</td>
<td>LUP200001</td>
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Hopewell tree clearing permit

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STV has reviewed the definition of impervious surface referenced in N.J.A.C. 7:45-1.3. The temporary gravel construction entrances will result in a total square footage of 29,426 square feet and will be in place for the duration of construction which is estimated at four months.

7. List any individuals owning 10% or more in the project.

Sunoco Pipeline L.P. is the sole owner of this project
8. Attach application fee sheet and required fee. Make check payable to “Treasurer, State of New Jersey.” (See Fee schedule on Page 4)

Amount of fee enclosed $____________________

9. I certify under penalty of law that the information provided in this document is true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.

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Print: Name & Date                Signature of Applicant/Owner

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TOTAL  
* Includes Review of Waiver request of Stream Corridor Impact if needed  

$ ________
July 28, 2022

The enclosed Certificate of Approval has been sent to the following:

Original:  Colleen Armstrong, Sunoco Pipeline L.P.

Copies:  Robin Madden, Chief of Operations, DEP State Parks, Forests and Historic Sites
         Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park
         Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPD
         Adria Wentzel, DEP Office of Leases and Concessions
         Judeth Yeane, DEP Legal Services & Stewardship
         Darin Shaffer, Chief Engineer, NJWSA
         Michael Scarlett, Facility Manager, Delaware and Raritan Canal, NJWSA
         Julie Shelley, Property and Permit Administrator, NJWSA
         Mercer County Planning Board
         Ewing Township Planning Board
         Hopewell Township Planning Board
         Christopher Antoni, STV Energy Services
         Jim McGinley, STV Energy Services
         Edward Weirsky, STV Energy Services
CERTIFICATE OF APPROVAL

DRCC# 21-5256B Sunoco Jacobs Creek Pipeline Replacement

Notice is hereby given that the Delaware and Raritan Canal Commission issues this Certificate of Approval to Sunoco Pipeline L.P. for the project known as DRCC# 21-5256B Sunoco Jacobs Creek Pipeline Replacement, located within the Ewing Township, Mercer County, (Block 99.01, Lots 6, 9, and 10; Block 427, Lot 1; Block 438, Lot 2) and Hopewell Township, Mercer County (Block 137, Lots 1, 1.01, and 7; Block 437, Lot 3.01).

Bruce Stout, Vice Chairman

July 20, 2022
Expiration date of this approval: July 20, 2027

This Certificate of Approval shall be effective immediately, conditioned upon compliance with any and all requirements as set forth in the resolution approved by the Commission on July 20, 2022.
RESOLUTION CONCERNING PROPOSED PROJECT IN THE
DELAWARE AND RARITAN CANAL REVIEW ZONE

WHEREAS, the Delaware and Raritan Canal Commission (hereinafter “Commission”) has received an
application for a proposed project in the review zone in Ewing Township, Mercer County, (Block 99 01,
Lots 6, 9, and 10; Block 427, Lot 1; Block 438, Lot 2) and Hopewell Township, Mercer County (Block
137, Lots 1, 1.01, and 7; Block 437, Lot 3.01), (the “project”);

WHEREAS, the Executive Director has recommended an approval of the proposed project;

WHEREAS, the Commission concurs in the recommendations of the Executive Director;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Commission approves the proposed project, subject to the conditions on the attached
   Schedule A, and as depicted on the engineering plans and specifications prepared by STV Energy
   Services, and as described in the Commission’s Staff Report dated July 12, 2022, and approved by
   Ewing Township, Hopewell Township, and Mercer County.

2. The Executive Director is directed to forward a copy of this approval to the Ewing Township,
   Hopewell Township, Mercer County, and the applicant.

Bruce Stout, Vice Chairman

I hereby certify the foregoing to be true and that it accurately reflects the action taken by the Delaware
and Raritan Canal Commission at their meeting of July 20, 2022.

John Hutchison, Secretary
1. The construction specifications shall require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior, to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, shall be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NWJSA for review and approval prior to construction;

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents shall include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State-owned land shall be in accordance with the existing lease;

9. Visual inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;
11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all cleanup procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes);

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection; and

14. The applicant shall submit to the Commission a complete set of As-Built plans upon completion of the project to verify compliance with the revegetation requirement for the temporary graveled surfaces located in the construction entrances and laydown areas related to the project.
Re: Summary of Project Review with New Jersey Historic Preservation Office, Proposed Sunoco Pipeline, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. McGinley:

E2 Project Management, LLC (E2PM) is pleased to provide this summary of New Jersey Historic Preservation Office Project Review regarding the proposed Sunoco Pipeline project at Jacob’s Creek, Hopewell and Ewing Townships, Mercer County, New Jersey. The proposed Sunoco Pipeline project intends to install a 14-inch high pressure petroleum pipeline connecting Sunoco Pipeline L.P.’s Twin Oaks Terminal and their Newark Facility. The pipeline enters New Jersey across the Delaware River from Upper Makefield Township, Bucks County, Pennsylvania, then travels up the Jacobs Creek streambed in both Hopewell and Ewing Townships, Mercer County, New Jersey and through a large concrete and stone arch culvert supporting both the Delaware and Raritan Canal and New Jersey State Route 29. The proposed project seeks to replace approximately 2,500 feet of exposed pipeline through installation via directional drilling.

As this project involves the crossing the Delaware River, crossing of State lines, and excavations within a stream channel, STV anticipated that various permits will be necessary to support the project including, an Army Corps of Engineers Nationwide #12 Permit, project review through the Delaware and Raritan Canal Commission, Freshwater Wetlands Permits, and/or other New Jersey Division of Land Resource Protection or agency approvals. The proposed project crosses or intersects lands associated with several previously-identified historic properties including the Delaware & Raritan Canal and the National Register of Historic Places listed Somerset Roller Mills and Miller’s House. As such, STV retained E2PM to provide cultural resources consulting services to support the permitting efforts.

E2PM completed a Phase IA archaeological assessment for the site in September 2020 prior to the completion of any permit applications. The report was submitted to the New Jersey Historic Preservation Office (NJHPO) for review. E2PM defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the directional drill and an open trench connecting the access/egress point to the existing pipeline. The NJHPO concurred with E2PM’s recommendations while also requesting that vibration monitoring be conducted on the mill and miller’s house to ensure the HDD directional drilling does not physically impact/affect the structures (see Appendix A).

E2PM completed a Phase IB subsurface investigation in October 2021 in compliance with the NJDEP Freshwater Wetlands Permit’s special conditions (DLRP Permit No. DLRP 1100-20-0003.1 – LUP20001; NJHPO Project No. 20-1683). The survey report was submitted to the NJHPO for review under the associated permit. Despite having an associated DLRP permit number, the NJHPO logged the project for review under “Technical Assistance” and, as such, no formal review comments were provided. On November 12, 2021 the NJHPO provided E2PM “Informal Notes” regarding the project review which in essence concurred with E2PM’s findings but were not provided in any official capacity. Several attempts to clarify these comments and request an “Official” NJHPO finding were made via email communications between E2PM and the NJHPO. Despite the project review bearing directly on permits
and regulations other than the cited, Freshwater Wetlands permit, the NJHPO finally responded on December 16, 2021 that their email communications of “Informal Notes” in lieu of official project review "should be sufficient" for the project’s needs. The email correspondences with the NJHPO are included as Appendix B.

Given the NJHPO’s response, should any more official determinations be necessary with regard to the work completed to-date by other review agencies, those agencies are invited to contact Dr. Katherine Marcopul, Administrator and Deputy State Historic Preservation Officer for such determinations. E2PM will continue assisting STV in implementing both the Archaeological Monitoring and Protection Plan and the Vibration Monitoring program required for this project. The results of these efforts will be submitted to the NJHPO for their review and concurrence upon completion and in fulfillment of the NJHPO approved approach developed by E2PM and attached herein with Appendix A.

Should you have any further questions or comments, please do not hesitate to contact me via email at scott.wieczorek@e2pm.com or on my cell phone at 732-575-5580.

Sincerely,

Scott Wieczorek, RPA
Cultural Resources Sector Manager / Senior Archaeologist

Cc:
Edward Weirsky, STV
E2PM Project File
Appendix A
NJHPO Correspondence
Phase IA and AMP Plan
**This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office as we switch to a temporary remote work environment in response to the ongoing novel coronavirus (COVID-19) outbreak**

HPO Project No. 20-1683-1
HPO-J2020-125

Re: Phase IA Archaeological Investigation, Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. Wieczorek,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following archaeological survey letter report received at the HPO on September 29, 2020 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance
September 2020  
*Phase IA Archaeological Investigation, Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation, Hopewell and Ewing Townships, Mercer County, New Jersey.* Prepared for STV Energy Services, Douglassville, PA. Prepared by E2 Project Management, LLC, Rockaway, NJ

The report states that the project involves the horizontal directional drilling (HDD) of 2,500 feet of new 14-inch high pressure petroleum pipeline to replace the existing line eroding out into Jacobs Creek. The new line will be 75-80 feet below the National Register listed Delaware and Raritan Canal Historic District and 35-40 feet below the contributing Route 29/Jacob’s Creek Culvert. The HDD exit pit will be within the limits of the National Register listed Somerset Rolling Mills property with a trench cut connecting the new line to the existing line.

The Phase IA report evaluated the project’s area of potential effects (APE) into zones of low-, moderate- and high archaeological sensitivity (Figure 11) and recommended Phase IB archaeological testing to identify the presence or absence of archaeological deposits and sites within any new temporary and permanent ground disturbing project activities.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. If subject to any of the above referenced regulations, the need for a Phase IB archaeological survey identified in
the report above is appropriate. In addition, any temporary use of the D&R Canal pathways as access will also need to be evaluated as part of the project’s temporary ground disturbing activities regarding archaeology, as well as, evaluating any impacts to historic properties. Finally, seismic analysis for HDD vibration will be appropriate on any historic structures within or near the proposed HDD alignment/exit pit.

Any State, county, or municipal entity involved with this project that takes place within the limits of any historic properties listed on the New Jersey Register of Historic Places will be subject to the requirements of the New Jersey Register of Historic Places Act.

Additional Comments

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please reference HPO project number 20-1683 in any future calls to help expedite your review and If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with any questions.

Sincerely,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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Sincerely,

Scott Wieczorek, RPA
Senior Archaeologist

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com
Scott Wieczorek

From: Maresca, Vincent (DEP) <Vincent.Maresca@dep.nj.gov>
Sent: Monday, April 19, 2021 3:32 PM
To: scott.wieczorek@e2pm.com
Subject: Re: HPO Project #20-1683-2, Historic and Archaeological Avoidance and Monitoring Plan, Hopewell Township, Mercer County
Attachments: Outlook-csmrujem.png

**This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office as we switch to a temporary remote work environment in response to the ongoing novel coronavirus (COVID-19) outbreak.**

HPO Project# 20-1683-2
HPO-D2021-093

Mercer County, Hopewell Borough
Proposed 14-Inch Twin Oaks to Newark Jacobs Creek Pipeline Relocation
Historic and Archaeological Avoidance, Protection, & Monitoring Plan
Technical Assistance Review

Dear Scott,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following historic and archaeological avoidance, protection, and monitoring plan received at the HPO on March 22, 2021 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance

The above-referenced avoidance, protection and monitoring plan was prepared for the proposed Jacob’s Creek pipeline replacement project located in Hopewell Borough. A prior Phase IA archaeological survey identified the presence of several historic properties within the area of potential effects (APE) including National Register listed- Delaware and Raritan Canal Historic District and the Somerset Rolling Mill property. In addition, portions of the APE were assessed with high sensitivity for Pre-Contact period and historic period archaeological resources based on the APE’s proximity to the Delaware River and historic resources associated with the historic gristmill. Therefore, a Phase IB archaeological survey and archaeological monitoring and the use of an avoidance and protection plan was recommended.

The above-referenced plan includes the use of high-visibility fencing around archaeologically sensitive areas, the use of timber matting and geo-textile to provide a barrier between the areas of archaeological sensitivity and project activities, and the development of a vibration monitoring plan for historic structures within and near the APE.
The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. Upon review, if subject to the above-referenced regulations, while the above-referenced plan states that an archaeological monitor will be present during timber matting installation and removal, the HPO would also require photo documentation prior to, during, and post removal to ensure no effect to any potential archaeological resources.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Additional Comments

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic and archaeological resources. The HPO looks forward to receiving the Phase IB archaeological survey for review and comment. Please reference the HPO project number 20-1683 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with questions regarding archaeology.

regards,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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Appendix B
NJHPO Correspondence
Phase IB
Good morning, Mr. Wieczorek,

As I understand it, you were intending to provide the report for our review pursuant to the discovery clause in the DLRP permit. You may use the email comments that we previously provided to you as evidence for DLRP that you have consulted with us under the condition. I believe that will be sufficient. If DLRP needs something additional from us, they will ask us directly, but I do not foresee that happening.

Thank you for your concern for New Jersey’s historic resources.

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578
Hi Dr. Marcopul,

I am just following up on this. As I mentioned, below, we need to have a completed Official Review, not just “Informal Notes” in order to meet DLRP and other permitting requirements with other agencies. Is there anything more we can provide to assist this effort along?

Thanks,

Scott Wieczorek, RPA  
Cultural Resources Sector Manager

---

From: Scott Wieczorek [mailto:Scott.Wieczorek@e2pm.com]  
Sent: Tuesday, December 14, 2021 12:55 PM  
To: Marcopul, Kate [DEP]; Baratta, Meghan [DEP]  
Cc: Edward Weirsky (edward.weirsky@stvinc.com); McGinley, James X.; West-Rosenthal, Jesse [DEP]  
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Dr. Marcopul,

What we need from the HPO is an Official response concurring with our project through review channels. Per the consultation response from November 12, 2021:

*This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.*

As this submission was sent in with the intention of meeting permit conditions, based upon the language above, those conditions are not at present met as these are not Official review comments. Could we receive an Official sign-off from the HPO which will satisfy other permitting requirements instead of just “Informal notes?”

Thanks,

Scott Wieczorek, RPA  
Cultural Resources Sector Manager
From: Marcopul, Kate [DEP] [mailto:Kate.Marcopul@dep.nj.gov]
Sent: Tuesday, December 14, 2021 12:35 PM
To: Scott Wieczorek; Baratta, Meghan [DEP]
Cc: Edward Weirsky (edward.weirsky@stvinc.com); McGinley, James X.; West-Rosenthal, Jesse [DEP]
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Good afternoon, Mr. Wieczorek,

I am not sure I understand the issue. It looks like your client already has the permit from the Division of Land Resource Protection, and the HPO reviewed and responded to your submission on November 12, 2021 concurring with the report findings. Is there something else that you need from HPO for this project?

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578
Good Morning Dr. Marcopul,

I seek your assistance with an issue impacting one of my client’s projects. We submitted a project for review under a DLRP permit number 1100-20-0003.1 – LUP200001 (also may be listed as no. 1106-20-0001.1 – LUP200001; see highlighted copy of permit attached) and it got logged in as a “Technical Assistance“ review. The result of this is that it is now holding up our clients’ permits through multiple other agencies (D&R Canal Commission, DLRP, ACOE, etc…) because the NJHPO has not provided an “Official” Response. These other permits are all conditioned upon SHPO’s review and comments as the project will impact a NR-listed historic property (Somerset Roller Mill). Per my understanding of the law, and the conditions of the FWW permit it was submitted under (highlighted), this should be a regulatory review as it is required per law or regulation. However, after following up with Jesse on the project, his response below takes a different interpretation of the process by suggesting that “Official” HPO review can only be given if directly requested by another agency while also suggesting that the permit conditions are just “standard language.” Is that supposed to mean that my clients don’t need to abide by these “standard language” conditions? Did the process change?

The bottom line is that because of this situation, my client’s project is now being delayed unnecessarily. We request your assistance in addressing this matter.

Sincerely,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com

From: West-Rosenthal, Jesse [DEP] [mailto:Jesse.West-Rosenthal@dep.nj.gov]
Sent: Tuesday, November 16, 2021 3:23 PM
To: Scott Wieczorek
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Scott,

The comments are provided as technical assistance as we have not been afforded the opportunity to review and comment on the project through any regulatory channel. The documentation had been received directly from you, the cultural resource consultant, on behalf of your client. As such, we responded in-kind. It appears the FWW wetlands permit you
The reference has been issued without our review and the Special Condition you reference was standard language issued by DLRP. Regardless of the current permitting situation, this does not change the substance of our comments.

Take Care,
Jesse

Jesse West-Rosenthal, Ph.D.
Historic Preservation Specialist 2
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street, Trenton, NJ 08625
jesse.west-rosenthal@dep.nj.gov
T (609) 984-6019 | F (609) 984-0578

Scott Wieczorek, RPA
Cultural Resources Sector Manager
E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
From: West-Rosenthal, Jesse [DEP] [mailto:Jesse.West-Rosenthal@dep.nj.gov]
Sent: Friday, November 12, 2021 4:14 PM
To: Scott.Wieczorek@e2pm.com
Subject: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Hi Scott:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The following technical assistance comments are in response to the following archaeological survey report, received at this office on October 15, 2021, in support for the above-referenced project:

Wieczorek, Scott and Tyler Nance

According to information in the above-referenced report, Phase IB archaeological survey was conducted in areas previously identified during the Phase IA archaeological assessment that were evaluated as possessing a high sensitivity for archaeological resources that would not otherwise be avoided through implementation of an archaeological avoidance plan. A total of eight shovel test pits were excavated in the project’s area of potential effects. No historic-period or Native American artifacts or cultural features were identified during testing. Taking the aforementioned information, E2PM recommends no further archaeological consideration for the proposed ground disturbing activities associated with the areas of open trench and ingress/egress for directional drilling for this project.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development, Upland Development, Coastal Area Facilities Review Act, and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Resource Protection, as well as environmental assessments under Executive Order 215. In consequence, if the project is subject to any of the above-referenced regulations, this information will be utilized to support the HPO's review of the proposed project and the HPO would concur with the recommendation provided. This information will be placed on file at the HPO for future reference.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.

Thank you again for providing this opportunity to comment on this proposed project. If additional consultation with the HPO is needed for this project, please reference the HPO project number 21-1477 in any future calls, emails, submissions,
or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at jesse.west-rosenthal@dep.nj.gov with questions regarding archaeology.

Sincerely,

Jesse West-Rosenthal, Ph.D.
Historic Preservation Specialist 2
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street, Trenton, NJ 08625
jesse.west-rosenthal@dep.nj.gov
T (609) 984-6019 | F (609) 984-0578
Please download and saved files individually to the shared drive... The Sunoco pipeline at Jacobs Creek has been in a few times in the past....

John Hutchison
Executive Director
Delaware & Raritan Canal Commission
609-789-9272
john.hutchison@dep.nj.gov

---

From: McGinley, James X. <Jim.McGinley@stvinc.com>
Sent: Thursday, September 3, 2020 8:29 AM
To: Hutchison, John <John.Hutchison@dep.nj.gov>
Subject: [EXTERNAL] RE: Jacob's Creek Pipeline Replacement

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good morning John,

Please find attached the signed application form as well as a copy of our Division of land use permit application and approval. This should have all pertinent information for this project. If there is anything else you need please let me know.

Thank you

Jim McGinley
Senior Environmental Scientist, Associate
STV
205 West Welsh Drive
Douglassville, PA 19518
Office: 610-385-8443
Cell: 610-655-7654
Fax: 610-385-8510

From: Hutchison, John <John.Hutchison@dep.nj.gov>
Hello:

A General Permit may be applicable if the project is an “in-kind” repair or replacement that does not create more than 800 sf. of impervious surface coverage. If I recall the preapplication meeting correctly, this was not the case.

The fee would depend upon the impacts and the amount of land area disturbance. If the project creates more than 800 sf. of impervious surface, but less than one quarter acre, then it would be a Zone A Minor project. If more than one quarter acre, then it would be a Zone A Major project. There would be visual impact review, and I believe there were stream corridor impacts as well.

If you provide more information, then we can make a more accurate determination. You can also hold off sending a check for the fee until we examine the application...

John Hutchison
Executive Director
Delaware & Raritan Canal Commission

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Good morning John,

We had met I believe December of last year to discuss Sunoco’s replacement of the petroleum pipeline under Jacob’s Creek and the Delaware. I am completing the application to your office and I
am a little unsure of the fees associated with this review. Since we have our Wetland GP approval from NJDEP I don’t believe those are applicable but I wasn’t sure for this type of project which reviews we would need.

Thank you

Jim McGinley
Senior Environmental Scientist, Associate
STV
205 West Welsh Drive
Douglassville, PA 19518
Office: 610-385-8443
Cell: 610-655-7654
Fax: 610-385-8510

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Good morning Colleen,

Please find below the responses to the 9-28-20 staff report questions. Also attached are CAD files to the limit of disturbance on commission property and the 100 year flood plain line.

Please let me know if there is anything else I can assist you with.

Thank you

Jim McGinley
Senior Environmental Scientist, Associate
STV
205 West Welsh Drive
Douglassville, PA 19518
Office: 610-385-8443
Cell: 610-655-7654
Fax: 610-385-8510

1. Please provide a list, by block and lot with municipality, of the properties within the project site.

   In Ewing Township
   ● 99.01-6
   ● 99.01-9
   ● 99.01-10
   ● 427-1
   ● 438-2

   In Hopewell Township
   ● 137-1
   ● 137-1.01
   ● 137-7
   ● 437-3.01

2. Please confirm the amount of total disturbance, including but not limited to excavation areas, vegetation removal areas, temporary workspaces, laydown areas, and access routes. **Total disturbance within the state of New Jersey including work areas and areas of excavation is 192,616 square feet. Limit of disturbance within commission property is 23,303 square feet or 0.535 acres,**

3. Please provide the expected duration of the project within the park and Commission Review Zones. **Work within the park/commission review zone will be limited to the**
pipe removal and is estimated to be less than one month
4. Please provide the depth of the existing pipeline and that proposed within the project area. The proposed horizontal directional drill will range from 82-86 feet in depth below the commission property. The current line is lying on the bed of Jacob’s Creek with no cover.

5. The proposed project is subject to stream corridor impact review. Please submit materials which demonstrate compliance with the standards of N.J.A.C. 7:45-9.

SUBCHAPTER 9 STREAM CORRIDOR IMPACT

7:45-9.1 Scope of review
   a. Each project within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.

7:45-9.2 Submission requirements
   (a) For each project that is subject to review by the Commission for stream corridor impact in accordance with N.J.A.C. 7:45-9.1, the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a scale of one inch equals 100 feet and containing the following:
      1. The 100-year flood line, verified by the Department’s Division of Land Use Regulation; 100 foot line is included on all plans. Shape file is attached for reference
      2. The 100 foot wide buffer along the 100-year flood line; 100 foot line is included on all plans. Shape file is attached for reference
      3. The location of all improvements and/or disturbances proposed to be located within the stream corridor; Please find attached a shape file depicting the location of disturbances within the stream. The existing pipeline is currently laying on the bed of Jacob’s creek and is not covered. The line will be purged, grouted, cut and removed. Disturbance of the stream bed will all be temporary.
      4. A description of existing vegetation in the stream corridor; and The stream corridor is primarily forested with limited understory. The predominant tree species are green ash and black walnut.
      5. A metes and bounds description of the project site boundary and the stream corridor boundary, both on hard copy as well as a digital rendition, either as a CAD .dxf file or ArcView shapefile. Please find attached the Shape file depicting the limit of disturbance within commission property.

7:45-9.3 Prohibited uses within stream corridors
   (a) The following uses shall be prohibited within a stream corridor:
      1. Construction of new structures, including but not limited to buildings, retaining walls, and detention or retention basins; No new above grade structures are proposed within the stream corridor. The project involves the replacement of an existing pipeline. All proposed disturbances within the stream corridor will be temporary.
      2. Regrading of the existing topography; No regrading of existing topography is proposed. All proposed disturbances will be temporary
      3. On-site sewage disposal systems; N/A the proposed project does no involve a sewage disposal system
      4. Any solid or hazardous waste facilities, as defined in N.J.A.C. 7:26, including but not limited to
sanitary landfills, transfer stations, wastewater lagoons and impoundments; **N/A no solid or hazardous waste facilities are proposed**

5. Junk yards, commercial and industrial storage facilities and the open storage of vehicles and materials; **N/A no junk yards, commercial or industrial storage facilities are proposed**

6. Barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities; **N/A no barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities are proposed**

7. Parking facilities, driveways and roads that parallel the stream corridor; **N/A no parking facilities, driveways and roads that parallel the stream corridor are proposed**

8. Removal of native vegetation or actions that result in the death of native vegetation except as necessary in connection with activities in the stream corridor permitted by the Commission; **N/A no removal of vegetation is proposed within the stream corridor. Tree removal is limited to areas outside of the corridor and is limited to those areas necessary for the installation of the proposed drill equipment and tie in of the new pipeline to the existing line.**

9. Installation of non-native vegetation; and **N/A no nonnative vegetation is proposed as part of this project**

10. New outfalls within stream corridors of water courses that discharge to the Canal, as described at N.J.A.C. 7:45-8.3 **N/A no outfalls are proposed as part of this project**

(b) Applicants for residential projects shall design them to ensure a minimum of 25 feet of usable yard between the stream corridor and dwellings, as existing topography of a stream corridor cannot be regraded nor can native vegetation be removed. **N/A the proposed project is not residential**

7:45-9.4 Conditional uses within stream corridors

(a) The following uses may be permitted within a stream corridor of a water course as defined in N.J.A.C. 7:45-1.3 that does not directly enter the Canal, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A proposed project is the replacement of an existing petroleum pipeline**

2. Outlet installation for sewage treatment plants and sewage pumping stations, and the expansion of existing sewage treatment facilities; **N/A proposed project is the replacement of an existing petroleum pipeline**

3. Private or public water supply wells that have a sanitary seal; **N/A proposed project is the replacement of an existing petroleum pipeline**

4. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from the appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A proposed project is the replacement of an existing petroleum pipeline**

5. Sanitary or storm sewers; **N/A proposed project is the replacement of an existing petroleum pipeline**

6. Outfall structures associated with storm water management facilities; **N/A proposed project is the replacement of an existing petroleum pipeline**

7. Underground utility transmission lines installed during periods of low stream flow in accordance
with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; **N/A proposed project is the replacement of an existing petroleum pipeline that will be installed via horizontal directional drill. Installation will result in no impacts to the stream corridor**

8. If the project site is a lot totaling less than one acre, and if the lot has been in existence since January 1989, the construction of one house or portion thereof may be conditionally permitted within the stream corridor. This conditional use does not apply, however, to the 100-year floodplain portion of the stream corridor. **N/A proposed project is the replacement of an existing petroleum pipeline**

(b) The following uses may be permitted within a stream corridor of a water course that enters directly into the Canal as defined at N.J.A.C. 7:45-1.3, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A proposed project is the replacement of an existing petroleum pipeline**
2. Private or public water supply wells that have a sanitary seal; **N/A proposed project is the replacement of an existing petroleum pipeline**
3. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from all appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A proposed project is the replacement of an existing petroleum pipeline**
4. Underground utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; and **N/A proposed project is the replacement of an existing petroleum pipeline**
5. Flow or water quality measuring devices. **N/A proposed project is the replacement of an existing petroleum pipeline**

7:45-9.5 Preservation of stream corridor The applicant shall take whatever measures are necessary to ensure that stream corridors will be preserved and to prevent future encroachments in the stream corridor. At a minimum, such measures shall include easements, deed restrictions, or other measures satisfactory to the Commission. **Installation design and removal procedures have been designed so as to minimize impacts to the stream corridor to the greatest extent possible.**

Horizontal directional drilling is proposed for the installation preventing any direct impacts to the corridor during installation. Removal will be limited to the currently exposed pipeline and proposes no fill withing the bed of Jacobs Creek.

7:45-9.6 Local stream corridor ordinance When the Commission determines that a municipality or county has adopted a stream corridor ordinance that is more stringent than this subchapter, then compliance with the stricter requirements in said ordinance shall be required as a condition of the Commission’s individual approval, the provisions of this subchapter being considered as minima and not maxima. In such instances, the applicant shall grant to the Commission an easement or
conservation restriction. **N/A no local stream corridor ordinances exist in Ewing or Hopewell Townships**

6. The definition of impervious surface at N.J.A.C. 7:45-1.3 includes graveled surfaces. Please confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site. **29,425 square feet of temporary impervious surface is proposed as part of this project.** These areas are limited to rock construction entrances and graveled work areas located on the private property east of the commission property. **No impervious, permanent or temporary is proposed on commission property.**

7. Pursuant to N.J.A.C. 7:45-10.4(a), major and minor projects in a transportation environment shall be located 200 feet or more from the park. The proposed pipeline runs perpendicularly through the linear park and ties into the existing pipeline to the east of the park. Commission staff notes that, at N.J.A.C 7:45-12.7(c), projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. Please submit justification for waiver of the setback requirement.

7:45-12.7 is listed below with accompanying notes for each condition

7:45-12.7 Waiver of visual, historic and natural quality impact standards

(a) Projects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and; **Sunoco is in coordination with NJSHPO to assure the protection of all historic resources within the project area.** Furthermore no above ground structures are proposed anywhere in the project area therefore visual impacts to the park are not proposed.

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and **No impacts to vegetation or soils are proposed within the park as the new line will be installed via horizontal directional drill.**

   i. The topography of the land screens the entire project from the view of a person in the Park; **No impacts to topography or viewshed are proposed as part of this project.**

   ii. Existing structures screen the entire project from the view of a person in the Park; or **No impacts to existing structures are proposed.**

   iii. Vegetation located on preserved land screens the entire project from the view of a person in the Park during the winter season. **No impacts to vegetation within the park are proposed as the line will be installed via horizontal directional drill.**

(b) Projects may be waived from the setback requirement if a divided highway exists between the Park and the project site if the Commission determines that the road and its traffic create a sufficient barrier to the visual impact of the project. **N/A**

(c) Projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not
further impose on the character of the Park. N/A
(d) The Commission may require additional restrictions, conditions, or special compensatory measures that mitigate waiver of strict adherence to the review procedure as outlined in N.J.A.C. 7:45-10.3.
8. Pursuant to N.J.A.C. 7:45-10.4(c), major and minor projects within Zone A shall be in keeping with the character of the park’s individual environments. Colors, building materials, and textures shall harmonize with surrounding man-made and natural materials. It is unclear what structures will be visible from the park as a result of the project. The applicant is required to submit materials illustrating compliance with the standards at N.J.A.C. 7:45-10.4(c). No above ground structures are proposed therefore the project will result in no visual impacts to the park or surrounding area.

9. Pursuant to N.J.A.C. 7:45-10.4(d)5, for major and minor projects, wherever possible, natural terrains, soils, stones, and vegetation should be preserved. New vegetation, stones, and soils should be native to the environment in which they are placed. The applicant is required to demonstrate compliance with this standard. Staff notes that on Drawing 9 of 16 of the submitted site plan, it is noted that “existing trees within the temporary workspace will be cleared as necessary.” The applicant is requested to submit a vegetation removal and replacement plan, including number and species of trees to be removed. The planting plan shall use native species identified in the Commission’s native species planting list. This list is available on the Commission website. No tree removal will be required on commission property. All removal is limited to private properties east of the part across Route 29. The tree removal plan is ongoing as required by Hopewell township. A list of removed trees and the mitigation plan will be provided upon approval by Hopewell township.

10. Upon the applicant’s confirming the amount disturbance and new impervious surface resulting from the project, the applicant will be informed of the impact review fees required by the Commission at N.J.A.C. 7:45-13. Fees will be paid upon receipt of the total by the commission.

11. The applicant shall obtain necessary approvals and permitting from the NJDEP Division of Parks and Forestry, NJDEP NHR Office of Concessions and Leases, NJDEP State Historic Preservation Office, and the New Jersey Water Supply Authority. All permits/approvals have either been received or are under review. A full package of approvals will be provided upon completion.

12. The applicant shall submit a hard copy of all application materials.

From: Maloney, Colleen (DEP) <colleen.maloney@dep.nj.gov>
Sent: Monday, May 24, 2021 1:50 PM
To: Weirsky, Edward J. <Edward.Weirsky@stvinc.com>
Cc: Hutchison, John (DEP) <John.Hutchison@dep.nj.gov>
Subject: DRCC# 20-5256B Sunoco's Jacob Creek Project Permit Status
Good afternoon, Mr. Weirsky.
Director Hutchison asked me to follow up on your request for the status of the project. Attached is the staff report issued in September 2020. This office has not, as yet, received a response and resubmission from the applicant. Can you provide information on such? Thank you.

Best,
Colleen Maloney

Colleen Christie Maloney
Delaware and Raritan Canal Commission
33 Risler Street - PO Box 539 - Stockton, NJ 08559
609.397.2000
collen.maloney@dep.nj.gov
www.nj.gov/dep/drcc

From: Weirsky, Edward J. <Edward.Weirsky@stvinc.com>
Sent: Monday, May 24, 2021 12:33 PM
To: Hutchison, John (DEP) <John.Hutchison@dep.nj.gov>
Subject: [EXTERNAL] Sunoco’s Jacob Creek Project Permit Status

John

I am just following up with on the status of Sunoco’s permit. Please let me know what the status of the permit is and if you need anything else from us.

Thank you
Edward J Weirsky Jr (Ed)
STV Inc
Sr. Project Manager
Work 609-530-0020
Mobile 609-439-7603
Edward.weirsky@stvinc.com

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Redesigned and rebuilt: visit our new website at www.stvinc.com

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NJDEP Freshwater Wetlands General Permit 2

and

Individual Flood Hazard Permit

for the

Jacobs Creek Pipeline Relocation Project

Ewing and Hopewell Townships, Mercer County, New Jersey
Application Contents

Attachment 1 – Forms and Checklists

Attachment 2 – Project Description/Flood Hazard Environmental Report/Wetland Consistency Statements

Attachment 3 – Public Notices/Property Ownership
  - Property Ownership Information
  - Municipal Letters
  - Property Owner Notification within 200’

Attachment 4 – Project Site Plan

Attachment 5 – Photos

Attachment 6 – Threatened/Endangered Species Coordination

Attachment 7 – Flood Hazard Engineering Report

Attachment 8 – Project Figures

Attachment 9 – Wetland Delineation Report

Attachment 10 – SHPO Coordination
ATTACHMENT 1
Forms and Checklists
State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
Application Form for Permit(s)/Authorization(s)
501 E. State Street Mail Code 501-02A P.O. Box 420
Trenton, NJ 08625-0420
Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse

Please print legibly or type the following: Complete all sections and pages unless otherwise noted.
Is this project a NJDOT Priority 1 Repair Project? Yes ☐ No ☐
Is this project a NJDOT Priority 2 Repair Project? Yes ☐ No ☐

1. Applicant Name: Mr./Ms./Mrs. Donald Samala
   Address: 2480 Main Street
   City/State: Whitehall, PA
   Daytime Phone: 610-438-7219 Ext. __________
   Zip Code: 18052-4607 Cell Phone: __________
   E-Mail: dosamala@energytransfer.com

2. Agent Name: Mr./Ms./Mrs. James McGinley
   Firm Name: STV Energy Services
   Address: 265 West Welsh Drive
   City/State: Douglassville, PA
   Daytime Phone: 610-385-8443 Ext. __________
   Zip Code: 19518 Cell Phone: 610-555-7654
   E-Mail: jim.mcginley@stvinc.com

3. Property Owner: Mr./Ms./Mrs. Sunoco Pipeline, L.P.
   Address: 525 Fritzhock Road
   City/State: Sinking Spring, PA
   Daytime Phone: __________ Ext. __________
   Zip Code: 19608 Cell Phone: __________
   E-Mail: __________

4. Project Name: Jacobs Creek Pipeline Replacement
   Municipality: Hopewell Township
   County: Mercer
   Address/Location: __________
   Zip Code: __________
   Lot(s): 2, 1, 6, 9, 10
   Not Longitude/Latitude
   Watershed: Central Delaware
   Subwatershed: Jacobs Creek
   Nearest Waterway: Jacobs Creek

5. Project Description: Replacement of 14 inch petroleum pipeline via horizontal directional drill under the Delaware River
   __________
   __________
   __________
   __________
   __________
   Previous LUR File # (s): __________
   Waiver request ID # (s): __________

A. SIGNATURE OF APPLICANT (required):
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.

Signature of Applicant

Date

Donald Samala
Print Name

Signature of Applicant

Date

Print Name
B. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement? Yes √ No □
   (If answer is "Yes" – Signature of responsible party is required below)
2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes √ No □
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes □ No X
4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes √ No □

Signature of Owner

Date

Print Name

[Signature]

Signature of Owner/Easement Holder

Date

Donald Samala Staff Engineer Sunoco Pipelines LP

Print Name/Title

C. APPLICANT'S AGENT

I, Donald Samala, the Applicant/Owner and _______________________, co-Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

James McGinley

Name of Agent

Environmental Scientist

Occupation/Profession of Agent

AGENT'S CERTIFICATION:

I agree to serve as agent for the above-referenced applicant:

Signature of Agent

STV Energy Services

Name of Firm

D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS,
SURVEYOR'S OR ENGINEER'S REPORT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Signature

Print Name

Position & Name of Firm

Professional License # Date

E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR
SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Signature

Print Name

Environmental Scientist STV Energy Services, Inc.

Position & Name of Firm

Professional License # Date

[Signature]

Page 2
**FEE CALCULATION TIPS:**

- Whenever the calculation requires an acreage figure (including the Stormwater calculations), you will need to round up to the nearest whole number, for example: 0.25 acres gets rounded up to one (1) acre or 2.61 acres gets rounded up to three (3) acres.
- The maximum fee for a CAFRA Individual permit, an Upland Waterfront Development permit, or an In-Water Waterfront Development permit is $30,000 per permit type. For example: if you are applying for both an upland and an in-water Waterfront Development the maximum fee is applied to each permit for a maximum total of $60,000 plus any applicable stormwater review fee.
- The stormwater review fee is applied only one time per project, maximum of $20,000, regardless of multiple applications.

**APPLICATION(S) FOR:** Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

### Coastal General Permits

<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>CZMGP1 Amusement Pier Expansion</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP2 Beach/Dune Activities</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP3 Voluntary Reconstruction Certain Residential/Commercial Dev.</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP4 Development of one or two SFH or Duplex</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP5 Expansion or Reconstruction SFH/Duplex</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP6 New Bulkhead/H-Fill Lagoon</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP7 Revetment at SFH/Duplex</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP8 Gabions at SFH/Duplex</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP9 Support Facilities at a Marina</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP10 Reconstruction of Existing Bulkhead</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP11 Hazard Waste Clean-up</td>
<td>$1,000.00</td>
<td></td>
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<tr>
<td>CZMGP12 Landfall of Utilities</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP13 Recreation Facility at Public Park</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP14 Bulkhead Construction &amp; Fill Placement</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP15 Construction of Piers/Docks/Ramps in Lagoons</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP16 Minor Maintenance Dredging in Lagoons</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP17 Eroded Shoreline Stabilization</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP18 Avian Nesting Structures</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP19 Modification of Electrical Substations</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP20 Legalization of the Filling of Tidelands</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP21 Construction of Telecommunication Towers</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP22 Construction of Tourism Structures</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP23 Geotechnical Survey Borings</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP24 Habitat Creation, Restoration, Enhancement, Living Shorelines</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>CZMGP25 1 to 3 Turbines &lt; 200 Feet</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP26 Wind Turbines &gt; 250 Feet</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP27 Dredge Lagoon (post storm event)</td>
<td>$1,000.00</td>
<td></td>
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<tr>
<td>CZMGP28 Dredge post Bulkhead Failure</td>
<td>$1,000.00</td>
<td></td>
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<tr>
<td>CZMGP29 Dredge Marina (post storm event)</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP30 Aquaculture Activities</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP31 Placement of Shell (shellfish areas)</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZMGP32 Application of Herbicide in Coastal Wetlands</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>CZM Permit-by-Certification (On-line application ONLY)</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

### Coastal Individual Permits

<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAFRA - IP SFH or Duplex</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>CAFRA - IP Residential not SFH/Duplex</td>
<td>$3,000 x # of units</td>
<td></td>
</tr>
<tr>
<td>CAFRA - IP Commercial, Industrial or Public</td>
<td>$3,000 x acres of the site</td>
<td></td>
</tr>
<tr>
<td>WD - IP SFH or Duplex (Upland/Landward of MHW)</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>WD - IP Residential not SFH/Duplex (Upland/Landward of MHW)</td>
<td>$3,000 x # of units</td>
<td></td>
</tr>
<tr>
<td>WD - IP Commercial, Industrial or Public Development (Upland/Landward of MHW)</td>
<td>$3,000 x acres of the site</td>
<td></td>
</tr>
<tr>
<td>WD - IP SFH or Duplex (Waterward of MHW)</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>WD - IP Residential not SFH/Duplex (Waterward of MHW)</td>
<td>$3,000 x acres of water area impacted</td>
<td></td>
</tr>
<tr>
<td>WD - IP Commercial, Industrial or Public Development (Waterward of MHW)</td>
<td>$3,000 x acres of water area impacted</td>
<td></td>
</tr>
<tr>
<td>CSW - IP SFH or Duplex</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>CSW - IP All Development not SFH/Duplex</td>
<td>$3,000 x acres of wetlands disturbed</td>
<td></td>
</tr>
</tbody>
</table>

### Additional Coastal Authorizations

<table>
<thead>
<tr>
<th>Authorization Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modification of a Coastal GP</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>Minor Technical Modification of a Coastal Wetland Permit</td>
<td>$500 x # of items to be revised</td>
<td></td>
</tr>
<tr>
<td>Minor Technical Modification of a CAFRA IP</td>
<td>$500 x # of items to be revised</td>
<td></td>
</tr>
<tr>
<td>Minor Technical Modification of a Waterfront IP</td>
<td>$500 x # of items to be revised</td>
<td></td>
</tr>
<tr>
<td>Major Technical Modification of a Coastal Wetland Permit</td>
<td>0.30 x original fee = Fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>Major Technical Modification of a CAFRA IP</td>
<td>0.30 x original fee = Fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>Major Technical Modification of a Waterfront IP</td>
<td>0.30 x original fee = Fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>Zane Letter (Waterfront Development Exemption)</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>CAFRA Exemption Request</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>CZM General Permit Extension</td>
<td>$240 x # of GP's to be extended</td>
<td></td>
</tr>
<tr>
<td>Waterfront Development Individual Permit</td>
<td>$250 x original fee = Fee (Maximum $3,000)</td>
<td></td>
</tr>
<tr>
<td>Meadowlands District Water Quality Certificate</td>
<td>$5,000 x # of acres regulated area disturbed</td>
<td></td>
</tr>
<tr>
<td>Individual Permit Equivalency/ CERCLA</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>

### Consistency Determination

<table>
<thead>
<tr>
<th>Determination</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality Certificate (NOTE: No fee required under the coastal program)</td>
<td>$5,000 x ($2,500 x # of acres regulated area disturbed)</td>
<td></td>
</tr>
<tr>
<td>Federal Consistency</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>
### Freshwater Wetlands General Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FWGP1 Main &amp; Repair Existing Feature</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP2 Underground Utility Lines</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP3 Discharge of Return Water</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP4 Hazard Site Investigation/Cleanup</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP5 Landfill Closures</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP6 Filling of Non-Tributary Wetlands</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP8A TA Adj. to Non-Tributary Wetlands</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP7 Human-made Ditches/Swales in Headwaters</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP8 House Additions</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP9 Airport Sight-line Clearing</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP18A Very Minor Road Crossings</td>
<td>$1,000.00</td>
<td></td>
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<tr>
<td>FWGP18B Minor Road Crossings</td>
<td>$1,000.00</td>
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</tr>
<tr>
<td>FWGP11 Outfalls/Intakes Structures</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP12 Surveying and Investigating</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP13 Lakes Dredging</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP14 Water Monitoring Devices</td>
<td>$1,000.00</td>
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<tr>
<td>FWGP15 Mosquito Control Activities</td>
<td>$1,000.00</td>
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</tr>
<tr>
<td>FWGP16 Creation/Restoration/Enhancement Habitat</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FWGP17 Trails/Boardwalks</td>
<td>$1,000.00</td>
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</tr>
<tr>
<td>FWGP17A Non-Motorized Multi-Use Paths</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP18 Dam Repairs</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP19 Docks and Piers</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP20 Bank Stabilization</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP21 Above Ground Utility Lines</td>
<td>$1,000.00</td>
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<tr>
<td>FWGP22 Expansion Cranberry Growing (Pine Island)</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FWGP23 Spring Developments</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP24 Malfunctioning Individual Septic Systems</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FWGP25 Minor Channel/Stream Cleaning</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP26 Redevelop Previously Disturbed Site</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FWGP27 Application of herbicide in wetlands</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

### Freshwater Individual Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FWGP IP-SFH/Duplex-Wetlands</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>FWGP IP-Wetlands (not SFH/Duplex)</td>
<td>$5,000 + ($2,500 x # acres FWW disturbed)</td>
<td></td>
</tr>
<tr>
<td>FWGP IP-SFH/Duplex-Open Water</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>FWGP IP-Open Water (not SFH/Duplex)</td>
<td>$5,000 + ($2,500 x # acres FWW disturbed)</td>
<td></td>
</tr>
</tbody>
</table>

### Freshwater Wetlands Transition Area Waivers

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAW Averaging Plan</td>
<td>With valid LOI</td>
<td></td>
</tr>
<tr>
<td>TAW Hardship Reduction</td>
<td>$1,000 + ($700 x # acres TA disturbed)</td>
<td></td>
</tr>
<tr>
<td>TAW Reduction per N.J.A.C. 7:7A-8:1(d)</td>
<td>Without valid LOI</td>
<td></td>
</tr>
<tr>
<td>TAW Special Activity Individual Permit</td>
<td>$1000 + $100 x # acres TA disturbed</td>
<td></td>
</tr>
<tr>
<td>TAW Special Activity Linear Development</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>TAW Special Activity Redevelopment</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>TAW Special Activity Stormwater</td>
<td>$500</td>
<td></td>
</tr>
</tbody>
</table>

### Letter of Interpretation

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOI Presence Absence</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>LOI Footprint of Disturbance (3 Maximum)</td>
<td>$1,000.00 each</td>
<td></td>
</tr>
<tr>
<td>LOI Delineation &lt; 1.00 Acres</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>LOI Verification</td>
<td>$1,000 + ($100 x # of acres of the site)</td>
<td></td>
</tr>
<tr>
<td>LOI Partial Site Verification</td>
<td>$1,000 + ($100 x # of acres of the site subject to LOI)</td>
<td></td>
</tr>
<tr>
<td>LOI Extension Presence/Absence, Footprint, Delineation &lt; 1 acre (Re-issuance)</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>LOI Extension Line Verification (Re-issuance)</td>
<td>0.50 x original fee (Minimum $500)</td>
<td></td>
</tr>
</tbody>
</table>

### Additional Freshwater Wetlands Authorizations

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FWGP Administrative Modification</td>
<td>No fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FWGP Minor technical modification</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>FWGP Major technical modification</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Individual Permit Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>Individual Permit Minor Technical Modification</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Individual Permit Major Technical Modification</td>
<td>0.30 x original fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>TAW Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>TAW Minor Technical Modification</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>TAW Major Technical Modification</td>
<td>0.30 x original fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>FWGP Extension</td>
<td>$500 x # of items to be extended</td>
<td></td>
</tr>
<tr>
<td>Individual Permit/Open Water Permit Extension</td>
<td>0.30 x original fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>TAW Extension</td>
<td>$500 x # of items to be extended</td>
<td></td>
</tr>
<tr>
<td>Freshwater Wetlands Exemption</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>TAW Exemption</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Permit Equivalency/CERCLA</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>

### Highlands

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-application Meeting</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Resource Area Determination Presence/Absence</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Resource Area Determination &lt; one acre</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Resource Area Determination &gt; one acre</td>
<td>$750 + ($100 x # of acres of the site)</td>
<td></td>
</tr>
<tr>
<td>Resource Area Determination Extension</td>
<td>0.25 x original fee (Minimum $500)</td>
<td></td>
</tr>
<tr>
<td>HPAAGP 1 High Relief Area Creation/Enhancement</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>HPAAGP 2 Bank Stabilization</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Preservation Area Approval (PAA)</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>PAA with Waiver (Specify type below)</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>HPAA Extension</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>
### Flood Hazard Area General Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHA-GP1 Channel Clean without Sediment Removal</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>FHA-GP1 Channel Clean with Sediment Removal</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>FHA-GP2 Mosquito Control</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP3 Scour Protection Bridges/Culverts</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP4 Creation/Restoration/Enhancement of Habitat and Water Quality Values and Functions</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>FHA-GP5 Reconstruction and/or Elevation of Building in a Floodway</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>FHA-GP6 Construction of One SFH Duplex and Driveway</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP7 Retraction of Mammad Roadside Ditches for Public Roadway Improvements</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP8 Placement of Storage Tanks</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP9 Reconstruction of Bridge/Culvert Across Water &lt; 50 Acres</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP10 Construction/Reconstruction of Bridge/Culvert Across Water &gt; 50 Acres</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP11 Stormwater Outfall Along Regulated Water &lt;50 Acres</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP12 Construction of Footbridges</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP13 Construction of Trails and Boardwalks</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA-GP14 Application of herbicide in riparian zone</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

### Additional Flood Hazard Area Authorizations

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHA Hardship Exception Request</td>
<td>$4,000.00</td>
<td></td>
</tr>
<tr>
<td>FHA GP Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA GP Minor technical modification</td>
<td>$500 x ___ # of project elements to be revised</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA GP Major technical modification</td>
<td>0.3 x ____ original fee (Minimum $500)</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Individual Permit Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Individual Permit Minor Technical Modification</td>
<td>$500 x ___ # of project elements to be revised</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Individual Permit Major Technical Modification</td>
<td>0.3 x ____ original fee (Minimum $500)</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Verification Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Verification Minor Technical Modification</td>
<td>$500 x ___ # of project elements to be revised</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Verification Major Technical Modification</td>
<td>0.3 x ____ original fee (Minimum $500)</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA GP Extension</td>
<td>$240.00</td>
<td></td>
</tr>
<tr>
<td>FHA Individual Permit Extension</td>
<td>0.25 x ____ original fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Verification Extension of Methods 1, 2, 3, 5, or Riparian Zone Only</td>
<td>$240.00</td>
<td></td>
</tr>
<tr>
<td>FHA Verification Extension of Methods 4 or 6</td>
<td>0.25 x ____ original fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA Individual Permit Equivocacy/CERCLA</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>FHA GP Administrative Modification</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>

### Flood Hazard Area Individual Permits

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHA - IP SFH and/or Accessory Structures</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>Individual Permit (Fee is calculated by adding the base fee to the specific elements below)</td>
<td>$3,000 Base Fee</td>
<td>3000</td>
</tr>
<tr>
<td>FHA - IP Utility*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHA - IP Bank/Channel (No Calculation Review)*</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>FHA - IP Bank/Channel (With Calculation Review)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHA - IP Bridge/Culvert/Footbridge/Low Dam (No Calculation Review)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHA - IP Bridge/Culvert/Footbridge/Low Dam (With Calculation Review)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHA - Review of Flood Storage Displacement (net fill) Calculations*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Stormwater Review Fee

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Review Fee (Maximum Fee = $20,000)</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>Stormwater Review (Fee is calculated by adding the base fee to the specific elements below)</td>
<td>$250 x ____ # acres disturbed</td>
<td></td>
</tr>
<tr>
<td>Review of Groundwater Calculations + $250 x ____ # acres disturbed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of Runoff Quantity Calculations + $250 x ____ # acres disturbed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of Water Quality Calculations + $250 x ____ # acres impervious surface</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Stormwater Review Fee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Applicability Determination

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Amount</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Applicability Determination</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>Flood Hazard Applicability Determination</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>Highlands Jurisdictional Determination</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
<tr>
<td>Executive Order 215</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>

**Total Fee:** 6,000

**Check Number:** 6,000

*Fee not applicable to (1) SFH
**APPLICATION FORM - APPENDIX I**

**Section 1:** Please provide the following information for the overall project site. All area measurements shall be recorded in **acres to the nearest thousandth** (0.001 acres).

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Preserved</th>
<th>Undisturbed</th>
<th>Disturbed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Riparian Zone</strong></td>
<td></td>
<td></td>
<td>0.615</td>
</tr>
<tr>
<td><strong>CZMRA Forested</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(CZMRA IP – Only)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E &amp; T Habitat</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered and/or Threatened</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Freshwater Wetlands</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 2:** Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded in **acres to the nearest thousandth** (0.001 acres). Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>FHAIP</th>
<th>Wetland Type</th>
<th>Resource Classification</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Proposed Disturbance</th>
<th>Wetlands</th>
<th>Transition Area</th>
<th>SOW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Filled</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Excavated</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cleared</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Temporary Disturbance</strong></td>
<td></td>
<td></td>
<td>0.543</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>FWGP2</th>
<th>Wetland Type</th>
<th>Resource Classification</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Proposed Disturbance</th>
<th>Wetlands</th>
<th>Transition Area</th>
<th>SOW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Filled</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Excavated</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cleared</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Temporary Disturbance</strong></td>
<td></td>
<td></td>
<td>0.543</td>
</tr>
</tbody>
</table>
To apply for a flood hazard area individual permit, please submit the information below to:

<table>
<thead>
<tr>
<th>Postal Mailing Address</th>
<th>Street Address (Courier &amp; Hand Carry Only)</th>
<th>Electronic Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>NJ Department of Environmental Protection</td>
<td>NJ Department of Environmental Protection</td>
<td>Access the submission system at <a href="https://njdeponline.com">https://njdeponline.com</a>. Follow the registration process and create an account. To submit an application, select the service “Apply for a Land Use Permit or Authorization.”</td>
</tr>
<tr>
<td>Division of Land Use Regulation</td>
<td>Division of Land Use Regulation</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 420, Code 501-02A</td>
<td>501 East State Street</td>
<td></td>
</tr>
<tr>
<td>Trenton, New Jersey 08625-0420</td>
<td>Station Plaza 5, 2nd Floor</td>
<td></td>
</tr>
<tr>
<td>Attn: Application Support</td>
<td>Trenton, New Jersey 08609</td>
<td></td>
</tr>
<tr>
<td>Attn: Application Support</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. A completed [application form](#) (Paper submissions ONLY)  
   See Attachment 1

2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)  
   - Acceptable file formats include pdf, jpg, and png. N/A

3. Public notice:
   - **Electronic Submissions:** A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
   - **Paper Submissions:** Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19 (see below for details)  
     See Attachment 3

Both electronic and paper submissions require documentation of public notice as follows:

i. **Notice to municipal clerk (N.J.A.C. 7:13-19.3(a))**
   A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.
   - Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.
ii. Notice to governmental entities and property owners (N.J.A.C. 7:13-19.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:13-19.3(d)1iii must be sent to the following recipients:

A. The construction official of each municipality in which the site is located;
B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
C. The planning board of each municipality in which the site is located;
D. The planning board of each county in which the site is located;
E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and
F. Adjacent property owners:

If the application is for one of the following projects (listed at N.J.A.C 7:13-19.3(c)1-6), notice shall be sent to all owners of real property, including easements, located within 200 feet of any proposed above-ground structure, except for any conveyance lines suspended above the ground or small utility support structures (e.g. telephone poles):

- A linear project of one-half mile or longer
- A public project on a site of 50 acres or more
- An industrial or commercial project on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer

For any other project, notice shall be sent to all owners of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

The owners of real property, including easements, shall be those on a list that was certified by the municipality, with a date of certification no more than one year prior to the date the application is submitted.

- Documentation of compliance with this requirement shall consist of:
  1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
  2. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department; and
  3. A copy of the form notice letter.

- The form notice letter required under N.J.A.C. 7:13-19.3(d)1iii shall read as follows:

  *This letter is to provide you with legal notification that an application for a flood hazard area individual permit <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE PROPOSED PROJECT>>

  The complete permit application package can be reviewed at either the municipal clerk’s office in the municipality in which the site subject to the application is located, or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:
iii. **Newspaper notice (N.J.A.C. 7:13-19.4)**

Newspaper notice, in the form of a legal notice or display advertisement in the official newspaper of the municipality(ies) in which the project site is located, or if no official newspaper exists, in a newspaper with general circulation in the municipality(ies), is required for the following projects:

A. A linear project of one-half mile or longer
B. A public project on a site of 50 acres or more
C. An industrial or commercial project on a site of 100 acres or more
D. A project to remove sediment or debris from a channel of one-half mile or longer

If your project is not one listed above, newspaper notice is not required.

- Documentation of newspaper notice shall consist of:
  1. A copy of the published newspaper notice; and
  2. The date and name of the newspaper in which notice was published.

- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

  “Take notice that an application for a flood hazard area individual permit<<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development described below:

  **APPLICANT:**
  **PROJECT NAME:**
  **PROJECT DESCRIPTION:**
  **PROJECT STREET ADDRESS:**
  **BLOCK:**     **LOT:**
  **MUNICIPALITY:**  **COUNTY:**

  The complete permit application package can be reviewed at either the municipal clerk’s office in the municipality in which the site subject to the application is located, or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this notice to:

  New Jersey Department of Environmental Protection
  Division of Land Use Regulation
  P.O. Box 420, Code 501-02A
  501 East State Street
  Trenton, New Jersey 08625
  Attn: Municipality in which the property is located) Supervisor”
iv. Notice for an individual permit based on a hardship exception

For an application for an individual permit based on a hardship exception, the notice letter (and newspaper notice, if applicable) must contain the following information in the project description:

A. A description of the nature of the hardship; and
B. The citation and subject matter of each requirement in this chapter for which the hardship exception is being requested.

v. Notice for projects located in the Pinelands Area

For a project in the Pinelands Area as designated under the Pinelands Protection Act at N.J.S.A. 13:18A-11.a, documentation showing that a copy of the application form has been provided to the New Jersey Pinelands Commission. For electronic submissions, the “application form” will consist of a description of the project, including the lot, block, municipality, and county, and the specific permit(s)/authorization(s) being sought.

4. Application fees:

- **Electronic Submissions**: The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, payable through the online service via credit card or e-check, or to receive a bill, select “Bill Me” on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.

- **Paper Submissions**: The appropriate application fee, as specified in N.J.A.C. 7:13-20.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to “Treasurer State of New Jersey.”

5. Site plans:

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant’s name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:13-18.4(a)4: **See Attachment 4**

i. Existing features such as lot lines, structures, land coverage, and vegetation;

ii. All proposed regulated activities such as changes in lot lines; the size, location, and details of any proposed structures, roads, or utilities; details of any clearing, grading, filling, and excavation; the location and area of any riparian zone vegetation that will be disturbed; cross-sections of regulated waters or water control structures being analyzed; and the anticipated limits of disturbance;

iii. Topography:
   A. Existing and proposed topography where necessary to demonstrate that the proposed regulated activity or project meets the requirements of this chapter. All topography must reference NGVD or include the appropriate conversion factor to NGVD.

iv. Soil erosion and sediment control:
   A. Details of any proposed soil erosion and sediment control measures.

v. Riparian zone:
   A. The location of any riparian zone onsite (see N.J.A.C 7:13-4.1); and
   B. The limits of the regulated water including the “top of bank” and the “centerline” for linear waters. Where the top of bank is not discernible, show the limits of the two-year flood, for a linear regulated water that has a drainage area of 150 acres or more.
   C. Details of proposed mitigation in accordance with N.J.A.C. 7:13-13).
vi. Metes and bounds description:
   A. A metes and bounds description of any existing and proposed flood hazard area and floodway limits onsite; and
   B. Identification of the method at N.J.A.C. 7:13-3 that was used to determine these limits.

vii. Flood hazard area/floodway information:
   A. If the entire site lies within a flood hazard area and/or floodway, the site plans shall indicate this; and
   B. The elevation(s) of the flood hazard area design flood throughout the site.

viii. Details of construction proposed in a regulated water:
   A. A thorough description of proposed construction methods;
   B. A timetable for construction; and
   C. Details of any trenching, diversionary channels, temporary piping, and other disturbances to the regulated water.

• **Electronic Submissions:** Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:13-18.2(j) and prepared according to the Department’s site plan specifications for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.

• **Paper Submissions:** Three sets of site plans certified in accordance with N.J.A.C. 7:13-18.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

**NOTE:** In accordance with N.J.A.C. 7:13-18.2(h) et seq., an applicant may elect to prepare his or her own plan if both of the following are true: (1) the applicant proposes the construction of a single-family home or duplex or an accessory structure, such as a patio, garage, or shed on his or her own property for his or her own use and (2) the proposed regulated activity or project is one for which no survey, topography, or calculations are necessary to demonstrate the requirements of this chapter are met.

6. Photographs: **See Attachment 5**
   i. Color photographs depicting:
      A. The entire project area; and
      B. Any sections of channel or riparian zone that will be disturbed by the project.
   ii. A photo location map showing the location and direction from which each photograph was taken.

• **Electronic Submissions:** Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

• **Paper Submissions:** One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

7. An engineering report prepared in accordance with N.J.A.C. 7:13-18.5 that includes: **See Attachment 7**
   i. The signature and seal of an engineer;
   ii. The name, address, and telephone number of the engineer, as well as any other person designated by the engineer to answer questions about the report;
iii. All supporting hydrologic, hydraulic, flood storage volume, stormwater and structural calculations that are necessary to demonstrate that the application meets the requirements of N.J.A.C. 7:13;

iv. A narrative that explains the submitted calculations and describes why each particular calculation or methodology was used;

v. All maps, references, and other supporting materials that were used to prepare the submitted calculations;

vi. The total area of impervious surface proposed and the total land area that will be disturbed;

vii. For an application for an individual permit for which the Department is reviewing a stormwater management plan pursuant to N.J.A.C. 7:13-12.2, the following information where applicable:
   A. An explanation of how nonstructural stormwater management strategies have been maximized on site, as required at N.J.A.C. 7:8-5.3;
   B. A demonstration of how the regulated activity and/or project meets the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2;
   C. A table which compares existing and proposed stormwater discharges for the two-year, 10-year, and 100-year storm in order to demonstrate compliance with the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3; and
   D. An explanation of how the regulated activity and/or project meets the water quality standards at N.J.A.C. 7:8-5.5;

viii. For an application for an individual permit for a project located in the Central Passaic Basin that relies on fill credits, as described at N.J.A.C. 7:13-11.4(s) and (t), documentation that the fill credits have been purchased by the applicant prior to the submittal of the application; and

ix. For all applications, the certification set forth at N.J.A.C. 7:13-18.2(j).

- **Electronic Submissions:** Acceptable file formats include pdf and zip. Engineering reports must be digitally signed and sealed by a New Jersey licensed professional engineer. Digital signatures and seals must meet the requirements of N.J.A.C. 13:40-8.1A. Engineering reports with electronic signatures, such as scans of reports with a handwritten signature, will not be accepted.

- **Paper Submissions:** Three copies of the engineering report are required.

8. An environmental report prepared in accordance with N.J.A.C. 7:13-18.6 that includes: See Attachment 2
   i. A narrative describing the proposed design and the construction techniques that will be used;
   ii. The following maps:
      A. Maps that provide an environmental inventory of the site such as the freshwater wetlands maps and the USDA soil survey; and
      B. A copy of a Department flood hazard area map or FEMA flood insurance rate map with the site clearly outlined to scale, if such mapping exists.
   iii. For projects proposing disturbance to the riparian zone, include a chart which details the proposed regulated activity, the maximum allowable area of vegetation disturbance as set forth in N.J.A.C. 7:13-11, the proposed areas of disturbance, whether the disturbance is temporary or permanent, the amount of mitigation required, and the amount of mitigation proposed. Provide total area for riparian zone disturbance (permanent & temporary) and mitigation required and proposed. Disturbance and mitigation amounts should be provided in square feet and acres; and
   iv. An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on regulated waters, channels, riparian zones, fishery resources, and threatened or endangered species and their habitat, which includes:
      A. A justification for the proposed regulated activity or project, including an explanation of why any proposed regulated activity or project and its location is the most appropriate for the
site, and how the proposed location and design minimizes adverse environmental impact(s) to the resources;

B. An analysis of alternatives to the proposed regulated activity or project, including a no-build alternative;

C. A description of all measures to be taken to reduce any potential adverse environmental impact(s) to the resources;

D. A plan to mitigate the effects of all adverse environmental impacts; and

E. Any monitoring or reporting methods that will be used.

v. For an individual permit for activities which are likely to either disturb an area known to contain a threatened or endangered species or disturb any habitat that could support a threatened or endangered species, a survey for threatened or endangered species and their habitat. This survey shall be performed by a person with education and experience in wildlife biology, zoology, and/or botany, as appropriate, and shall include:

A. The name, address, and qualifications of all persons participating in the survey;

B. The acreage of the surveyed area;

C. A USGS quad map with the surveyed area for each threatened or endangered species and their habitat outlined;

D. A description of each habitat and cover type onsite including vegetation, hydrology, soils, and natural communities. These habitats shall be assessed for suitability and compatibility to the life history of the threatened or endangered species being investigated. If no threatened or endangered species are observed, a discussion of the site's suitability for such species shall be provided;

E. The date and time of the investigation (including total number of hours spent by each observer for species observation);

F. The number of observers present on the site at any one time, including their location on the site relative to one another;

G. Site conditions during the survey, such as precipitation, temperature, wind speed and direction, artificial or natural noise, and nearest onsite or offsite human activity or development;

H. If the survey reveals the presence or evidence of a threatened or endangered species, detailed information regarding each sighting, including:

- Whether the subject was sighted directly or identified by call, track, scat, remains, or other indirect evidence of presence;
- The date(s) and time(s) of each such sighting or discovery of evidence;
- The relative age and condition of any indirect evidence observed and its location on the property;
- A description of the techniques and methodologies employed by the observer during the site investigation;
- If a wildlife species is observed directly, the number of each species observed, likely age, observed activity, gender, location on or near the site, and proximity to the observer at each sighting; and
- If a plant species is observed directly, the number of each species observed and its location on or near the site; and


vi. For regulated activities requiring an individual permit where activities are proposed within the inner 150 feet of the 300-foot riparian zone, provide documentation that demonstrates:
A. There is no practicable alternative to the regulated activity that would have less adverse impact on the regulated areas and which would not significantly compromise other environmental resources;

B. The regulated activity results in the minimum feasible alteration or impairment of the riparian or aquatic ecosystem;

C. The regulated activity complies with the applicable water quality standards and requirements; and

D. The regulated activity is in the public interest, including consideration of the following:
   • The practicability of using reasonable alternative locations and methods to accomplish the purpose of the proposed regulated activity;
   • The functions and values provided by the riparian zone proposed to be impacted; and
   • The probable individual and cumulative impacts of the regulated activity on public health, safety, and welfare, and the environment.

vii. For an activity or project in the Pinelands Area as designated by Section 10(a) of the Pinelands Protection Act, N.J.S.A. 13:18-1 et seq., a Certificate of Filing, a Certificate of Completeness, or a resolution approving an application for public development, issued by the NJ Pinelands Commission.

- **Electronic Submissions**: Acceptable file formats include pdf, doc, docx, rtf, and zip.

- **Paper Submissions**: Three copies of the environmental report are required.

9. Color copies of the following maps: See Attachment 8
   - i. The tax map for the property;
   - ii. A copy of the portion of the county road map showing the property location; and
   - iii. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.

   - **Electronic Submissions**: The required maps should be uploaded with the compliance statement under the attachment type “Environmental Report with Site Location Maps.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

10. Calculations and analyses: N/A
    - i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.

    All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.

    - **Electronic Submissions**: Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

11. Natural Heritage Program Letter: See Attachment 6

    A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available.
12. Mitigation: N/A

For an activity that requires mitigation in accordance with N.J.A.C. 7:13, the applicant may submit a mitigation proposal as part of the application for the individual permit. If the applicant does not submit a mitigation proposal with the application, the applicant must submit the mitigation proposal at least 90 calendar days before the start of activities authorized by the permit, in accordance with N.J.A.C. 7:13-13.

- Electronic Submissions: If a mitigation proposal is available at the time of submission, the service will provide an attachment type for “Mitigation Proposal.” Alternatively, it may be uploaded separately at a later time through the service “Submit Additional Information for a Land Use Permit or Authorization.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

13. Additional requirements: N/A

i. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area
   - Electronic Submissions: Acceptable file formats include pdf, jpg, and png.

ii. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction
   - Electronic Submissions: Acceptable file formats include pdf, jpg, and png.

iii. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:
   - A. Written consent from the municipality in the form of a resolution of the governing body or an ordinance
   - B. A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
   - C. A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
   - Electronic Submissions: Acceptable file formats include pdf, jpg, and png.

14. A computer disk containing a copy of the entire application (Paper submissions ONLY)
   Included
**State of New Jersey**  
**Department of Environmental Protection**  
Revised: April 15, 2019  
Website: [www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

**FRESHWATER WETLANDS APPLICATION CHECKLIST**  
**General Permit 2—Underground utility lines**

**CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS**

To apply for an authorization under general permit 2, please submit the information below to:

<table>
<thead>
<tr>
<th>Postal Mailing Address</th>
<th>Street Address (Courier &amp; Hand Carry Only)</th>
<th>Electronic Submission</th>
</tr>
</thead>
</table>
| NJ Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420, Code 501-02A  
Trenton, New Jersey 08625-0420  
Attn: Application Support | NJ Department of Environmental Protection  
Division of Land Use Regulation  
501 East State Street  
Station Plaza 5, 2nd Floor  
Trenton, New Jersey 08609  
Attn: Application Support | Access the submission system at [https://njdeponline.com](http://https://njdeponline.com). Follow the registration process and create an account. To submit an application, select the service “Apply for a Land Use Permit or Authorization.” |

**CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS**

1. A completed [application form](#) (Paper submissions ONLY)  
   See Attachment 1

2. A completed [Property Owner Certification form](#) (Electronic submissions ONLY)  
   • Acceptable file formats include pdf, jpg, and png.

3. Public Notice:
   • **Electronic Submissions**: A completed [Public Notice form](#). Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 must be attached to the form (see below for details). Acceptable file formats include pdf, jpg, and png.
   • **Paper Submissions**: Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17 (see below for details).  
     See Attachment 3

Both electronic and paper submissions require documentation of public notice as follows:

   i. **Notice to municipal clerk (N.J.A.C. 7:7A-17.3(a))**
      A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

      • Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.
ii. Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:7A-17.3(e)1iii must be sent to the following recipients:

A. The construction official of each municipality in which the site is located;
B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
C. The planning board of each municipality in which the site is located;
D. The planning board of each county in which the site is located;
E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and
F. Adjacent property owners:

If the application is for one of the following projects (listed at N.J.A.C 7:7A-17.3(c)1-5), notice shall be sent to all owners of real property, including easements, located within 200 feet of any proposed above-ground structure, except for any conveyance lines suspended above the ground or small utility support structures (e.g. telephone poles):

- A linear project of one-half mile or longer
- A trail or boardwalk of one-half mile or longer
- A public project on a site of 50 acres or more
- An industrial or commercial project on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer

For any other project, notice shall be sent to all owners of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

The owners of real property, including easements, shall be those on a list that was certified by the municipality, with a date of certification no more than one year prior to the date the application is submitted.

- Documentation of compliance with this requirement shall consist of:
  1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
  2. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department; and
  3. A copy of the form notice letter.

- The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

  "This letter is to provide you with legal notification that an application for an authorization under freshwater wetlands general permit 2 <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE PROPOSED PROJECT>>

  The complete permit application package can be reviewed at either the municipal clerk's office in the municipality in which the site subject to the application is located, or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:
iii. Newspaper notice (N.J.A.C. 7:7A-17.4)

Newspaper notice, in the form of a legal notice or display advertisement in the official newspaper of the municipality(ies) in which the project site is located, or if no official newspaper exists, in a newspaper with general circulation in the municipality(ies), is required for the following projects:

A. A linear project of one-half mile or longer
B. A shore protection development, including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or longer
C. A public project on a site of 50 acres or more
D. An industrial or commercial project on a site of 100 acres or more
E. Maintenance dredging of a State navigation channel of one-half mile or longer

If your project is not one listed above, newspaper notice is not required.

• Documentation of newspaper notice shall consist of:
  1. A copy of the published newspaper notice; and
  2. The date and name of the newspaper in which notice was published.

• The newspaper notice may be either a legal notice or display advertisement and must read as follows:

  “Take notice that an application for an authorization under freshwater wetlands general permit 2 <<has been/ will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development described below:

  APPLICANT:
  PROJECT NAME:
  PROJECT DESCRIPTION:
  PROJECT STREET ADDRESS:
  BLOCK: LOT:
  MUNICIPALITY: COUNTY:

  The complete permit application package can be reviewed at either the municipal clerk’s office in the municipality in which the site subject to the application is located, or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this notice to:

  New Jersey Department of Environmental Protection
  Division of Land Use Regulation
  P.O. Box 420, Code 501-02A
  501 East State Street
  Trenton, New Jersey 08625
  Attn: (Municipality in which the property is located) Supervisor”
4. Application fees:  **Attached**

- **Electronic Submissions**: The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, payable through the online service via credit card or e-check, or to receive a bill, select “Bill Me” on the payment screen. Bills will be sent to the Fee Billing Contact identified in the service and must be paid directly to the Department of Treasury.

- **Paper Submissions**: The appropriate application fee, as specified in N.J.A.C. 7:7A-18.1, in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to “Treasurer State of New Jersey.”

5. Site plans:  **See Attachment 4**

All site plans must include the scale of the site plans, a north arrow, the name of the person who prepared the plans, date the site plans were prepared, and the applicant’s name and the block, lot, and municipality in which the site is located. In addition, the site plans shall include the following information, both on and adjacent to the site, in accordance with N.J.A.C. 7:7A-16.7(a)4:

- **i. Existing features:**
  - A. Lot Lines and right-of-way lines;
  - B. Delineation of wetlands, transition areas, and State open waters;
  - C. Buildings and structures;
  - D. Any existing utility lines; and
  - E. Land cover and vegetation.

- **ii. Proposed regulated activities:**
  - A. Changes in lot lines;
  - B. Location and area of any freshwater wetlands, transition areas, and State open waters that will be disturbed, including permanent and temporary disturbance;
  - C. Size, location, and detail of any proposed utility line;
  - D. Size, location, and detail of permanently maintained clearing;
  - E. Size, location, and detail of any proposed manholes or siphons;
  - F. Size, location, and detail of any proposed trenches or pits; and
  - G. Details of any planting to restore temporarily disturbed areas in accordance with N.J.A.C. 7:7A-11.8.

- **iii. Topography:**
  - A. Existing and proposed topography. All topography must reference NGVD or include the appropriate conversion factor to NGVD.

- **iv. Soil erosion and sediment control:**
  - A. Details of any proposed soil erosion and sediment control measures.

- **Electronic Submissions**: Acceptable file formats include pdf and zip. Site plans must be certified in accordance with N.J.A.C. 7:7A-16.2(j) and prepared according to the Department’s [site plan specifications](#) for electronic site plans. All plans must be digitally signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4, with signatures and seals that meet the requirements of N.J.A.C. 13:40-8.1A. Site plans with electronic signatures, such as scans of site plans with a handwritten signature, will not be accepted.

- **Paper Submissions**: Three sets of site plans, certified in accordance with N.J.A.C. 7:7A-16.2(j). Prior to issuance of any permit, the Department will require four to five sets of final site plans. The site plans...
must be signed and sealed by a New Jersey licensed professional engineer, surveyor, or architect, as appropriate, pursuant to N.J.A.C. 13:40-7.2 through 7.4.

6. Photographs: See Attachment 5
   i. Color photographs depicting:
      A. The existing site conditions; and
      B. The location of the proposed utility line or utility line maintenance.
   ii. A photo location map showing the location and direction from which each photograph was taken.

   • **Electronic Submissions**: Acceptable file formats include pdf, doc, docx, jpg, zip, ppt, and pptx.

   • **Paper Submissions**: One set of photographs mounted on 8½-inch by 11-inch paper. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

7. A compliance statement that includes the following: See Attachment 2
   i. A description of the characteristics of the site and the location of all proposed regulated activities, potential impacts from the construction process, and, as applicable, any monitoring or reporting methods that will be used;
   ii. The total area, in acres, of wetlands and State open waters on the site before the regulated activity is performed, and the total area, in acres, of wetlands and State open waters, on the site that will remain after the regulated activity is performed;
   iii. A list of all limits and requirements of general permit 2 at N.J.A.C. 7:7A-7.2 that apply to the proposed activities and an explanation of how the activities comply with each requirement;
   iv. A list of all limits and requirements at N.J.A.C. 7:7A-5.7, Conditions applicable to an authorization pursuant to a general permit-by-certification or a general permit, that apply to the proposed activities and an explanation of how the activities comply with each requirement;
   v. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;
   vi. Documentation regarding when the lot that is the subject of the general permit was created by subdivision;
   vii. A history of the ownership of the property beginning June 30, 1988 to present;
   viii. A listing of contiguous lots that were in common ownership with the lot on which the activities are proposed and the ownership history of each lot beginning June 30, 1988 to present;
   ix. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias bullata*), which are listed in Known Locations of Swamp Pink in NJ, a signed statement from the applicant certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
   x. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Known Locations of Bog Turtles in NJ), a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat; and
   xi. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, a letter from the National Park Service approving the proposed activities.

   • **Electronic Submissions**: The compliance statement should be uploaded under the attachment type “Environmental Report with Site Location Maps.” Acceptable file formats include pdf, doc, docx, rtf, and zip.
8. Color copies of the following maps: See Attachment 8
   i. The tax map for the property;
   ii. A copy of the portion of the county road map showing the property location; and
   iii. A copy of the USGS quad map(s) that include the site, with the site clearly outlined to scale.
   • Electronic Submissions: The required maps should be uploaded with the compliance statement under the attachment type “Environmental Report with Site Location Maps.” Acceptable file formats include pdf, doc, docx, rtf, and zip.

9. Location of wetlands: See Attachment 4
   The location of wetlands must be provided through one of the following:
   i. Documentation that a line delineation or line verification Letter of Interpretation (LOI) has been issued for the site; or
   ii. All information necessary for a line delineation or line verification LOI as required by the appropriate LOI checklist, covering the portion of the site that will be affected by the general permit activity.
   • Electronic Submissions: Acceptable file formats for an LOI include pdf, jpg, and png. If an appropriate LOI has not been issued for the site, the information required for a line delineation or line verification LOI should be included with the compliance statement under the attachment type “Environmental Report with Site Location Maps.”

10. Calculations and analyses: N/A
   i. If the project is a major development as defined by N.J.A.C. 7:8-1.2, a demonstration of compliance with the requirements of the Stormwater Management Rules, N.J.A.C. 7:8.
   
   All calculations or analyses submitted as part of an application must include the certification set forth at N.J.A.C. 7:7-23.2(j). Any necessary stormwater calculations must be signed and sealed by a New Jersey licensed professional engineer.
   
   • Electronic Submissions: Acceptable file formats include pdf, doc, docx, rtf, and zip unless stormwater calculations are necessary. Stormwater calculations must be digitally signed and sealed in accordance with N.J.A.C. 13:40-8.1A. Stormwater calculations with electronic signatures, such as scans of calculations with a handwritten signature, will not be accepted. Therefore, when calculations are necessary, the acceptable file formats are limited to pdf and zip.

11. Natural Heritage Program Letter: See Attachment 6
   A copy of an NJDEP, Office of Natural Lands Management Natural Heritage Database data request response for endangered or threatened species of flora or fauna, including a Landscape Map report, if available
   
   • Electronic Submissions: Acceptable file formats include pdf, jpg, and png.

12. Mitigation: N/A
   i. For permanent disturbance of less than 0.1 acres: a demonstration that all activities have been designed to avoid and minimize impacts to wetlands. If this demonstration is not provided, a mitigation plan that meets the requirements of N.J.A.C. 7:7A-11 must be submitted at least 90 calendar days before commencing any approved activities; and
ii. For permanent disturbance of 0.1 acres or greater, a mitigation plan that meets the requirements of N.J.A.C. 7:7A-11 must be submitted at least 90 calendar days before commencing any approved activities.

- **Electronic Submissions**: If a mitigation plan is necessary and is available at the time of submission, the service will provide an attachment type for "Mitigation Proposal." Alternatively, it may be uploaded separately at a later time through the service "Submit Additional Information for a Land Use Permit or Authorization." Acceptable file formats include pdf, doc, docx, rtf, and zip. If the demonstration that all activities have been designed to avoid and minimize impacts to wetlands is applicable, it should be included with the compliance statement and uploaded under the attachment type “Environmental Report with Site Location Maps.”

13. Additional requirements:

i. Proof of ownership, such as a deed, if available – applies only if the current owner purchased the property before June 30, 1988  
   **See Attachment 3**
   - **Electronic Submissions**: Acceptable file formats include pdf, jpg, and png.

ii. A Phase IA historical and archaeological survey, and an architectural survey, defined at N.J.A.C. 7:7A-1.3 – applies only if the application reflects any of the characteristics at N.J.A.C. 7:7A-19.5(l)  
   **See Attachment 11**
   - **Electronic Submissions**: Acceptable file formats include pdf, doc, docx, rtf, and zip.

iii. Highlands applicability determination (highlands exemption) – applies only if the project is located within the Highlands Preservation Area  
   **N/A**
   - **Electronic Submissions**: Acceptable file formats include pdf, jpg, and png.

iv. Conservation restriction – applies only if the proposed project is subject to an existing conservation restriction  
   **N/A**
   - **Electronic Submissions**: Acceptable file formats include pdf, jpg, and png.

v. Written consent from municipality – applies only if the project includes a gas pipeline and any section of that pipeline is located within a municipally-owned right-of-way. Written consent shall consist of one of the following:  
   **N/A**
   - Written consent from the municipality in the form of a resolution of the governing body or an ordinance
   - A municipal designation of the route pursuant to N.J.S.A. 48:9-25.4
   - A Board of Public Utilities designation of route pursuant to N.J.S.A. 48:9-25.4
   - **Electronic Submissions**: Acceptable file formats include pdf, jpg, and png.

14. A computer disk containing a copy of the entire application (Paper submissions ONLY)  
   **Included**
ATTACHMENT 2
Project Description/Flood Hazard Environmental Report/Wetland Consistency Statements
SXL Jacobs Creek Environmental Report

Project Narrative

Sunoco Pipeline L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

Horizontal directional drill (HDD) installation techniques will be used to install an approximately 2,500 foot of pipeline across the Delaware River and up Jacob’s Creek, to replace the portion of exposed pipeline. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacob’s Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and SR029.

Going from PA into NJ in a west to east direction, the proposed HDD will cross under PA SR 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD will be installed from both the PA and NJ sides of the Delaware River. On the PA side, the HDD entry point will be within a private residential property. Two(2) 1250-foot HDD pipeline strings will be assembled and tested within the same private residential and an additional residential/farm property. Access to the PA residential and residential farm property will be off Oakdale Avenue.

On the NJ side, the HDD exit point will be on what if referred to as the Gristmill property (see Figure 4). Access to the Gristmill property will be through a residential property off Creek Rim Drive and the existing Gristmill driveway of off NJ SR029. The contractor will travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment will use an additional access location through an existing private residence property located on Creek Rim Drive.

The proposed HDD will be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacob’s Creek and the Delaware River. On the NJ side the HDD installation will be tied in on the Grist Mill property and on the PA side it will be tied in within Oakdale Avenue.
The entire length of the abandoned pipeline from the location of the new tie ins will be grouted in place. Upon completion of the grouting approximately 350 feet of the exposed abandoned/existing pipeline will be removed from Jacob’s Creek and the remaining existing/abandoned pipeline will remain in place. Jacob’s Creek will be dammed off using sand bags or a port-a dam to allow access into the stream and to the exposed pipe which will be cut and capped at this location. Access to the western end of the exposed pipe will along an existing Delaware Raritan Canal gravel tow path down an existing cleared embankment the confluence to creek and Delaware River and Jacob’s Creek. Once the exposed pipeline ends have been cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river.

As directed by NJDEP the scour hole under the existing pipe will not be filled. Upon removal of the existing pipeline construction disturbance will be restored and no further impacts to Jacob’s creek are proposed.

As directed by DEP a tree clearing moratorium from April 1 to August 31 will be enacted in order to protect nesting birds. Also as directed by NJDEP in stream work will not take place between March 1 and June 30 in order to protect anadromous fish.

Please refer to Attachment 8 for maps illustrating USGS topography, NJDEP and NWI wetlands, soils, and the FEMA floodplain.

**Project Impacts**

A wetland delineation was performed by STV on October 25, 2019; no wetlands or wetland transition areas were identified within the proposed project limit of disturbance.

Replacement of the pipeline within the Jacob’s Creek will result in 0.543 acres of open water impacts during removal of the exposed pipeline. Following construction, disturbance will be restored and no further impacts to Jacob’s creek are proposed.

The project will result in 0.615 acres of impacts to the 50-foot riparian zone.
Impact Table

<table>
<thead>
<tr>
<th>Resource</th>
<th>Temporary Impact</th>
<th>Permanent Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Open Water</td>
<td>0.543 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>50 Foot Riparian Buffer</td>
<td>0.615 acres</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Alternatives**

Alternate construction methods were investigated, and it was determined that the use of a Horizontal Directional Drill (HDD) would be the least impactful approach to replace the exposed pipeline. Alternatives included lowering in place and installation of revetment matting over the exposed line. Both of these alternatives were excluded as the impacts to Jacob’s Creek would be such as to not be allowable under NJDEP permitting guidelines.

Locating the pipeline in an alternate location outside of the stream channel is not feasible since the project is repairing an existing pipeline. The pipeline does not coincide with a bridge or road in this location, making co-location in one of these locations infeasible. It is not feasible to construct the line outside of the riparian zone, since the washout occurs directly within the stream channel, and it is not feasible to construct the line 25 feet from the top of bank or edge of water due to site constraints. Therefore, the conditions of N. J. A. C. 7.13-11.1 have been met. There is no feasible alternative that would result in less environmental damage.

The No-Build Alternative is not viable as the exposed segments of pipeline are required to be fixed. Once completed, the prescribed improvement will enhance public safety and site will be restored to pre-construction conditions.

**Riparian Zone**

The width of the riparian zone for this project is 50 feet, as the Jacobs Creek is not a category one waterway, does not support trout, does not support threatened or endangered species and is not within an acid-producing soil area. The existing riparian zone is a mix of forested and residential maintained land to the north and forested land to the south.

Restoration of the riparian zone will follow NJDEP and Conservation District guidelines and result in an upgrade to existing conditions as the exposed pipeline will be removed allowing for more natural flow of water through Jacob’s Creek.

All necessary measures will be taken to protect the environmental resources in the project area. Pursuant to the Flood Hazard Control Act Rules N. J. A. C. 7.13-11.2 (Table 11.2), utility line maintenance has no limit to the amount of allowable vegetation disturbance to the riparian zone.
Environmental Impacts

Channels

The pipeline replacement will take place within the same footprint or slightly off center of the existing pipeline. There will be no permanent negative impacts to the upstream/downstream channel or aquatic habitat. Post construction conditions will allow for a more natural unencumbered flow of water through Jacob’s Creek as the existing exposed pipeline will be removed. Erosion and sedimentation control measures will be in place during construction to reduce increases in sedimentation to the greatest extent possible. The proposed structure will not cause or exacerbate bank erosion.

Fish Resources

Jacob’s Creek and the Delaware River are listed as a FW2-NT stream in the NJDEP’s Surface Water Quality Standards. As Jacobs Creek and the Delaware River support general game fish, no in-stream activity is permitted to take place between March 1 and June 30.

Threatened and Endangered Species

The New Jersey Natural Heritage Program was contacted to obtain information on the presence or absence of threatened and endangered species in the project area. According to the New Jersey Natural Heritage Program Agastache nepetoides (Yellow- Giant Hyssop) has the potential to be present within the proposed limit of disturbance. Based on final design and authorization by the NJDEP Office of Leases and Concessions coordination with NEW Jersey Natural Heritage Program is ongoing, as directed by NJDEP.

Regulated Waters

There will be no adverse effects on water quality due to storm water run-off. There will be no increase in impervious surface coverage. Water quality will be maintained by implementation of the erosion and sedimentation plan. Acid producing soils are not expected to be encountered during construction. If they are encountered they will be handled in the proper fashion following the Standards for Soil Erosion and Sedimentation Control in New Jersey May 2012 Standard for Management of High Acid Producing Soils. Potential for erosion will be minimized installing the proper sedimentation and erosion devices prior to earth work and removed after the project is complete.
Mitigation and Measures to Reduce Impacts

As stated above in the Alternatives Analysis, there are no feasible alternative locations or construction methodologies that would further minimize adverse environmental impacts.

Temporary erosion will be controlled through the use of erosion and sedimentation pollution control devices included in the New Jersey Department of Agriculture – State Soil Conservation District (NJDA-SSCC) The Standards for Soil Erosion and Sediment Control in New Jersey (7th Edition, January 2014). Erosion and sedimentation control measures designated for use during proposed construction include sediment barriers, stabilized construction access, dewatering with a filter bag, and restoration of disturbed areas. Temporary measures shall be installed and maintained during construction with permanent measures in place at the end of construction.

Wetland Consistency Statements

The following is a statement of compliance statement with the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) as it applies to the proposed project.

General Permit No. 2 – Underground Utility Lines

(a) General permit 2 authorizes activities in freshwater wetlands, transition areas, and/or State open waters necessary for the construction and/or maintenance of an underground utility line, provided all applicable requirements at N.J.A.C. 7:7A-5.7 and 20.3 are met and:

1. Permanent above-ground disturbance of wetlands, transition area, and/or State open waters is no greater than 0.5 acre. Anything that changes the character of the existing wetland, even if only to a different wetland type, is permanent disturbance. For example, maintained clearing over a utility line is permanent disturbance. For the purposes of this section, installation of a utility line in scrub shrub or emergent wetlands shall not be considered permanent disturbance.

   There are no permanent impacts associated with the proposed project. Furthermore, there are no changes to vegetation type proposed as part of this project. All impacts are limited to temporary disturbances and all areas will be returned to preconstruction conditions.

2. Permanently maintained clearing over the utility line is no wider than 20 feet unless a wider area is required by law;

   Mowing of the area over the pipeline will be limited to the existing right of way. No additional clearing is proposed after construction.

3. The trench into which the utility line is placed is no wider than necessary to comply with the United States Occupational Safety and Health Administration safety standards for excavations, set forth at 29 CFR Part 1926, Subpart; The proposed pipeline is being installed via HDD, and not trenched. The only trenching taking place is at the proposed tie in locations and is designed to create minimal impacts while remaining compliant with United States Occupational Safety and Health Administration safety standards for excavations, set forth at 29 CFR Part 1926, Subpart P.
4. Temporary disturbance, such as temporary construction clearing or temporary storage of dirt or equipment, is the minimum size necessary for compliance with applicable laws; **Temporary disturbances including clearing, temporary material and equipment storage has been reduced to the greatest extent possible.** Clearing is only proposed within the areas necessary for right of way maintenance and to set up the directional drill rig. Due to the location of the existing line within the riparian zone impacts are unavoidable.

5. The activities shall not cause any change in preconstruction elevation of a freshwater wetland, transition area, or State open water; **There are no wetlands or transition areas. All impacted areas will be returned to preexisting grade.** As directed by NJDEP no filling of the existing stream bed or scour hole is proposed. The exposed pipeline will be removed, and the stream will be allowed to reestablish natural contours.

6. The activities shall not cause any change in preconstruction elevation of a freshwater wetland, transition area, or State open water; **There are no wetlands or transition areas. All impacted areas will be returned to preexisting grade.** As directed by NJDEP no filling of the existing stream bed or scour hole is proposed. The exposed pipeline will be removed and the stream will be allowed to reestablish natural contours.

(b) If a utility line is jacked or directionally drilled underground, so that there is no surface disturbance of any freshwater wetlands, transition areas, or State open waters and there is no draining or dewatering of freshwater wetlands, no Department approval is required under this chapter. Jacking or directional drilling is regulated under this chapter if any disturbance occurs to the ground surface in the freshwater wetlands, transition area, or State open water; for example, if the drilling is conducted from a pit located in a freshwater wetland or transition area.

**Disturbance to State Open Waters is limited to the removal of the abandoned pipeline. HDD will result in no impacts to freshwater wetlands or State Open Waters.**

(c) In order to minimize environmental impact, a permittee shall:

1. Dispose of any excess soil or bedding material immediately upon completion of construction. This material shall be disposed of outside of freshwater wetlands, transition areas, State open waters, and areas regulated under the Department's Flood Hazard Area Control Act rules at N.J.A.C. 7:13; **All excavated material will be replaced on site, restoring the project area to preconstruction conditions.**

2. Backfill the uppermost 18 inches of any excavation with the original topsoil material; **The upper 18 inches of excavations at the drill tie in location will be replaced with onsite native material.**

3. Replant the disturbed area with indigenous wetlands plants; **Riparian areas will be restored with native seed mixes as described in the replanting plan in Attachment 4.**
4. Stabilize the disturbed area in accordance with the requirements of the appropriate Soil Conservation District. All areas will be restored in accordance with applicable Soil Conservation District guidelines.

5. Ensure that the activities do not interfere with the natural hydraulic characteristics of the wetland, such as the flow characteristics of groundwater on the site. Not applicable no impacts to freshwater wetlands are proposed.

(d) Any pipes laid through wetlands, transition areas, or State open waters shall be:

1. Properly sealed so as to prevent leaking or infiltration; All pipes will be tested prior to activation of the pipeline to ensure there are no leaks or sources of infiltration.

2. Designed so as not to form or provide a conduit for groundwater to be discharged or drained from the wetland; The proposed pipeline will be installed and right of way restored so as to ensure there are no conduits for groundwater discharge.

3. Placed entirely beneath the pre-existing ground elevation in order to allow free passage of surface and ground water, unless the applicant shows that placing some or all of the pipe above ground would be more environmentally beneficial. The proposed pipeline is to be installed entirely underground.

(e) Mitigation shall be performed for all permanent loss and/or disturbance of 0.1 acres or greater of freshwater wetlands or State open waters. Mitigation shall be performed for all permanent loss and/or disturbance of less than 0.1 acres of freshwater wetlands or State open waters unless the applicant demonstrates to the Department that all activities have been designed to avoid and minimize impacts to wetlands. For purposes of this subsection, “minimize” means that the project is configured so that most or all of it is contained in the uplands on the site, and that the wetlands are avoided to the greatest extent possible. An applicant is not required to reduce the scope of the project or to consider offsite alternatives to comply with this requirement.

1. The mitigation shall meet the substantive and procedural requirements at N.J.A.C. 7:7A-11 and shall be submitted to the Department for review and approval no later than 90-calendar days prior to the initiation of regulated activities authorized by this general permit. No impacts to wetlands are proposed.

The project will comply with all applicable requirements at N.J.A.C. 7:7A-5.7 as follows:

- The proposed activities do not occur in the proximity of a public water supply intake.
- The activities will not destroy, jeopardize or adversely modify a documented habitat for threatened or endangered species or jeopardize the existence of any local population of a threatened or endangered species.
- The activities will not adversely affect a component of a Federal or State Wild and Scenic River System or a designated study river area.
• The activities will not adversely affect properties that are listed or are eligible for listing on the National or State Register of Historic Places.
• Excavation in the regulated area will be monitored for the acid-producing deposits. If deposits are encountered, appropriate mitigation measures will be implemented.
• The proposed activities will not result in a violation of the Flood Hazard Area Control Act or implementing rules.
• The activities authorized under this General Permit do not include dredging.
• The proposed regulated activities are in full compliance with the Standards for Soil Erosion and Sediment Control in New Jersey.
• Best Management Practices shall be employed whenever applicable.

Commitment of Resources

The proposed activity includes the replacement of an exposed section of pipe located within an actively flowing stream. Due to the necessity of this pipeline replacement to complete the project, there is no alternative. All appropriate measures will be taken to protect the environmental area in which the project is located. By replacing the exposed section of pipe, the threat of impacts to the local environmental resources located within the project area will be minimized.

Utility Line Consistency Statements

7:13-11.1 Requirements for a regulated activity in a channel

(a) This section sets forth specific design and construction standards that apply to any regulated activity proposed in a channel.

(b) The Department shall issue an individual permit for a regulated activity in a channel only if the following requirements are satisfied:

1. The applicant describes in detail the regulated activities proposed within the channel, including the equipment proposed to be utilized, and demonstrates that the basic purpose of the project cannot be accomplished without the disturbance to the channel; All regulated activities have been fully described in the site plans included in the application. See Attachment 4.

2. Disturbance to the channel is eliminated where possible; where not possible to eliminate, disturbance is minimized through methods including relocating the project and/or reducing the size or scope of the project; Impacts to streams have been reduced to the greatest extent possible. Given the nature of the work (pipeline restoration within a stream bed) some stream impacts are required. Stream beds will be restored to original grade after completion of pipeline replacement. See Attachment 4.

3. All roadway, railroad, pedestrian, utility and other crossings are constructed as nearly perpendicular to the channel as possible; the proposed pipeline repair involves replacement of an existing line along the same corridor. Crossing angle is limited to the current route and as such a perpendicular crossing of Jacob’s Creek is not possible. Furthermore, the proposed crossing will be installed via HDD and require no direct impacts to Jacob’s Creek or the Delaware River.
4. All disturbed sections of the channel are properly stabilized, with special attention given to changes in slope, channel width and hydraulic capacity; **The stream channel will be restored and stabilized post construction to meet flow requirements to ensure stability post construction. See Attachments 4 and 7.**

5. If stabilization measures such as rip-rap or scour holes are proposed in the channel, the applicant demonstrates that such measures are necessary to stabilize the channel and/or to withstand scour along a bridge or culvert, and cannot be avoided through alternative designs, such as construction of deeper abutment footings or a larger bridge opening. Any rip-rap shall be embedded in the channel bed in such a way as to provide low-flow aquatic passage and withstand velocities associated with bank-full flows; **The stream channel will be restored to meet flow requirements to ensure stability post construction. See Attachments 4 and 7.**

6. No mining of the channel is proposed. This does not preclude the incidental use or sale of material removed as a result of lake dredging, channel cleaning or other regulated activities authorized by the Department and performed for purposes other than mining; **No mining of the stream channel is proposed.**

7. All temporarily disturbed sections of the channel are restored to pre-construction conditions immediately after completion of the disturbance. Characteristics that shall be replicated include channel shape, width, and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type; **The stream channel will be restored and stabilized post construction to match existing grade and meet flow requirements to ensure stability post construction. See Attachments 4 and 7.**

8. Aquatic habitat is preserved where possible; **Proposed impacts have been minimized to the greatest extent possible and proposed restoration involves returning the stream channel to preexisting conditions in order to preserve aquatic habitat to the greatest extent possible.**

9. Aquatic habitat is enhanced where preservation is not possible, such as through the placement of habitat enhancement devices, replacement of vegetation removed during construction, creation of tree canopy along the channel where no canopy exists, and/or enhancement of existing tree canopy along the channel; and **Proposed impacts have been minimized to the greatest extent possible and proposed restoration involves returning the stream channel to preexisting conditions in order to preserve aquatic habitat to the greatest extent possible.**

10. The project does not expose unset or raw cement to flowing water within any channel or regulated water during construction; **No cement is proposed as part of construction activities associated with this project.**

(c) The Department shall issue an individual permit for a channel modification only if the applicant demonstrates that, in addition to meeting the requirements of (b) above, the channel modification meets at least one of the following requirements: **Not applicable no channel modification is proposed.**
1. The channel modification is necessary to improve the ecological health of the regulated water and its riparian zone, or to control existing flooding or erosion which poses an immediate threat to life, property or a lawfully existing structure; or **Not applicable, no channel modification is proposed**.

2. The channel modification is necessary for the construction of a bridge or culvert, and the following requirements are satisfied: **Not applicable, there is not bridge or culvert associated with this project**.

(d) The Department shall authorize the use of construction equipment to perform regulated activities in a channel (whether situated in a channel, reaching into a channel, or driven across a channel) only if, in addition to meeting the requirements of (b) above, the following requirements are satisfied:

1. There is no feasible alternative that will result in less environmental damage; **Stream impacts have been limited to only removal of the exposed pipeline within Jacobs Creek. No feasible alternative route exists to access the exposed line**.

2. The bed is firm, the approaches are stable and the proposed construction activities will not cause or exacerbate bank erosion; **The remaining pipe will be grouted from the tie in locations. Once grouted. The exposed pipeline ends will be cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river. So as to minimize instream work within Jacob’s Creek. See Attachment 4**

3. Contact with flowing water is minimized to the maximum extent practicable through the use of temporary bridges, culverts, coffer dams, and/or sediment control devices, which are removed from the channel as soon as possible after completion of the disturbance; **Flowing water will only be impacted during pipe removal utilizing a diversion dam and as such impacts will be minimal. See Attachment 4**

4. Fording the channel is avoided to the maximum extent practicable; **No fording of the channel is proposed**

5. Where unavoidable, fording is made as nearly perpendicular to the channel as possible; and **No fording of the channel is proposed**

6. Adequate precautions are taken to prevent sediment, petroleum products and other pollutants from entering the channel. **Necessary erosion and sedimentation controls will be installed to prevent sediment and petroleum products from entering the stream. See Attachment 4**.

(e) A person shall not drive or operate a vehicle within a channel except in the following cases:

1. It is necessary to operate construction equipment in or across a channel as described in (d) above as part of a temporary construction activity; **Limited construction equipment is**
proposed only during pipeline removal. Diversion dams will be installed and no flowing water is to impact construction equipment.

2. An emergency vehicle must access a site that has no other feasible means of entry. This does not include repeated visits to the same site by delivery trucks; or Emergency vehicle access to the site will not require instream crossings.

3. The vehicle is driven across a lawfully existing and stable ford that was either constructed prior to October 2, 2006, or which is constructed on agricultural lands and authorized under this chapter. In stream work will be limited to areas within diversion dams no fording of the stream is proposed.

(f) No person shall dump or discard into a channel any material that could be carried away during a storm and/or obstruct the normal flow of water, such as trash, debris, construction material, leaf piles, lawn clippings, and landscaping material. No materials will be discarded into the channel during construction.

Requirements that apply to all regulated activities

(a) This section sets forth design and construction standards that apply to any regulated activity proposed in any regulated area.

(b) The Department shall issue an individual permit for a regulated activity only if it determines that the regulated activity is not likely to cause significant and adverse effects on the following:

1. Water quality; Construction and restoration design involves minimization of impacts, restoration to preexisting conditions, and the use of Best Management Practices (BMPs) during construction, so as to minimize impact to ensure adverse impacts to water quality are unlikely.

2. Aquatic biota; Construction and restoration design involves minimization of impacts, restoration to preexisting conditions, and the use of BMPs during construction, so as to minimize impact to ensure adverse impacts to aquatic biota are unlikely.

3. Water supply; Construction and restoration design involves minimization of impacts, restoration to preexisting conditions, and the use of BMPs during construction, so as to minimize impact to ensure adverse impacts to aquatic biota are unlikely.

4. Flooding; Construction and restoration design involves minimization of impacts and restoration to preexisting conditions so as to minimize impact to ensure adverse impacts to flooding are unlikely. Post construction conditions will result in a reduction in stream impingement as the exposed pipeline within Jacobs Creek and the culvert will be removed.

5. Drainage; Construction and restoration design involves minimization of impacts, restoration to preexisting conditions, and the use of BMPs during construction, so as to minimize impact to ensure adverse impacts to aquatic biota are unlikely.
6. Channel stability; Construction and restoration design involves minimization of impacts and restoration to preexisting conditions so as to minimize impact to ensure adverse impacts to channel stability are unlikely. The HDD will not impact channel stability. Pipeline removal will occur during low flow conditions. Impacts to the channel will be minimized utilizing divers to cut the exposed pipeline and limiting impacts only to the ends of the exposed pipeline with no excavation of the currently buried pipeline proposed within the stream channel. Post construction conditions will result in a reduction in stream impingement as the exposed pipeline within Jacobs Creek and the culvert will be removed.

7. Threatened and endangered species or their current or documented historic habitats; No impacts to threatened and endangered species are anticipated. See Attachment 6

6. Navigation;

7. Energy production; and This project supports energy production by repairing an existing, exposed pipeline.

8. Fishery resources. Construction and restoration design involves minimization of impacts and restoration to preexisting conditions as well as a March 1 to June 30 instream work moratorium to avoid impacts to anadromous fish so as to minimize impact to ensure adverse impacts to fishery resources are unlikely.

(c) A permittee shall obtain all necessary approvals from the local Soil Conservation District prior to commencing any activity approved in an individual permit issued under this chapter. All required Soil Conservation District approvals will be acquired prior to construction.

(d) A permittee shall obtain all necessary approvals from the USDA Natural Resource Conservation Service prior to commencing any activity designed or overseen by the NRCS, which is approved in an individual permit issued under this chapter. Mercer County Conservation District approvals will be acquired prior to commencement of construction.

(e) If neither the Soil Conservation District nor the USDA Natural Resource Conservation Service has jurisdiction over an activity approved in an individual permit issued under this chapter, the permittee shall commence the activity only if the following requirements are met:

1. Sediment control measures shall be installed around the proposed construction sufficient to prevent sediment from entering any riparian zone or channel outside the construction area; Mercer County Conservation District approvals will be acquired prior to commencement of construction. Sufficient erosion and sedimentation controls will be installed at the start of the proposed repair work and will remain in place until soil stability has been achieved.

2. If construction is proposed in a channel, sediment control measures, such as coffer dams, shall be installed around the activity sufficient to prevent flowing water from coming in contact with construction for the duration of the project where feasible; Diversion damming
of the stream will be required during pipe removal, damming will be constructed so as to avoid flowing water coming in contact with any construction equipment. See Attachment 4.

3. All slopes shall be graded and stabilized to prevent post-construction erosion; **Grading and stabilization will return the site to preexisting conditions so as to prevent post-construction erosion.**

4. Permanent, native, non-invasive plant species shall be established on all exposed soils immediately following construction. The applicant shall monitor and maintain all such vegetation for at least three growing seasons to ensure proper establishment and survival. **Permanent native species will be established upon completion of excavation and restoration. See Attachment 4**

(f) The Department shall issue an individual permit for a regulated activity that adversely impacts a property not owned by an applicant as set forth in (g) below, only if the applicant demonstrates that one or more of the following requirements are satisfied for each adversely impacted property:

1. The applicant is a public entity that intends to appropriate the adversely impacted property through its power of eminent domain; **Not applicable**

2. The applicant has entered into a contract to purchase the adversely impacted property; **Purchase agreements for affected properties along with signed access agreements are included in Attachment 3.**

3. The applicant has obtained an easement that encompasses the entire area that will be adversely impacted by the proposed activity, which specifically allows the applicant to undertake the proposed activity; or **Sunoco Pipeline L.P. has an existing easement within the proposed work area. Easement documents included.**

4. The applicant has obtained written permission from the owners of the adversely impacted property. Written permission shall include the following: **Written permission to perform proposed activities has been included with the permit application. Included with the permissions is an explanation of the nature and purpose of the project, an estimate of the length of time regulated activities will occur and an estimate of the extent to which the adversely impacted property will be affected by flooding or stormwater discharges and the frequency at which these impacts are expected to occur.**

(g) The Department shall consider a regulated activity to adversely impact a property not owned by an applicant if the activity meets one or more of the following. For the purpose of determining compliance with (g)4 and 5 below, calculations shall be rounded to the nearest 0.1 feet:

1. The regulated activity is situated, in whole or in part, on property that is not owned by the applicant; **Proposed construction is to take place within an existing Sunoco Pipeline L.P. easement.**
2. A stormwater discharge is directed overland onto property that is not owned by the applicant and the Department determines that the discharge will significantly increase or concentrate overland flow and/or cause erosion or increased flooding on the property not owned by the applicant; Proposed stormwater discharge is within an existing Sunoco Pipeline L.P. easement utilizing best management practices and with the approval of the Mercer County Conservation District.

3. The applicant relocates a regulated water or otherwise alters its top of bank such that the limit of the riparian zone encroaches further onto an offsite property; No relocation of regulated waters is proposed.

4. The applicant proposes to undertake one or more of the following regulated activities:
   
i. The construction of a new bridge or culvert, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.7(d)1; No bridges or culverts are proposed.

   ii. The reconstruction of an existing bridge or culvert, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.7(e)1; or No bridges or culverts are proposed.

   iii. The restoration of a regulated water to a natural condition, which does not meet the offsite flood requirements of N.J.A.C. 7:13-12.14(d); All restoration is designed to meet offsite flooding requirements.

5. The applicant proposes to undertake a regulated activity not listed in (g)4 above, and the regulated activity will result in one or more of the following offsite impacts during any flood event described in (i) below:

   i. The regulated activity subjects any offsite habitable building, railroad, roadway, or parking area to increased depth or frequency of flooding; Not applicable.

   ii. The regulated activity increases offsite flood depths by more than 0.2 feet, in cases where the applicant owns or has development rights on both sides of a regulated water; or No increase to offsite flood depths is proposed.

   iii. The regulated activity increases offsite flood depths by more than 0.1 feet, in cases where the applicant owns or has development rights on only one side of a regulated water. No increase to offsite flood depths is proposed.

(h) If a project results in a significant change in the cross-sectional area and/or hydraulic capacity of a channel or floodway, the Department shall presume that the project has the potential to adversely impact a property not owned by the applicant, as described at (g) above. In such a case, the Department shall require the applicant to provide hydrologic and/or hydraulic calculations that identify the properties that would be adversely impacted, or which demonstrate that such impacts will not in fact occur. Examples of projects that may require such an analysis include a channel modification, flood control project, the construction or removal of a water control structure, and the placement of a significant volume of fill in a
floodway. Not applicable no significant changes in the cross-sectional and/or hydraulic capacity of the stream are proposed.

(i) Where this chapter requires consideration of potential offsite flooding impacts, the following flood events shall be analyzed: Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.

1. The flood hazard area design flood; Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.

2. The 100-year flood; Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.

3. The 50-year flood; Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.

4. The 25-year flood; Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.

5. The 10-year flood; Flood Hazard Engineering Report include in Attachment 7. No potential impacts proposed.


Requirements for excavation, fill, and grading activities

(a) This section sets forth specific design and construction standards that apply to any excavation, fill and/or grading proposed in any regulated area.

(b) The Department shall issue an individual permit for excavation, fill and/or grading only if the following requirements are satisfied:

1. The overland flow of stormwater is not impeded and floodwaters can freely enter and exit the disturbed area, unless the area is graded to impound water for a stormwater management structure that meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8; Overland flow of water will not be impeded by construction activities. See Attachment 4 for erosion and sedimentation plans.

2. Any slope of greater than 50 percent (a ratio of two horizontal to one vertical) is stabilized using soil bioengineering, retaining walls, rip-rap or other appropriate slope protection; No slopes over 50 percent grade exist on site or are proposed.

3. The excavation, fill and/or grading does not endanger the integrity of any existing structure; and No structures exist within the limit of disturbance.

4. All excavated material is disposed of lawfully. All excavated material will be stored onsite and properly stabilized until pipeline repair is complete at which time it will be used to backfill the excavation and restore the site. No disposal is proposed.
7:13-12.8 Requirements for a utility line

(a) This section sets forth specific design and construction standards that apply to any utility line proposed in any regulated area.

(b) The Department shall issue an individual permit to construct or reconstruct a utility line in a regulated area only if the following requirements are satisfied:

1. All disturbed areas in the flood hazard area are restored to pre-construction topography; All disturbed areas will be regraded, stabilized and restored to preconstruction conditions. As directed by NJDEP the scour hole under the exposed pipeline will not be filled. Restoration will be limited to construction disturbance.

2. The applicant provides an engineering certification confirming that any utility line that conveys a gas or liquid is sealed to ensure that there will be no leakage or discharge in a regulated area; and The repaired line segments will be pressure tested by the pipeline’s owner/operator (Sunoco Pipeline L.P.) before said line is placed back in service. Sunoco Pipeline L.P. can provide such certification upon completion of the proposed work and associated testing.

3. Except in the immediate vicinity of a crossing of a regulated water, the utility line shall not be constructed within 10 feet of any top of bank, unless the project lies adjacent to a lawfully existing bulkhead, retaining wall, or revetment along a tidal water. All repairs are limited to the immediate crossing of the regulated stream.

(c) The Department shall issue an individual permit to construct or reconstruct a utility line across or under a channel or water only if the following requirements are satisfied, as applicable:

1. The applicant demonstrates that it is not feasible to directionally drill or "jack" the proposed utility line under the channel or water under permit-by-rule 36 at N.J.A.C. 7:13-7.36; Pipeline will be installed via horizontal directional drill.

2. The applicant demonstrates that it is not feasible to construct the utility line within a roadway that already crosses the channel or water under permit-by-rule 37 at N.J.A.C. 7:13-7.37; No roadways cross the waterway at the location of the repairs.

3. The applicant demonstrates that it is not feasible to attach the utility line to a bridge that already crosses the channel or water under permit-by-rule 38 at N.J.A.C. 7:13-7.38; No bridges cross the waterway at the location of the repairs.

4. The excavation of an open trench across a channel or water resulting in contact with flowing water is avoided. If the excavation of an open trench is unavoidable, the following requirements shall be met; See Attachment 4.
i. Any trench in a channel, water or riparian zone, is no more than 20 feet wide, unless the applicant demonstrates that such a width is not feasible and a wider trench is necessary for safe construction;

No trenching is proposed within a channel. The only trenching associated with the project is to tie-in the ends of the HDD to the existing pipeline.

ii. The normal flow of the channel or water is piped or diverted around the open trench during construction where possible so that sediment cannot enter the regulated water; and

Diversion damming will be installed during pipeline removal so as to avoid sediment entering regulated waters.

iii. The trench is backfilled to the pre-excavation ground elevation using native substrate upon completion of the crossing; Trenching associated with pipeline tie-ins and removal will be restored to preconstruction elevations utilizing native materials.

5. A utility line that conveys a gas or liquid is protected in one of the following ways:

i. It is covered by at least four feet of stable material consisting of native substrate in the channel or water; The new pipeline segments will be at least 4 feet below the bottom of the stream channel.

6. A utility line that does not convey a gas or liquid is covered by at least three feet of stable material consisting of native substrate in the channel or water, where feasible; Not Applicable

7. The following requirements are satisfied for each utility line that crosses a channel or water, unless the applicant demonstrates that one or more of these requirements is not feasible or that another configuration would pose less risk to life, property and the environment:

i. Each utility line is placed nominally horizontal under the entire channel or water and remains so beyond each bank for a distance equal to twice the height of the bank, or 10 feet, whichever is greater. If there is no discernible bank, the utility line shall remain nominally horizontal for at least 10 feet beyond the normal edge of water; The new pipeline segments will extend at least 10 feet beyond the edge of the stream channel/bank.

ii. The inclined portion of each utility line approaching the channel or water has a slope no greater than 50 percent (a ratio of two horizontal to one vertical); Utility line slope under the channel will not exceed 50 percent.

iii. Encasement extends under the entire channel or water and 10 feet beyond each top of bank. If there is no discernible bank, the utility line shall be encased for at least 10 feet beyond the normal edge of water. Due to the nature of the installation (HDD under the Delaware River) encasement of the entire line is not feasible.

(d) The Department shall issue an individual permit to construct or reconstruct a utility line above a channel or floodway, which is not attached to a roadway or railroad crossing, or
which is attached to such a crossing but does not meet permit-by-rule 38 at N.J.A.C. 7:13-7.38, only if the following requirements are satisfied: Not Applicable

1. The applicant demonstrates that it is not feasible to attach the utility line to a bridge that already crosses the channel or water under permit-by-rule 38;

2. The utility line does not create any obstruction to the flow of floodwaters;

3. The utility line is protected from damage by impact from floating debris;

4. The utility line is placed at least one foot above the flood hazard area design flood elevation.

(e) The Department shall issue an individual permit to construct or reconstruct a manhole associated with a utility line in a regulated area only if the following requirements are satisfied: Not Applicable

1. The manhole is constructed at least 10 feet from any top of bank;

2. Any manhole in a flood hazard area has a watertight cover;

3. The top of a manhole in a floodway is flush with the ground; and

4. The top of a manhole in a flood fringe is flush with the ground, where possible.

(f) The Department shall issue an individual permit for the placement of a cable directly on the bed of a channel or water only if the following requirements are satisfied: Not Applicable

1. The channel or water is large enough in both width and depth that the cable will not interfere with navigation and/or the normal flow of the channel or water; and

2. The cable is laid with enough slack so that it can be easily moved.

(g) The Department shall issue an individual permit that allows, over the five-year term of the permit, the necessary and periodic maintenance, repair, or replacement of any section of a lawfully existing above or below ground utility line in a regulated area only if the following requirements are satisfied: Not Applicable. Proposed work is for an individual pipeline repair and will not require continued maintenance.

1. The applicant submits an application for an individual permit which, in addition to the normal application requirements, includes the following:

   i. The exact location of the utility line network that is the subject of the application, identified on USGS quad maps; and

   ii. A detailed description of the types of maintenance, repair, and/or replacement activities that can be expected to occur during the duration of the individual permit, such as construction details of typical, anticipated activities and associated construction sequences;
ATTACHMENT 3
Public Notices/Property Ownership
Jacobs Creek Pipeline Replacement
Hopewell and Ewing Township, Mercer County, New Jersey

Public Notice Requirements

List of Public Notice Recipients

Hopewell Township

- Laurie Grumpf, Municipal Clerk (complete copy of application)
- Hopewell Township Planning Board Chair
- Hopewell Township Environmental Commission
- Hopewell Township Construction Official

Ewing Township

- Kim Macellaro, Municipal Clerk (complete copy of application)
- Ewing Township Planning Board Chair
- Ewing Township Environmental Commission
- Ewing Township Construction Official

Mercer County

- Paula Sollami Covello, Esq, Mercer County Clerk
- Mercer County Planning Board Chair
- Mercer County Conservation District
- Property Owners Within 200 feet (see attached list)
Municipal Letters
April 22, 2020

Ms. Laurie E. Grumpf  
Hopewell Township Municipal Clerk  
201 Washington Crossing Pennington Road  
Titusville, NJ 08560

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project  
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Ms. Grumpf:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/Freshwater Wetland permit application and a copy of the permit application for public review has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed figure. A brief description of the proposed development follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

Horizontal directional drill (HDD) installation techniques will be used to install an approximately 2,500 foot of pipeline across the Delaware River and up Jacob’s Creek, to replace the portion of exposed pipeline. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacob’s Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and SR029.
Going from PA into NJ in a west to east direction, the proposed HDD will cross under PA SR 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD will be installed from both the PA and NJ sides of the Delaware River. On the PA side, the HDD entry point will be within a private residential property. Two(2) 1250-foot HDD pipeline strings will be assembled and tested within the same private residential and an additional residential/farm property. Access to the PA residential and residential farm property will be off Oakdale Avenue.

The complete permit application package can be reviewed at either the municipal clerk’s office or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this letter to:

    New Jersey Department of Environmental Protection
    Division of Land Use Regulation
    P.O. Box 420, Mail Code 501-02A,
    Trenton, New Jersey 08625
    Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley
Senior Environmental Scientist
STV Energy Services Inc.
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Chairman
Hopewell Township Planning Board
201 Washington Crossing Pennington Road
Titusville, NJ 08560

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

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205 West Welsh Drive, Douglassville, PA
April 22, 2020

Construction Official
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James McGinley  
Senior Environmental Scientist  
STV Energy Services Inc.  
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Ms. Kim Macellaro  
Municipal Clerk  
2 Jake Garzio Drive  
Ewing, NJ 08628  

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit  

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project  
Ewing and Hopewell Townships, Mercer County, NJ  

STV Project No.: 38-16332

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The complete permit application package can be reviewed at either the municipal clerk’s office or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this letter to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Mail Code 501-02A,
Trenton, New Jersey 08625
Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley
Senior Environmental Scientist
STV Energy Services Inc.
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Chairman
Ewing Township Planning Board
2 Jake Garzio Drive
Ewing, NJ 08628

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Dear Interested Party:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/Freshwater Wetland permit application has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed figure. A brief description of the proposed development follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

Horizontal directional drill (HDD) installation techniques will be used to install an approximately 2,500 foot of pipeline across the Delaware River and up Jacob’s Creek, to replace the portion of exposed pipeline. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacob’s Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and SR029.
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Division of Land Use Regulation
P.O. Box 420, Mail Code 501-02A,
Trenton, New Jersey 08625
Attn: Mercer County Bureau Chief

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Sincerely,

James McGinley
Senior Environmental Scientist
STV Energy Services Inc.
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Chairman
Ewing Township Environmental Commission
2 Jake Garzio Drive
Ewing, NJ 08628

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Dear Interested Party:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/Freshwater Wetland permit application has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed figure. A brief description of the proposed development follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

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   New Jersey Department of Environmental Protection  
   Division of Land Use Regulation  
   P.O. Box 420, Mail Code 501-02A,  
   Trenton, New Jersey 08625  
   Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley  
Senior Environmental Scientist  
STV Energy Services Inc.  
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Construction Official
Ewing Township Municipal Building
2 Jake Garzio Drive
Ewing, NJ 08628

Subject: Application for an Individual Flood Hazard Area/Freshwater Wetland General Permit #2

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Dear Interested Party:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/General Freshwater Wetland Permit #2 application is being submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the proposed project shown on the enclosed figure. A brief description of the project is as follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. From Pennsylvania, the pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

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There should be a statement of associated impacts. Also need to talk about the pipeline removal, since that probably has more impacts than the HDD.

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Mail Code 501-02A,
Trenton, New Jersey 08625
Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley
Senior Environmental Scientist
STV Energy Services Inc.
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Ms. Paula Sollami Covello, Esq
Mercer County Clerk
209 South Broad Street
Trenton, NJ 08608

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Ms. Sollami Covello:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/Freshwater Wetland permit application has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed figure. A brief description of the proposed development follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

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New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420, Mail Code 501-02A,  
Trenton, New Jersey 08625  
Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley  
Senior Environmental Scientist  
STV Energy Services Inc.  
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Mercer County Planning Board
209 South Broad Street
Trenton, NJ 08608

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Interested Party:

This letter is to provide you with legal notification that an Individual Flood Hazard Area/Freshwater Wetland permit application has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed figure. A brief description of the proposed development follows:

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    P.O. Box 420, Mail Code 501-02A,  
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    Attn: Mercer County Bureau Chief

If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley  
Senior Environmental Scientist  
STV Energy Services Inc.  
205 West Welsh Drive, Douglassville, PA
April 22, 2020

Chairman
Mercer County Conservation District
590 Hughes Drive
Hamilton Square, NJ 08690

Subject: Application for Individual Flood Hazard Area/Freshwater Wetland Permit

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

STV Project No.: 38-16332

Dear Interested Party:

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If you have questions, you can contact me at 610-385-8443.

Sincerely,

James McGinley
Senior Environmental Scientist
STV Energy Services Inc.
205 West Welsh Drive, Douglassville, PA
April 22, 2020

County and Local Officials
Property Owners within 200 feet of the Subject Property

Reference: Sunoco Logistics Partners LP. Jacobs Creek Emergency Repair Project
Ewing and Hopewell Townships, Mercer County, NJ

Subject: Application for Freshwater Wetlands General Permits 1 and Flood Hazard
Area Individual Permit

STV Project No. 38-16332

Dear Interested Party:

This letter is to provide you with legal notification that an Individual Flood Hazard
Area/Freshwater Wetland permit application has been submitted to the New Jersey Department of
Environmental Protection, Division of Land Use Regulation for the development shown on the
enclosed figure. A brief description of the proposed development follows:

Sunoco Logistics Partners, L.P. (SXL) owns and operates a 14-inch welded steel high-pressure
petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their
Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and
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New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
P.O. Box 420, Mail Code 501-02A,  
Trenton, New Jersey 08625  
Attn: Mercer County Bureau Chief

When the NJDEP has decided whether or not this application qualifies for approval under the Freshwater Wetlands Protection Act rules, NJDEP will notify the municipal clerk of the final decision on this application. If you have questions, you can contact our agent, James McGinley, Environmental Scientist at STV Energy Services at (610) 385-8443.

Sincerely,

James McGinley  
STV Energy Services, Inc.
ATTACHMENT 4

Project Site Plan
14-INCH TWIN OAKS TO NEWARK JACOBS CREEK PIPELINE RELOCATION
HOPEWELL AND EWING TOWNSHIPS MERCER COUNTY, NEW JERSEY

ISSUED FOR PERMITTING

PROJECT NO. 17-0046-02

STV
1000 Water Street
14th Floor
Philadelphia, PA 19107

April 17, 2020

PROJECT LOCATION MAP

- End of document -
GENERAL SHEET NOTES

1. Site plans shall be submitted for approval prior to site development.
2. All site plans shall be submitted in accordance with the approved site plan.
3. All site plans shall be submitted in accordance with the approved site plan.
4. All site plans shall be submitted in accordance with the approved site plan.
5. All site plans shall be submitted in accordance with the approved site plan.
6. All site plans shall be submitted in accordance with the approved site plan.

BMP INSTALLATION SEQUENCE

1. BMP installation shall be completed in accordance with the approved site plan.
2. All BMP installation shall be completed in accordance with the approved site plan.
3. All BMP installation shall be completed in accordance with the approved site plan.
4. All BMP installation shall be completed in accordance with the approved site plan.
5. All BMP installation shall be completed in accordance with the approved site plan.

BMP DESCRIPTION

The BMPs shall be installed in accordance with the approved site plan.

POST CONSTRUCTION OPERATION AND MAINTENANCE NOTES

1. All BMPs shall be inspected and maintained in accordance with the approved site plan.
2. All BMPs shall be inspected and maintained in accordance with the approved site plan.
3. All BMPs shall be inspected and maintained in accordance with the approved site plan.
4. All BMPs shall be inspected and maintained in accordance with the approved site plan.
5. All BMPs shall be inspected and maintained in accordance with the approved site plan.

RECYCLING OR DISPOSAL OF MATERIALS

The recycling or disposal of materials shall be in accordance with the approved site plan.
ATTACHMENT 5
Photos
Canal Access & Temporary Workspace
East Side at Culvert
East Side at Drill Set Up, Tie-In
West Side at Culvert
PHOTOGRAPH 22

PHOTOGRAPH 23
ATTACHMENT 6
Threatened/Endangered Species Coordination
August 25, 2015

Joseph Kopajtic  
STV Energy Services, Inc.  
7125 Ambassador Road, Suite 200  
Baltimore, MD 21244

Re: Sunoco Logistics Partners - Jacobs Creek Crossing  
Block(s) - 427, Lot(s) - 1  
Ewing and Hopewell Townships, Mercer County

Dear Mr. Kopajtic:

Thank you for your data request regarding rare species information for the above referenced project site in Ewing Township, Mercer County.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.1) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Request for Data into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as ‘Yes’ in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as ‘Yes’ in Table 2. These reports may include species that have also been documented on the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State’s best habitats for rare and endangered species and ecological communities. Please refer to Tables 1 and 2 (attached) to determine if any priority sites are located on or in the vicinity of the site.

A list of rare plant species and ecological communities that have been documented from the project site, referenced above, can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.
If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive NJ-GeoWeb website at the following URL, http://www.state.nj.us/dep/gis/geowebsplash.htm or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.


Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,

Robert J. Cartica
Administrator

c: NHP File No. 15-4007437-8156
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<th>Description</th>
<th>Rate (per hr.)</th>
<th>Amount</th>
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<td>$ 70.00</td>
<td>$ 70.00</td>
</tr>
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</table>

PAID: This Invoice has been paid with Check Number 108040.

Joseph Kopajtic
Project Name: Sunoco Logistics Partners - Jacobs Creek Crossing

Total $ 70.00
Table 1: On Site Data Request Search Results (7 Possible Reports)

<table>
<thead>
<tr>
<th>Report Name</th>
<th>Included</th>
<th>Number of Pages</th>
</tr>
</thead>
<tbody>
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### Vascular Plants

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<td>S2</td>
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<td>S1B,S2N</td>
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### Table 2: Vicinity Data Request Search Results (6 possible reports)

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<td>Foraging</td>
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Tuesday, August 25, 2015
### Rare Wildlife Species or Wildlife Habitat

**In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File**

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<tr>
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## Rare Wildlife Species or Wildlife Habitat

In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File

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Total number of records: 11
State of New Jersey
Mail Code 501-04
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP-Office of Natural Lands Management
P.O. Box 420, Trenton, New Jersey 08625-0420
(609) 984-1339
Fax No.: (609) 984-1427

PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE
(Fields shown in bold font must be completed in order for data request to be processed.)

1. Name: James McGinleyAgency/Company: STV
   Address: 205 West Welsh Drive
   City: Douglassville
   State: PA Zip: 19518 Daytime Phone: 610-385-8443 Ext.: __________
   Cell Phone: 610-65-7654 Email: jim.mcginley@stvinc.com

2. Project Name: Jacob's Creek Pipeline Replacement Project
   Municipality(ies): Hopewell and Ewing Townships
   County(ies): Mercer
   Block(s): __________ Lot(s): __________
   N.A.D. 1983 State Plane Coordinates (feet) 6 digits only:
   E (x): 40,278,104 N (y): -74,854,279

3. Project Description: Sunoco Logistics proposes replacement of section of a 14-inch carbon steel liquid products pipeline located in Jacob's Creek, Hopewell Township. The pipeline is conveyed under River Road by means of a culvert, then proceeds underneath the D&R Canal and Delaware River.

4. USGS Quad: X A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): Lambertville and Pennington NJ-PA
   (USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)

5. Flood Hazard Control Act Use: Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes X No __________

6. Acknowledgement & Signature: Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of $70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management."
   Signed ___________________________ Date 4/20/20

Time Frame for Response:
Data requests are processed in the order in which they are received; please allow 30 days for response. If you would like to send in your data request via email, you may do so by sending it to Natlands@dep.nj.gov. Due to the number of attachments, we cannot fax results. Unless you specifically request that your response be mailed or the response is unusually large, your response will be emailed to the address you provide.

FOR OFFICE USE ONLY

DATE RECEIVED__________________________

Item Code: REG _____ ST _____ RTC _____ NC _____ REgeo _____ STEO _____ RTCEO _____ NCEO _____
Hrs: ______________
Project Code: __________________________ Inv. #: ___________
PROJECT LOCATION

SCALE: 1" = 2,000'

 RESOURCE INFORMATION:
United States Census Bureau (TIGER/Line Data)
United States Department of the Interior (USGS)
- Lambertville, NJ-PA (2016)
- Pennington, NJ-PA (2016)

CREATED BY:
STV Energy Services, Inc.

PENNSYLVANIA
NEW JERSEY

LOCATOR MAP
14-INCH TWIN OAKS-to-NEWARK JACOBS CREEK HORIZONTAL DIRECTIONAL DRILL PIPELINE RELOCATION
HOPEDALE and EWING TOWNSHIPS (MERCER COUNTY, NJ)
UPPER MAKEFIELD TOWNSHIP (BUCKS COUNTY, PA)

SUNOCO LOGISTICS PARTNERS L.P.
PROJECT LOCATION MAP (USGS)
12/19/2018

Sunoco Logistics Partners L.P.

Document Path: I:\Projects\3816332\3816332_0001\90_CAD Models and Sheets\04_C_Civil\GIS\JacobsCreek_PrjLoc_USGS.mxd

DRAWN BY:

APPROVED BY:

DATE:

PROJECT NUMBER:
38-16332

REVISION NUMBER:

COMMENTS:

MERCER COUNTY, NJ
BUCKS COUNTY, PA

Proposed Horizontal Directional Drill (HDD)
ATTACHMENT 7
Flood Hazard Engineering Report
MEMORANDUM

DATE: April 20, 2020
TO: Project File
FROM: Christopher D. Antoni PE, P.Eng
SUBJECT: Jacobs Creek Pipeline Replacement - Permitting

On behalf of our client, Sunoco Pipeline L.P. (Sunoco), STV Energy Services, Inc. (STV) is responsible for permitting the replacement of the 14-inch petroleum pipeline (a.k.a. the Twin Oaks to Newark Pipeline) located within Jacobs Creek and the Delaware River, Ewing and Hopewell Township, Mercer County, NJ. Due to the erosion of Jacobs Creek, the existing pipeline has become exposed thereby necessitating the pipeline be replaced via Horizontal Directional Drill.

Since the pipeline is being replaced via a directional drill, there will not be any change in elevations or contours of the existing right-of-way furthermore the existing exposed pipeline within Jacobs creek will be removed allowing for more unencumbered flow of Jacobs Creek. Therefore, there will not be any change in the hydrologic, hydraulic, flood flows/elevations, stormwater runoff, etc. There will not be any permanent best management practices remaining in place from an erosion or stormwater standpoint. The area will be re-vegetated and returned to its pre-construction conditions.

Based on the above, the existing hydraulic capacity of the stream channel will not be changed and it will be restored back to its existing conditions.

If there are any further questions, please feel free to contact me at:

Christopher D. Antoni PE, P. Eng
Senior Vice President
STV
205 West Welsh Drive
Douglassville, PA 19518
Office: (610) 385-8233
Cell: (610) 698-9722
Email: Christopher.Antoni@stvinc.com
ATTACHMENT 8
Project Figures
PROPOSED HDD
ENTRY POINT

PROPOSED HDD
EXIT POINT

PROPOSED TIE-IN TO
EXISTING 14-INCH SXL PIPELINE

PROJECT HDD

PROPOSED TIE-IN TO
EXISTING 14-INCH SXL PIPELINE
### Proposed Horizontal Directional Drill (HDD)

- **Project Location**
- **Proposed HDD Entry Point**
- **Proposed Tie-In to Existing 14-Inch SXL Pipeline**
- **Proposed HDD Exit Point**
- **Proposed Tie-In to Existing 14-Inch SXL Pipeline**

### NRCS Soil (with hydric rating)

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<th>MAP SYMBOL</th>
<th>SOIL DESCRIPTION</th>
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<td>0</td>
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<td></td>
<td>Bo</td>
<td>Brown Clarion silt loam, 0 to 2 percent slopes, occasionally flooded</td>
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<td>Mercer County, NJ</td>
<td>SHRS</td>
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### References

- Natural Resources Conservation Service (NRCS) - SSURGO Database
- United States Census Bureau (TIGER/Line Data)
- Esri ArcGIS Online Web Map Service
- World Imagery
- World Transportation

**CREATED BY:** STV Energy Services, Inc.

**LOCATOR MAP**

**14-INCH TWIN OAKS-to-NEWARK JACOBS CREEK HORIZONTAL DIRECTIONAL DRILL PIPELINE RELOCATION**

**HOPESWELL AND EYRING TOWNSHIPS (MERCER COUNTY, NJ)**

**UPPER MAKEFIELD TOWNSHIP (BUCKS COUNTY, PA)**

**SUNOCO LOGISTICS PARTNERS L.P.**

**NRCS SOIL SURVEY MAP**

**Document Path:** I:\Projects\3816332\3816332_0001\90_CAD Models and Sheets\04_C_Civil\GIS\JacobsCreek_Soils.mxd

**DRAWN BY:** [Name]

**APPROVED BY:** [Name]

**DATE:** [Date]

**PROJECT NUMBER:** 38-16332 JJC III

**REVISION NUMBER:** [Number]

**COMMENTS:** [Any comments]
ATTACHMENT 9
Wetland Delineation Report
Sunoco Logistics Partners, L.P. (Sunoco) owns and operates a 14-inch steel high-pressure petroleum products pipeline that transports product from Sunoco’s Twin Oaks Terminal to their Newark Facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey, the existing pipeline is located within the creek bed of Jacobs Creek. The pipeline travels up stream within the rock streambed, through a large culvert which supports the Delaware and Raritan Canal and State Route 29. The pipeline is exposed through the 165-foot-long culvert and for a distance of approximately 50 feet downstream of the culvert. Within this segment, the pipeline is installed within approximately 200 feet of 18-inch casing to protect the line. However, over the years the casing has begun to degrade and is no longer providing adequate protection. Therefore, this section of pipeline must be replaced.

To support permitting efforts, STV conducted a wetlands investigation of the project area and at a minimum 50 foot beyond the proposed limit of disturbance to determine the presence or absence of wetlands on October 25, 2019. James McGinley and Peter Gaskins conducted the investigation. Mr. McGinley and Mr. Gaskins both have over 15 years of wetlands delineation experience.

Areas within the proposed limit of disturbance and at a minimum 50 feet beyond were investigated for wetlands. Dominant hydric vegetation, hydric soils and hydrology were not present within these areas. There is one stream present on the project site, Jacobs Creek.

In conclusion, the area investigated did not meet the vegetation, hydrology or soil requirements to be classified as a wetland as defined by the 1989 Corps of Engineers Wetlands Delineation Manual and Supplement, therefore it was determined that the project area that was investigated does not contain wetlands. There was one stream, Jacobs Creek, located within the project area.

If there are any further questions, please feel free to contact me at:

James McGinley
Senior Environmental Scientist, Associate
STV
205 West Welsh Drive
Douglassville, PA 19518
Office: (610) 385-8443
Email: jim.mcginley@stvinc.com
ATTACHMENT 10
SHPO Coordination
January 23, 2019

Mr. Daniel Saunders
Administrator and Deputy State Historic Preservation Officer
New Jersey Department of Environmental Protection
Mail-code 501-04B
P.O. Box 420
Trenton, NJ 08625-0420

Reference: Energy Transfer Partners
ETP Jacobs Creek Pipeline Washout Repair
Ewing and Hopewell Townships, Mercer County, NJ
Upper Makefield, Bucks County, PA

Subject: Section 106 of the National Historic Preservation Act Consultation

STV Project No.: 38-16332

To Mr. Saunders:

STV Energy Services, Inc. (STV) was retained by Energy Transfer Partners (ETP) to obtain environmental permits associated with the replacement of a pipeline within Jacobs Creek, Ewing and Hopewell Townships Mercer County, New Jersey across the Delaware River via horizontal direction drill to Upper Makefield Township, Bucks County, Pennsylvania.

ETP owns and operates a 14-inch welded steel high-pressure petroleum products pipeline that transports product from SXL’s Twin Oaks Terminal to their Newark Facility. The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface. The pipeline travels across the Delaware to Uper Makefield Township, Bucks County, PA.

Excavation within the New Jersey side of the Delaware River will be limited to an approximately 300 foot, previously disturbed, section between the proposed drill entry point and the proposed tie in location depicted in the included site plan. No above ground structures are proposed as part of this relocation and all impacts will be temporary.

STV performed historical and archeological research on New Jersey’s CRGIS Online Viewer and with the New Jersey State Museum. This research found the following above and below ground resources in the area of the proposed work.
Delaware and Raritan Canal Historic District Contributing Resources:

- Drains
- Millers House
- Early 19th Century House
- Water Intake
- Mercer and Somerset Branch Railroad Crossing and Somerset Station Site
- Late 19th Century House
- Somerset Roller Mills/Jacobs Creek Grist Mill
- Site 28-ME-18 (Approximately 3000 feet north of the APE)
- Site-28-ME-258 (Approximately 5000 feet forth of the APE)

Background research, environmental data, and a visual inspection of the Area of Potential Effect (APE) indicated that the entirety of the APE has been previously disturbed. This disturbance includes the installation of the existing ETP pipeline and corresponding ROW maintenance reducing the potential for impacts to below ground resources. Furthermore, installation methodology (Horizontal Directional Drill) minimizes the need for earth disturbance. Also, the resulting piping will be located entirely underground at the completion of the project therefore resulting in no effect to the viewshed of the surrounding above ground resources.

The purpose of this letter is to request your concurrence that this project will not impact cultural or historic resources.

If you have any questions, please contact me at (610) 385-8443 or at jim.mcginley@stvinc.com.

Thank you for your attention to this project.

Sincerely,

James McGinley
Environmental Scientist
February 27, 2019

James McGinley
Environmental Scientist
STV Energy Services, Inc.
205 West Welsh Drive
Douglassville, Pennsylvania 19518-8713

Re: Mercer County, Hopewell and Ewing Townships
Jacobs Creek Pipeline Washout Repair
Energy Transfer Partners

Dear Mr. McGinley:

Thank you for providing the Historic Preservation Office (HPO) the opportunity to review and comment on the potential for the above-referenced project to affect historic and archaeological resources. According to the documentation submitted, Energy Transfer Partners (ETP) owns and operates a 14-inch welded steel high-pressure petroleum products pipeline within the stream bed of Jacobs Creek, running parallel to the creek. The pipeline is exposed a total length of 301 feet within Jacobs Creek; 169-foot within the culvert, 3-feet upstream of the culvert, and 129-feet downstream of the culvert. ETP is proposing to install a new pipeline across the Delaware River by means of horizontal directional drill (HDD) and will tie-in to the existing pipeline on Block 99.01, Lot 6 in Hopewell Township.

Based on the documentation submitted, background research, environmental data, and a visual inspection of the Area of Potential Effect (APE) indicated that the entirety of the APE has been previously disturbed. Furthermore, the resulting pipe will be located entirely underground at the completion of the project therefore resulting in no effect to the viewshed of the surrounding above-ground resources. STV therefore concludes that the proposed project will have no effect on historic properties. The HPO does not have enough information to concur with this assessment at this time.

According to the documentation submitted, this information is being submitted pursuant to Section 106 of the National Historic Preservation Act. However, it is unclear from the documentation submitted what the Federal involvement is that would necessitate review under Section 106. The HPO requests

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no potential historic properties within the subject location. As noted above, further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing or permitting.
clarification of this matter. Please note, it is the Federal agency’s responsibility to consult with the HPO under Section 106 of the National Historic Preservation Act.

Based on the documentation submitted, it is unclear what the purpose and need is for the proposed undertaking. STV has indicated that the existing pipeline is currently exposed within Jacobs Creek. How will the installation of a new pipeline address this issue? Will the new pipeline replace the use of the existing pipeline? Will the existing pipeline be abandoned in place? If so, how will this be accomplished? Or will the existing pipeline crossing be removed? If so, how will this be accomplished? Further information is needed to fully assess the proposed impacts associated with this undertaking.

Based on the information provided, the undertaking is located within the boundaries of the Delaware and Raritan Canal Historic District, as well as the Somerset Roller Mills (Jacobs Creek Grist Mill), each of which are listed in both the New Jersey and National Registers of Historic Places. Based on the project’s topographic setting, a well-drained landform adjacent to a tributary of Jacobs Creek, the subject property is consistent with current archaeological models for locations containing Native American archaeological deposits. In light of this information, the APE exhibits a high sensitivity for both Native American and historic-period archaeological resources.

According to the documentation submitted, the proposed HDD exit point is located approximately 560 feet upstream from New Jersey Route 29 on Block 99.01, Lot 6 in Hopewell Township. The pipe will then continue another approximately 300 feet to the proposed tie-in location with the existing 14-inch SXL pipeline. However, no details are provided regarding the proposed installation beyond the HDD exit point. The HPO requests additional information regarding how the proposed new pipe will be installed in this location.

Exhibit 1 details proposed temporary workspaces on Block 99.01, Lots 6, 9, and 10, Block 137, Lots 1, 1.01, and 7 in Hopewell Township, and Block 427, Lot 1 in Ewing Township. However, the documentation submitted does not detail the proposed need for these temporary workspaces or how they will be utilized. STV states that the APE has been previously disturbed, however, this is not supported by the information provided. Further information is necessary regarding the nature and extent of these proposed temporary workspaces and any prior disturbances within the APE.

New Jersey Register of Historic Places Act

According to the documentation submitted, temporary workspace is located on Block 137, Lots 1, 1.01, and 7 in Hopewell Township, and Block 427, Lot 1 in Ewing Township. These subject parcels are owned by the New Jersey Department of Environmental Protection as part of Delaware and Raritan Canal State Park and are located within the Delaware and Raritan Canal Historic District, which was listed on the New Jersey Register of Historic Places on November 30, 1972. The New Jersey Register of Historic Places Act, Chapter 268, Laws of 1970, requires prior written authorization from the Commissioner of the Department of Environmental Protection for any state, county, or municipal, (or any agent thereof), undertaking which may affect properties listed on the New Jersey Register. Therefore, since portions of the proposed undertaking will take place on land owned and managed by the New Jersey State Park Service (SPS), permission from the SPS to utilize the land will be required.
As a result, it will be necessary for the SPS to submit an Application for Project Authorization to the HPO for this undertaking.

If the project is found to be in compliance with the Secretary of the Interiors Standards and Guidelines for Archeology and Historic Preservation, then it will be administratively approved at the HPO. If the project is found not to meet the Standards, then it will constitute an encroachment under the Act.

Once a project has been determined to be an encroachment, it will be placed on the agenda of the next regularly scheduled Historic Sites Council meeting, where the project will be presented. These meetings are open to the public, and interested individuals are given an opportunity to speak regarding the projects of concern to them. On the basis of the staff and applicant presentations, the Historic Site Council makes a recommendation to the Commissioner of the Department of Environmental Protection. Finally, the Commissioner makes a final decision to: 1) authorize the project; 2) authorize the project with conditions, or 3) deny the project. The Commissioner must act within 120 days of receipt of a technically complete application.

The Application for Project Authorization, instructions, and information regarding the New Jersey Register of Historic Places Act is available on our website for your information and use at: http://www.nj.gov/dep/hpo/2protection/njreview.htm

Additional Comments

Thank you for providing this opportunity to review and comment on this proposed project. The HPO looks forward to further consultation regarding the development and implementation of the proposed undertaking. If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 19-0615 in any future calls, emails, submissions or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Jesse West-Rosenthal (609-984-6019) of my staff with questions regarding archaeology.

Sincerely,

Katherine J. Marcopoul
Deputy State Historic Preservation Officer

Cc: Patricia Kallessar, NJDEP-State Park Service (via e-mail)
    John Hutchison, DRCC (via e-mail)
    Marc Brooks, NJWSA (via e-mail)

KJM/MMB/JWR

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no potential historic properties within the subject location. As noted above, further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing or permitting.
ITEMS OF DISCUSSION

The following items were discussed in regard to the above-referenced project:

1. STV introduced the project history, the condition of the exposed pipeline within Jacobs Creek, the emergency work completed to date and the proposed Horizontal Direction Drill designed to replace the existing line and provide adequate cover for this line in the future.
2. NJDEP asked about the product type within the line currently. STV stated the line currently carries refined petroleum products.

3. NJDEP Natural and Historic Resources (Robbin Madden - RM) discussed the following items:
   a. RM asked whether the current line is in place through the park land with an easement or a license. STV stated Sunoco has a license in this area.
   b. RM stated that land management has their own review process
   c. RM requested GIS shape files of the proposed line
   d. RM stated Sunoco will need a right of entry permit to perform the proposed work
   e. RM stated that if Sunoco does not have an easement a lease will be required moving forward.
   f. RM stated there is a 30-day review process for required permits.
   g. RM stated DNR Canal Commission has their own review process.
   h. RM stated to start the required permitting process Sunoco/STV will need to access the division website.

4. NJDEP Fish and Wildlife (Kelly Davis KD) discussed the following items:
   a. KD stated the area is bald eagle foraging area but there are no nearby nests. No impacts to the bald eagle are anticipated from the proposed project.
   b. KD stated that there would be instream work moratorium to protect anadromous fish from 3/1 to 6/30
   c. KD stated that there would be a tree clearing moratorium from 4/1 to 8/31 to protect nesting birds
   d. STV discussed the Yellow Giant Hyssop record from the 2015 Natural Heritage database previously researched for this project.
      i. KD stated that Fish and Wildlife does not handle plant concerns and STV will need to coordinate with Natural Heritage for this species.

5. NJ Historic Preservation Office (Jess West-Rosenthal – JWR) discussed the following items:
   a. JWR stated 106 coordination will be required for federal authorization
   b. JWR stated land use permit will require HPO coordination as well
   c. JWR stated that HPO will require detailed information related to the disturbed area including excavation areas and depths, access routes and work space.
   d. JWR instructed Sunoco/STV to reach out to the State Park Service Superintendent to begin the application process as this process will require SPS to coordinate with the HPO.

6. NJDEP Division of Land Use Regulation (Erin Signor – ES and Tina Wolff TW) discussed the following items:
   a. ES/TW stated that since the proposed project is over one acre of disturbance a Permit by Rule is not applicable.
   b. ES/TW stated that an Individual Flood Hazard Permit will be required.
   c. ES/TW stated Sunoco/STV must meet the requirements of 17:13 12-8.
   d. ES/TW stated that work in the riparian zone must address the reconstruction upgrade.
   e. ES/TW stated a GP2 for wetlands impacts would be required for this project
f. ES/TW requested the depth of the original line be included in the permit application

g. ES/TW stated that access agreements must be included with the DLUR application

h. ES/TW stated newspaper notice would not be required.

i. ES/TW stated tidelands license would not be required.

j. ES/TW stated tree removal within riparian zone should be kept under ¼ acre

7. NJDEP Dwayne Koby (DK) and Akin Ode (AO) discussed the following erosion and sedimentation items:

a. DK/AO asked where dewatered trench water would be discharged. STV stated that any trench water would be discharged to grade through a filter bag

b. WK/AO stated a temporary discharge permit would be required if rates exceed 70 gallons per minute.

c. DK/AO stated a SG3 stormwater construction permit would be required

d. Dk/AO stated a Bureau of Surface water hydrostatic General permit would be required for the testing of the pipe if discharge in NJ.

8. The following additional items were discussed:

a. DLUR stated if an EA is required by the Army Corps this document should be submitted with the DLUR permits

b. STV stated no tree removal was planned on state lands.

STV is proceeding on the above basis. Should there be any exceptions or questions, please contact me at (609) 530-0020.

Sincerely,

Edward Weirsky
Sr. Project Manager
Mr. McGinley,

All of the requested modifications by Sunoco have been accepted and the attached document has been approved to form by our representative in the Division of Law (DOL). Additional changes to the name of the Grantee was made in the first paragraph of the document (“by Sunoco Logistics Partners Operations GP LLC, its general partner,” was added into the paragraph). A fee was also added under Subparagraph 5B since Sunoco will be accessing State Park property for the Project on areas outside of the existing easement.

As identified before, our office cannot begin the signature process until a finalized set of plans are submitted to our office so we can update the plan dates in the Agreement. Any additional edits or changes made to the document or plans will have to go back to DOL for review.

Please let me know if you have any questions.

Thank you,

Amy Timmerman
Department of Environmental Protection
Natural & Historic Resources
Office of Leases & Concessions
Office: 609-777-0237
Fax: 609-984-0836
Email: Amy.Timmerman@dep.nj.gov

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Good morning Amy,

I have attached the comments/modifications requested by Sunoco’s right of way agent for the referenced right of entry permit. Please let me know if these modifications are acceptable or if you have any questions related to the changes.

Thank you,
**This e-mail is from outside STV**

Good afternoon Jim,

Attached for review by Sunoco Logistics Partners, L.P. is the Right of Entry Agreement for the Sunoco Pipeline Replacement Project that has been reviewed and approved by our representative in the Division of Law (DOL). Any edits/changes/revisions proposed will need to go back to DOL. Additionally, our office will need a finalized set of Plans before we can proceed with any execution process.

Please contact our Office if you have any questions.

Sincerely,
Amy Timmerman
Department of Environmental Protection
Natural & Historic Resources
Office of Leases & Concessions

Jim

Our Office provided the New Jersey Water Supply Authority the updated site plan and design documents that you submitted. Their representative, Ms. Julie Shelly (copied on this email and contact information provided below), asked that you reach out to her to discuss NJWSA requirements for their engineering review and the lease processes for the new pipeline.

Julie Shelly, Property & Permit Administrator
New Jersey Water Supply Authority
1851 State Route 31
P.O. Box 5196
Clinton, NJ 08809
Finally got an answer and wanted to follow up with you on this. The Right of Entry that will be executed with the NJDEP will grant you use and access on the NJDEP property. Your approval for access into the stream would be part of your Land Use Application.

Joe
Only thing we have been able to come up with is a map of the D&R Canal in that area. Other options available are to:

1. Check with New Jersey Department of Transportation on their maps for the Route 29 Right of Way.
2. Check with the Delaware River Joint Toll Bridge Commission. As part of the Scudders Falls Bridge Project they may have identified a corner.
3. Research the original deeds for the property that go back to 1865 +/-

Sincerely, Joe

From: McGinley, James X. <Jim.McGinley@stvinc.com>
Sent: Tuesday, September 10, 2019 8:07 AM
To: Gunson, Joe <Joe.Gunson@dep.nj.gov>
Cc: Chidley, George <George.Chidley@dep.nj.gov>; Timmerman, Amy <Amy.Timmerman@dep.nj.gov>
Subject: [EXTERNAL] RE: Sunoco - Jacob's Creek Project

Good morning Joe,

We are finalizing plans to send over with the question responses. One question I do have is would it be your office or could you direct me to the correct person to find any property corner information on state lands. Our surveyors will be completing the boundary survey in the area shortly and any information you have to help tie in the survey would be extremely helpful.

Thank you,

Jim McGinley
Senior Environmental Scientist, Associate
STV Energy Services Inc
205 West Welsh Drive
Douglassville, PA 19518
Office: 610-385-8443
Cell: 610-655-7654
Fax: 610-385-8510

From: Gunson, Joe <Joe.Gunson@dep.nj.gov>
Sent: Wednesday, September 4, 2019 10:40 AM
To: McGinley, James X. <Jim.McGinley@stvinc.com>
Cc: Chidley, George <George.Chidley@dep.nj.gov>; Timmerman, Amy <Amy.Timmerman@dep.nj.gov>
Subject: RE: Sunoco - Jacob's Creek Project

**This e-mail is from outside STV**

Mr. McGinley

Attached is a copy of the Lease and drawings from our files for the existing pipeline. If the new pipeline is outside of the existing 25 foot width of state land effected Sunoco will need to execute a new agreement that conforms to current state policy with the NJDEP and the New Jersey Water Supply Authority.

Sincerely,
Joe Gunson
Good morning Mr. Gunson,

STV has completed answers to the majority of questions but one item I need further clarification on. Under miscellaneous items you references the new pipeline being outside the existing easement. It is our understanding that the existing line (to be removed) is not in a defined easement but rather is there by license which we would need to apply for a new license for this line. Is this correct understanding or do you have additional documents defining an easement for the existing line?

Thank you,

Jim McGinley
Senior Environmental Scientist, Associate
STV Energy Services Inc
205 West Welsh Drive
Douglassville, PA 19518
Office: 610-385-8443
Cell: 610-655-7654
Fax: 610-385-8510

Mr. McGinley

The Office of Leases & Concessions will be drafting the Right of Entry Agreement for Sunoco’s Project along Jacob’s Creek. We have reviewed the information on the project and have some questions (see attached) in regards to the use of State Property for the project and identified in the plans attached. Once we have a finalized the draft of the agreement our Office will submit it to our representative in the Attorney General’s Office for review prior to sending it to Sunoco for review.

Thanks in advance and contact our Office if you have any questions.

Sincerely,

Joseph Gunson, Superintendent
Department of Environmental Protection
Natural & Historic Resources
Office of Leases & Concessions
Office: 609-984-1409
RIGHT OF ENTRY AGREEMENT

This Right of Entry Agreement (hereinafter “Agreement”) is made this ___ day of ________________, 2020 (“Effective Date”), by and between the New Jersey Department of Environmental Protection, Division of Parks and Forestry (“Department”) and the New Jersey Water Supply Authority (“Authority”), (collectively hereinafter referred to as “Grantors”), and Sunoco Pipeline L.P., by Sunoco Logistics Partners Operations GP LLC, its general partner, (hereinafter referred to as “Grantee”). This Agreement authorizes Grantee, its affiliates, together with its environmental consultants, experts, engineers and contractors (collectively “Contractors”) to enter a portion of the properties on Block 427, Lot 1, and Block 438, Lot 2 on the Tax Map of the Township of Ewing, County of Mercer, State of New Jersey and Block 427, Lot 1 and Blocks 137, Lot 1, 1.01 and 7 on the Tax Map of the Township of Hopewell, County of Mercer, State of New Jersey (the “Property”), for the replacement, removal and abandonment of portions of the existing petroleum product pipeline located within the stream beds of the Delaware River and Jacobs Creek (“Sunoco Pipeline Replacement Project”).

WHEREAS, the Property is owned by Department and the Authority has a 99-year lease on the Property for all lands and improvements that comprise Delaware and Raritan Canal Transmission Complex necessary to operate and maintain the canal as a water supply facility; and

WHEREAS, the Property is administered by Department as part of the Delaware and Raritan Canal State Park (the “Park”); and

WHEREAS, the Department, the Authority, and the Delaware and Raritan Canal Commission (“Commission”) executed an “Agreement for the Development, Maintenance and Operation of the Delaware and Raritan Canal Transmission Complex as a Water Supply Facility and for Public Recreation, Conservation and Historic Purposes as Part of the Delaware and Raritan Canal State Park,” (“Canal Agreement”) dated June 17, 1986; and

WHEREAS, under the Canal Agreement, the Authority may operate and maintain the components of the canal transmission complex in a manner that preserves, protects and recognizes the historic, natural and recreational purposes of the Delaware and Raritan State Park; and

WHEREAS, pursuant to Paragraph IV(C) of the Canal Agreement, the Department shall administer all easements and other right-of-way agreements which affect the designated areas within the Transmission Complex managed by Department for recreation, conservation or historic purposes and/or adjoining State-owned property comprising part of the Delaware & Raritan Canal State Park; and

WHEREAS, the Authority and Grantee executed an “Agreement for the construction, maintenance and operation of a fourteen inch (14”) pipeline for the transportation of petroleum and refined petroleum products under the Delaware and Raritan Canal and across the canal property at Jacob’s Creek in Hopewell Township, Mercer County; and under the canal and along
the canal property in Princeton and West Windsor Townships, Mercer County, and in Plainsboro
and South Brunswick Townships, Middlesex County, and in Franklin Township, Somerset County;
and under and across canal property to the Raritan River in Franklin Township, Somerset County,”
(“Pipeline Agreement”) dated July 6, 1956; and

WHEREAS, it is necessary for Grantee to obtain temporary access to portions of the
Property in order to perform any and all activities for the Sunoco Pipeline Replacement Project
including, but not limited to, horizontal directional drilling for the installation of a fourteen-inch
(14”) pipeline and the removal of approximately three hundred sixteen feet (316’) of the
exposed/abandoned existing petroleum product pipeline, previously constructed under the
Pipeline Agreement; and

WHEREAS, Grantee has requested temporary access and use of a portion of the Property
identified on the Map of the Access Area, attached as Exhibit A, as the “Canal Tow Path Route”
and the “Temporary Workspace Area” (collectively, the “Access Area”) for the Sunoco Pipeline
Replacement Project; and

WHEREAS, Grantors have determined that Grantee requires the use of the Access Area
for the duration of the Sunoco Pipeline Replacement Project; and

WHEREAS, if the work cannot be located in the Temporary Workspace Area depicted in
Exhibit A, Grantee must obtain written approval from Grantors on the new location before
undertaking any work.

NOW THEREFORE, for the purposes set forth above and in consideration of the recitals,
mutual promises contained herein, Grantors and Grantee agree as follows:

1. Grantors hereby grant Grantee and its Contractors a non-exclusive, non-
transferable right to enter on, occupy and use of the Access Area only for the purposes set forth
in the Agreement as described as follows:

(a) Access along the Canal Tow Path Route and use of the Temporary
Workspace Area identified on Exhibit A; and

(b) All work associated with the Sunoco Pipeline Replacement Project shall
comply with the requirements described in plans entitled “14-INCH TWIN OAKS
TO NEWARK JACOBS CREEK PIPELINE RELOCATION (PROJECT NO. 38-16332)
dated Enter Date”, and attached hereto as Exhibit B; and

(c) In-stream work within Jacobs Creek and the Delaware River confluence
area shall not occur prior to October 15th or after April 15th without the prior
written approval from the New Jersey Department of Environmental Protection,
Division of Fish and Wildlife; and
(d) Grantee and its Contractors shall not stage or store any equipment, vehicles, supplies, tools or materials on the Property, other than the Temporary Workspace Area, and can only do so with the prior written approval of Grantors.

(e) Access to the Temporary Workspace Area shall only be along the Canal Tow Path Route identified in Exhibit A.

2. As a condition precedent and concurrent to allowing Grantee and its Contractors to perform the Sunoco Pipeline Replacement Project, Grantee agrees that:

(a) Grantee will notify Grantors at least seven (7) days in advance of commencing any work or access for the Sunoco Pipeline Replacement Project within the Access Area. Notification shall be provided to:

(i) George A. Chidley, Manager, Office of Leases & Concessions via email at George.Chidley@dep.nj.gov or phone at (609)633-7860; and

(ii) Marc Brooks, Chief Engineer, New Jersey Water Supply Authority via email at mbrooks@njwsa.org or phone at (908)638-6121 extension 255; and

(iii) Patricia Kallesser, Superintendent, Delaware and Raritan Canal State Park via email at Patricia.Kallesser@dep.nj.gov or phone at (609) 924-5705

(b) Prior to commencing any work associated with the Sunoco Pipeline Replacement Project, Grantee shall provide Grantors copies of all permits and approvals issued by the Historic Preservation Office.

(c) Prior to commencing any work associated with the Sunoco Pipeline Replacement Project, Grantee shall provide Grantors copies of all permits and approvals issued by the New Jersey Water Supply Authority.

(d) Prior to commencing any work associated with the Sunoco Pipeline Replacement Project, Grantee shall provide Grantors copies of all permits and approvals issued by the Delaware and Raritan Canal Commission.

(e) Prior to commencing any work associated with the Sunoco Pipeline Replacement Project, Grantee shall provide Grantors copies of all permits and approvals issued by any other applicable Local, County, State or Federal agency.

(f) Grantee will provide Grantors with copies of any approvals or permits that identify and place timing restrictions on any work associated with the Sunoco Pipeline Replacement Project.
(g) Grantee and its Contractors shall ensure that all gates to the Canal Tow Path Route are closed and locked when leaving the Access Area, where applicable.

(h) Grantee and its Contractors will have access to the Access Area only during regular posted Park hours unless otherwise approved in writing by the Park Superintendent.

(i) The Access Area shall be maintained and repaired by Grantee and its Contractors if it is damaged or disturbed by Grantee or its Contractors during the Sunoco Pipeline Replacement Project to substantially the same condition as of the Effective Date of this Agreement subject to the final approval of Grantors, which approval shall not be unreasonably withheld.

(j) Grantee and its Contractors will clearly mark/stake the area where Grantee and its Contractors are performing any work on the Access Area.

(k) Before commencing the Sunoco Pipeline Replacement Project, Grantee and its Contractors shall conduct a geophysical survey to identify any underground structure in the area and on the Access Area.

(l) No work shall be performed between the banks of the Delaware and Raritan Canal or within the water.

3. Grantee and its Contractors shall conduct the work associated with the Sunoco Pipeline Replacement Project on the Access Area in a good and workmanlike manner and in accordance with all applicable prevailing industry standards.

4. Grantee and its Contractors, in exercising the rights granted hereunder, shall not unreasonably interfere with the Grantors’ and the public’s access to safely use, or occupy the Property and Access Area. During construction of the Sunoco Pipeline Replacement Project, access by the public along the Canal Tow Path Route must be maintained, to the greatest extent possible, subject to temporary closure for safety reasons arising during construction/drilling, and/or to address emergency situations. Grantee and its Contractors shall permit the public to access the Canal Tow Path Route except when active construction events raise public safety concerns. Grantee and its Contractors shall reasonably notify Grantors as soon as practical in the event of a Canal Tow Path Route closure for emergency situations. Grantee and its Contractors shall reasonably notify the public of any restriction of public access or public use of the Property and Access Area.

5. (a) This Agreement shall expire two (2) years from the Effective Date, unless sooner terminated. Grantee may elect to renew the term of this Agreement for an additional one (1) year period by giving Grantors written notice of Grantee’s election to renew no less than sixty (60) days prior to the expiration of this Agreement. In the event of a breach of the Agreement, Grantors shall give Grantee notice of the breach. Grantee shall then have thirty (30) days from the date of notice to begin to cure the breach, and an additional thirty (30) days to substantially
cure said breach. If Grantee does not commence in good faith to cure the breach within sixty (60) days, Grantors reserve the right to terminate this Agreement immediately, upon ten (10) days advance notice. In the event of an unsafe condition or emergency affecting the public health, safety or welfare, Grantors may restrict Grantee and its Contractors’ access to the Access Area immediately until such time that access can be safely re instituted. Such restriction shall not constitute a breach of the Agreement on the part of Grantors.

(b) Grantee shall pay an annual access fee (the “Fee”) in the amount of Eight Hundred and Fifty-Three Dollars ($853.00). The Fee for the first (1st) year shall be due when Grantee returns this Agreement, signed by Grantee, to Department for signature. For every year thereafter, the Fee shall be payable on the Effective Date of this Agreement. The Fee will increase annually by Two and One-Half Percent (2.5%) on the anniversary of the Effective Date and all Fee(s) shall be paid by check made payable to "Treasurer-State of New Jersey" and sent to:

Department of Environmental Protection
Natural & Historic Resources
Administrator, Office of Leases & Concessions
Mail Code 501-04C
PO Box 420
Trenton, New Jersey 08625-042

6. The Sunoco Pipeline Replacement Project shall be performed in a workmanlike manner, and appurtenances shall be maintained in good condition and repair. Grantee and its Contractors shall, in all activities undertaken pursuant to this Agreement, comply with all federal, State, and local laws, statutes, orders, ordinances, rules, and regulations. Grantee and its Contractors shall obtain, maintain, and comply with any and all licenses, permits, and approvals which may be required by any federal, State, or local governmental entity having jurisdiction over the Sunoco Pipeline Replacement Project, including but not limited to the New Jersey Department of Environmental Protection, Natural and Historic Resources, Historic Preservation Office, and the Delaware and Raritan Canal Commission, as may be applicable.

7. The rights and obligations under this Agreement may not be transferred or assigned by any party without prior written notice to and approved by the other parties, which shall not be unreasonably withheld, conditioned or delayed.

8. Grantee and its Contractors shall take all reasonable precautions to minimize damage or disturbance to the Access Area and Property from the Sunoco Pipeline Replacement Project. Prior to completion of the Sunoco Pipeline Replacement Project or termination of this Agreement, Grantee and its Contractors shall restore the Access Area, including Grantors’ personal property damaged by the Sunoco Pipeline Replacement Project to substantially the same condition as practicable, as of the Effective Date of this Agreement subject to the final approval of the Grantors, which approval shall not be unreasonably withheld, conditioned or delayed.
9. Grantee and its Contractors shall release and hold Grantors harmless for loss of or damage to property and equipment of Grantee and its Contractors while such property or equipment is in or on the Access Area.

10. Grantee shall hold harmless Grantors from all Claims asserted against Grantors which result from Grantee or Grantee’s Contractors’ negligence or willful misconduct in performance under this Agreement. “Claim(s)” are defined as “claims, demands and causes of action asserted by any person (including Grantors, Grantee, and Grantee’s Contractors or any other third party) for personal injury or death or for loss of or damage to property arising from the Sunoco Pipeline Replacement Project.”

All Claims shall be provided to all parties within a reasonable time of receipt.

11. All notices to be provided to Grantors and Grantee pursuant to this Agreement shall be sent to:

**Grantors:**
Department of Environmental Protection
Natural & Historic Resources
Office of Leases & Concessions
Attn. George A. Chidley, Manager
Mail Code 501-04C
PO Box 420
Trenton, New Jersey 08625-0420
George.Chidley@dep.nj.gov

New Jersey Water Supply Authority
Marc Brooks, Chief Engineer
1851 Highway 31
PO Box 5196
Clinton, New Jersey 08809-5196
mbrooks@njwsa.org

And copy to:
Delaware and Raritan Canal State Park
c/o Patricia Kallesser, Superintendent
145 Mapleton Road
Princeton, New Jersey 08540
Patricia.Kallesser@dep.nj.gov

**Grantee:**
Sunoco Pipeline L.P.
525 Fritztown Road
Sinking Spring, PA 19608
12. Grantee will be responsible for personal injuries and property damage caused by the negligent actions of Grantee and its employees which occur on the Access Area and Property identified in this Agreement.

13. (a) While accessing and performing the Sunoco Pipeline Replacement Project on the Property, Grantee shall, at its sole cost and expense, obtain and maintain at all times during the term of this Agreement, insurance for damages arising out of the access or the Sunoco Pipeline Replacement Project provided under this Agreement, of the types and in the amounts hereinafter provided:

   (i) **Workers' Compensation** – Workers’ Compensation Insurance covering full benefits afforded under New Jersey Statute and **Employers Liability** with a limit of $1,000,000. A waiver of subrogation in favor of Grantors is required if available from the insurer. United States Longshoremen’s and Harbor Workers Act coverage is to be included.

   (ii) **Automobile Bodily Injury & Property Damage** – Commercial Automobile Liability Insurance covering owned, leased, hired and non-owned vehicles with limit of at least $1,000,000 Combined Single Limit (CSL) per occurrence. If hauling contaminants, vehicles and their operators must adhere to Sections 29 and 30 of Motor Carrier Act, which shall include Form MCS-90. If applicable, grantee shall also be insured in the minimum limits required by the Motor Carrier Act of 1980.

   (iii) **Commercial General Liability** – Commercial General Liability Insurance on an ‘occurrence’ based form with limits of $1,000,000 Combined Single Limit (CSL) per occurrence for bodily injury and/or property damage; $2,000,000 General Aggregate per project; $2,000,000 Products/Completed Operations Aggregate; and $1,000,000 Personal/Advertising Injury Aggregate. Explosion, Collapse & Underground (XCU) perils are not to be excluded.

   (iv) **Umbrella Liability** – Commercial Umbrella Liability Insurance on an ‘occurrence’ based form with limits of $10,000,000 Combined Single Limit (CSL) per occurrence and in the aggregate, providing excess coverage over Commercial General Liability, Automobile Liability and Employers Liability. Explosion, Collapse & Underground (XCU) perils are not to be excluded.

   (v) **Watercraft Liability** – Watercraft liability insurance with a limit of no less than $5,000,000 Combined Single Limit (CSL) per occurrence and in the aggregate, if watercraft are to be used.

   (vi) **Commercial Pollution/Environmental Liability** – Commercial Pollution/Environmental Liability Insurance with a limit of no less than
$5,000,000 providing that the Insured becomes legally obligated to pay as a result of Claims for Third Party Bodily Injury or Property Damage, and for Clean-up Costs or Corrective Action from an environmental event.

(vii) **Contractors Equipment Insurance** - Contractor’s Equipment Insurance for mobile equipment and machinery owned/leased by Grantee and utilized during the course of any construction activity (including but not limited to installing, removing, maintaining, or repairing the pipelines). A waiver of subrogation in favor of the "Department of Environmental Protection, the New Jersey Water Supply Authority and the State of New Jersey and its agencies, employers and officers” shall be included.

(viii) Such other insurance and in such amounts as may from time to time be reasonably required by Grantors.

(b) Grantee shall require that its Contractors secure and maintain in force at all times during the Sunoco Pipeline Replacement Project or any service and/or conduct of any activity thereon as part of Grantee’s access to and use of the Access Area, insurance coverage of the types and in at least the minimum amount required under subparagraph (a).

(c) All insurance coverage required to be maintained by Grantee and its Contractors in accordance with this Agreement shall be issued by an insurance company authorized to conduct business in the State of New Jersey, and shall include the “State of New Jersey, Department of Environmental Protection and New Jersey Water Supply Authority LE20-014” as additional insureds on a certificate of insurance as their interest may appear.

(d) Grantee expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit Grantee’s indemnification obligations assumed in this Agreement and shall not be construed to relieve Grantee from liability in excess of such coverage, nor shall it preclude Grantors from taking such other actions as are available to them under any provision of this Agreement and as otherwise provided for at law or in equity.

(e) In the event (i) Grantee’s Contractors fail or refuse to renew any of its insurance policies or to provide Grantors with timely certificates of insurance showing that Grantee’s Contractors are maintaining insurance coverage in full force and effect to the extent required by this Agreement, or (ii) any policy is canceled, terminated, or modified so that the insurance does not meet the requirements of this Agreement, Grantors shall consider Grantee to be in default and to have breached this Agreement.

14. Prior to entering the Property under this Agreement and prior to the initiation of the Sunoco Pipeline Replacement Project, Grantee’s Contractors shall provide to Grantors in form satisfactory to Grantors a certificate of insurance evidencing that the insurance coverage required under this Agreement is in effect for each entity. Grantee and its Contractors shall ensure that the certificates of insurance are endorsed to provide thirty (30) days’ notice, in
writing, to Grantors prior to any cancellations, expiration, or non-renewal during the term the insurance. All Certificates of Insurance shall become part of this Agreement as part of Exhibit C.

15. In lieu of the requirements in paragraph 13(a) above, Grantee may provide the Department and Authority with a written certification of self-insurance with coverage commensurate with the insurance requirements herein and naming the **State of New Jersey, Department of Environmental Protection and the New Jersey Water Supply Authority under Right of Entry Agreement #LE20-014** as additional insureds, Grantee shall be allowed to self-insure the above stated amounts during the term of this Agreement. If Grantee chooses to provide proof of self-insurance, Grantee shall provide either (i) a certificate of insurance or (ii) a letter, from Grantee or Grantee’s agent advising that Grantee is self-insured at least up to the amount required in Paragraph 13(a) of this Agreement. The certificate of insurance or the letter shall become part of this Agreement as part of Exhibit C. The requirements of Paragraph 14 regarding proof of insurance shall apply to the certification of self-insurance except that Grantee shall not be bound to the notice provisions related to cancellation and/or termination of insurance policies hereunder. However, should Grantee procure insurance for any of the coverage required hereunder, all such notice provisions shall remain in full force and effect. Further, Grantee shall provide to Department thirty (30) days’ written notice before any cessation of self-insurance and shall keep Department in constant possession of documentation that Grantee is maintaining continuous insurance coverage as required herein, either through self-insurance or through an insurance policy.

16. It is expressly understood that this Agreement does not in any way whatsoever grant or convey any permanent easement, lease, fee, or other interest in the Property to Grantee or to its Contractors.

17. Grantee or its Contractors shall not permit to be placed against the Property, or any part thereof, any design professionals’, mechanics’, materialmen’s, contractors’, or subcontractors’ liens with regard to Sunoco Pipeline Replacement Project on the Access Area. Grantee shall cause Grantee’s Contractors to hold Grantors harmless for any loss or expense, including reasonable attorneys’ fees and costs, arising from any such liens which might be filed against the Access Area.

18. This Agreement is binding upon and inures to the benefit of Grantors and Grantee and their respective executors, administrators, personal representatives, successors, transferees, lessees, and assigns. Grantors agree that, while this Agreement is in effect, any new lease, sublease, or conveyance of the Access Area will specifically recognize the existence of this Agreement. Grantors will require future tenants and subtenants to comply with the terms of this Agreement. Grantors shall provide prior written notice to Grantee of any conveyance.

19. This Agreement constitutes the parties’ entire agreement on this subject. There are no written or oral representations or understandings that are not fully expressed in this Agreement. No change, waiver, or discharge is valid unless in writing and signed by the party against whom it is sought to be enforced.
20. This Agreement is not and shall not be construed as an admission of any issue of fact or law or as an admission or adjudication of any liability and shall not be admissible in any other suit or proceeding, except a suit or proceedings to enforce the terms herein.

21. Grantors and Grantee acknowledge that this Agreement has been negotiated at arms-length and therefore agree that any rule of construction of contracts resolving any ambiguities against the drafting party is waived and shall be inapplicable to this instrument.

22. Grantors represent and agree that the only parties having present ownership interest in or control of the Property are Grantors and that no other person or entity has any present legal or equitable title to or any leasehold interest, other than the Pipeline Agreement, in such Property. To the best of Grantors’ knowledge, there are no known claims against the Property or liens which would interfere with Sunoco Pipeline Replacement Project.

23. If any part of this Agreement is for any reason found to be unenforceable, all other portions nevertheless shall remain enforceable.

24. The waiver of any breach of any term or condition of this Agreement does not waive any other breach of that term or condition or of any other term or condition.

25. This Agreement must be construed and its performance shall be enforced under New Jersey law, without regard to choice of law principles.

26. Each person executing this Agreement represents that the party on whose behalf the person is executing this Agreement has duly authorized the execution of this Agreement and that such person is authorized to execute the Agreement on behalf of such party.

27. This Agreement, executed in triplicate originals, shall be effective as of the Effective Date, upon the date of Grantors’ signature below.

Exhibit List

A – Map of the Access Area

B – 14-INCH TWIN OAKS TO NEWARK JACOBS CREEK PIPELINE RELOCATION (PROJECT NO. 38-16332) dated Enter Date

C - Certificates of Insurance
IN WITNESS WHEREOF, the parties hereto are authorized and have executed this Agreement on the day and year first written below.

GRANTORS:

NEW JERSEY WATER SUPPLY AUTHORITY

Dated: ________________  By: __________________________
Beth Gates, Executive Director

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Dated: ________________  By: __________________________
Ray Bukowski, Assistant Commissioner
Natural & Historic Resources

GRANTEE:

SUNOCO PIPELINE L.P.

By: Sunoco Logistics Partners Operations GP LLC, its general partner

Dated: ________________  By: __________________________
Kevin Taliaferro, Sr. Director Right of Way

This agreement has been reviewed and approved as to legal form by:
Gurbir S. Grewal
ATTORNEY GENERAL
STATE OF NEW JERSEY

By: __________________________
Jason Brandon Kane
Deputy Attorney General
October 20, 2021

--Via Email--

Mr. John Hutchinson, Executive Director
Delaware and Raritan Canal Commission
PO Box 539
Stockton, NJ 08559

RE: Sunoco Jacobs Creek Pipeline Relocation Project
Horizontal Directional Drilling Under Delaware & Raritan Canal and Delaware River
Hopewell & Ewing Township, Mercer County, New Jersey

NIWSA Conditions of Approval
DRCC# 20-5256B
Sunoco# 3840-03778-1
STV# 38-16332
SE# 21C15024

Dear Mr. Hutchinson:

The New Jersey Water Supply Authority has reviewed the above referenced project which your office issued a Staff Report (DRCC #20-5256B) on September 28, 2020. The Authority retained the consulting services of Schnabel Engineering to perform a review of the project’s design and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021 review completed by Schnabel Engineering of the design and construction documents concluded the following:

- Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

- The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.

- Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

1 of 3
• NJWSA should review the contractor’s Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

• The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

Based upon the recommendation of Schnabel Engineering and the Authority’s review, the Authority imposes the following conditions on the project:

1. The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan should be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NJWSA for review and approval prior to construction.

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the D&R Canal. The bridge/culvert’s foundations are bearing on rock. The contract documents should include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction.

4. The applicant shall obtain the approval of the New Jersey Water Supply Authority (NJWSA) regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award.

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling.

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval.

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA.

8. The applicant shall obtain any Special Use Permit or Right-of-Entry Agreement required by the Department of Environmental Protection, Division of Parks and Forestry, and State Park Service.

9. The applicant shall complete, as required, State Register review by the State Historic Preservation Office for compliance with the “New Jersey Register of Historic Places Act.”
10. In the event of any frac-out clean-up activities, access to State owned land shall be in accordance with the existing Lease.
11. Visual Inspections (frac-walks) for frac-outs shall be performed.
12. In the event of a "Loss of Returns" occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified.
13. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all clean up procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval.
14. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes).
15. The Authority's consultant (Schnabel Engineering) will be providing full time onsite inspection.

NJWSA, with the conditions listed in this letter, has no further comments in regards to this project.

Please do not hesitate to call me if you have any questions or concerns in regards to this letter.

Sincerely,

Paul Harenberg, PE
Project Engineer

cc: Darin Shaffer, NJWSA
    Michael Sellar, NJWSA
    Julie Shelley, NJWSA
    Jeremy Brown, Schnabel Engineer
    Edward Weirsky, STV
14-INCH TWIN OAKS TO NEWARK
JACOBS CREEK PIPELINE RELOCATION

HOPEWELL AND EWING TOWNSHIPS MERCER COUNTY, NEW JERSEY
UPPER MAKEFIELD TOWNSHIP BUCKS COUNTY, PENNSYLVANIA

ISSUED FOR PERMITTING

STV

PROJECT LOCATION
### Compost Filter Sock Table

<table>
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<tr>
<th>Location</th>
<th>Upstream Slope, (ft/ft)</th>
<th>Slope Length Above Measure, (ft)</th>
<th>Sock Size, (in)</th>
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<tr>
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**Slopes**

- Maximum Slope Length Above Perimeter Control
- 12 in
- 18 in
- 24 in
- 32 in
- 520
- 700
- 1000
- 1300

**Sock Sizes**

- 100
- 200
- 250
- 300
- 400
- 500
- 650

*Figure taken from: PA DEP E&S Manual, March 2012 - Figure 4.2*
THIS AGREEMENT made this 6th day of July, A. D. 1956, by and between the Division of Water Policy and Supply, of the Department of Conservation and Economic Development, acting for the State of New Jersey, hereinafter called the "Division", party of the first part, and the Sun Pipe Line Company, a corporation of the State of Pennsylvania, hereinafter called the "Corporation", party of the second part:

WHEREAS, The Corporation desires to construct and maintain a pipe line of a diameter of fourteen inches (14") for the transportation of petroleum and refined petroleum products under the Delaware and Raritan Canal and across canal property at Jacob's Creek, in Hopewell Township, Mercer County; and under the canal and along canal property in Princeton and West Windsor Townships, Mercer County, and in Plainsboro and South Brunswick Townships, Middlesex County, and in Franklin Township, Somerset County; and under and across canal property to the Raritan River in Franklin Township, Somerset County, all in the State of New Jersey,

NOW THEREFORE, In consideration of the payments and privileges herein named, the Division hereby grants to the Corporation the right to construct, use and maintain the said pipe line at the said locations upon and under the following terms and conditions, namely:

FIRST: The Corporation agrees at its own sole cost and expense to construct, maintain, renew, revise, repair and operate the said pipe line on, under and adjacent to canal property in good order and condition, so that the same shall not interfere with, impair, pollute, or prevent the safe use of the canal and canal property.
SECOND: The location and manner of construction of the said pipe line shall be as shown and specified on the plans entitled "Plan Showing Location of Prop. 1\(\frac{1}{4}\)" Coated Sun Pipe Line Crossing Penna. R. R. 62\(\frac{1}{4}\)' South of Mile Post 8\(\frac{1}{2}\) in Hope- well Township, Mercer County, N. J., Drawing Number 1A-11-39, dated Feb. 3, 1956"; "Plan Showing Prop. 1\(\frac{1}{4}\)" Coated Sun Pipe Line Crossing Delaware & Raritan Canal in Princeton & West Windsor Townships, Mercer Co., N. J., Drawing No. 1-11-62, dated Feb. 7, 1956, Revised 6/26/56"; "Plan Showing Location of Prop. 1\(\frac{1}{4}\)" Coated Pipe Line & Valves along Delaware & Raritan Canal Right of Way in Vicinity of Princeton, New Jersey, Drawing No. 1-11-66, dated March 2, 1956"; "Plan Showing Prop. 1\(\frac{1}{4}\)" Coated Sun Pipe Line across property of the Delaware & Raritan Canal in Franklin Township, Somerset County, New Jersey, Drawing No. 2-11-66, dated June 5, 1956."

THIRD: The pipe line under and adjacent to the canal shall consist of steel pipe with welded joints coated with 3/8" to 1/2" of asphalt mastic. The pipe line crossing the canal shall be enclosed in a steel sleeve or casing of suitable size which may be placed by jacking or otherwise driving under the embankments and waterway. The top of such casing shall be not less than four (4) feet below the bed of the canal. Backfill in any approach trenches or access pits shall be thoroughly compacted and incorporated with the surrounding embankment. If the sleeve is not driven under the canal the trench in which it is laid shall be refilled with material suitable for puddling, well puddled into place and incorporated with the surrounding embankment; and a cutoff wall or collar, extending at least
three (3) feet beyond the sleeve in all directions, shall be provided around the sleeve where it passes through the embankment between the canal and adjacent stream basins to prevent leakage along the sleeve. The space between the sleeve and the pipe shall be sealed at each end of the sleeve. Excess material shall be removed and the canal restored to its normal cross section. Shut-off valves shall be installed on either side of each combined river-canal crossing to permit the shutting off of all flow in the pipe line in the event of leakage into the canal. The pipe line shall be protected against corrosion by suitable electrical (cathodic) protection.

FOURTH: If the Corporation desires or is required as herein provided to revise, renew, add to or alter in any manner whatsoever the pipe lines it agrees to submit plans therefor to the Division and the Corporation further agrees not to perform any work or alteration of the said pipe lines until the plans shall have been approved in writing by the Division.

The Corporation further agrees not to proceed with original construction or future repairs or revision passing under or within twelve (12) feet of existing railroad tracks or facilities on State land until the plans therefore have been approved in writing by the Pennsylvania Railroad Company or its successors in control of the Belvidere Branch or Princeton Branch railroad.

The pipe line shall not be installed across or within natural stream beds on canal property until encroachment permits for such installations have been obtained from the Division.

FIFTH: The original driven-sleeve construction of the said pipe lines is to be undertaken in such manner as to cause no
interference with canal flow. In the event of emergencies during construction and in the event of future repairs or revision the Corporation agrees to provide for maintenance of such canal flow as the Division may specify in writing.

SIXTH: The Corporation agrees to make such repairs to the pipe line crossings within ten days after receipt of written notice from the Division, as may be required to eliminate leakage of water from or pollution or other potential damage to the canal, or on its failure to do so the Division may make such repairs at the cost and expense of the Corporation, which cost and expense the Corporation hereby expressly agrees to pay upon demand. In the event of an emergency requiring immediate action to preserve the safety of canal operations when prior notice cannot be given, such notice shall be waived and the Division may take such emergency action at the cost and expense of the Corporation as may be required. The Division shall immediately notify the Corporation of such action.

SEVENTH: The Corporation agrees to make at its own sole cost and expense such changes in the location of the said pipe lines as may in the future be required by the Division in order to provide for changes of canal grade, alignment, or operating conditions.

EIGHTH: The Corporation agrees to pay to the Division a rental charge of Two thousand, two hundred five ($2,205.00) Dollars commencing on the day and year first above written and payable annually in advance, as billed, at the office of the Division in Trenton, New Jersey.

NINTH: This agreement shall continue in effect as long as the Corporation shall maintain the said crossings in
accordance with the terms and conditions set forth herein. Upon termination of the agreement the Corporation shall remove within ninety days all items installed under the terms of this Agreement and shall restore the canal and property administered by the Division to its former condition in a manner satisfactory to the Division, or on its failure to do so the Division may make such removal and restoration at the cost and expense of the Corporation, which cost and expense the Corporation hereby expressly agrees to pay upon demand.

TENTH: The Corporation shall at all times save and keep harmless and indemnify the Division from and against all claims for damages of whatsoever kind or nature arising in any manner or under any circumstances by reason of the acts or negligence of the Corporation, its officers, agents, representatives, or employees in installing, constructing, replacing, revising, repairing, maintaining or operating the said pipe lines, whether such damage be sustained by the Corporation or by any other persons or corporations which may seek to hold the Division liable.

ELEVENTH: The rights hereby conferred upon the Corporation shall not be assigned or transferred by it without the prior written approval of the Division.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first above written.

Attest: [Signature]
John Wyack, Secretary

STATE OF NEW JERSEY, DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT, DIVISION OF WATER POLICY AND SUPPLY

By: [Signature]
G.R. Shanklin, Acting Director

Attest: [Signature]
SUN PIPE LINE COMPANY

BY: [Signature]
Vice-President

Approved as to form:

[Signature]
Attorney General
STATE OF NEW JERSEY

COUNTY OF

BE IT REMEMBERED, THAT on this 16th day of July, A. D. 1956, before me, the subscriber a

of the State of New Jersey, personally appeared JOHN WYACK, who, being by me duly sworn, doth depose and make proof to my satisfaction that he is the Secretary of the DIVISION OF WATER POLICY AND SUPPLY OF THE DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT, acting for the State of New Jersey, the Division in the foregoing indenture named; that he well knows the seal of the said Division; that the seal thereto affixed is the proper seal of said Division; that the same was so affixed thereto and the said Agreement signed and delivered by G. R. SHANKLIN, who was at the date and execution thereof, the Acting Director, of said Division, in the presence of the said deponent, as the voluntary act and deed of the said Division, and that the said deponent thereupon signed the same as subscribing witness.

Sworn to and subscribed before me at the day and year first above written.

[Signature]

Martha H. Bramer
July 16, 1956
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

BE IT REMEMBERED, that on this 6th day of July, A. D. 1956, before me, the subscriber a Notary Public of the Commonwealth of Pennsylvania, personally appeared WILLIAM F. LEOPOLD, JR., who, being by me duly sworn, doth depose and make proof to my satisfaction that he is the Secretary of SUN PIPE LINE COMPANY, the Corporation in the foregoing indenture named; that he well knows the corporate seal of said Corporation; that the seal thereto affixed is the proper corporate seal of said Corporation; that the same was so affixed thereto and the said Agreement signed and delivered by B. K. MORSE, who was at the date and execution thereof, the Vice-President, of said Corporation, in the presence of the said deponent, as the voluntary act and deed of the said Corporation, and that the said deponent thereupon signed the same as subscribing witness.

Sworn to and subscribed:
before me at Philadelphia, the day and year first above written.

[Signature]

KATHERINE V. GEIGER
NOTARY PUBLIC
My Commission Expires April 3, 1956

- 7 -
I, WILLIAM F. LEOPOLD, JR., Secretary of Sun Pipe Line Company, hereby certify that the following is a true and correct copy of Resolution adopted by the Board of Directors of the Company at a special meeting of said Board duly held on the 6th day of July, A. D. 1956, at which meeting a quorum was present:

"RESOLVED, that this Company enter into a Right-of-Way Agreement with the Division of Water Policy and Supply of the Department of Conservation and Economic Development acting for the State of New Jersey in connection with the new fourteen inch pipe line to be constructed under and along the Delaware and Raritan Canal and that the proper officers of this Company be and they hereby are authorized, empowered and directed to execute and deliver to said Division of Water Policy and Supply a certain Agreement, a copy of which was submitted to and considered at this meeting, and to do any and all acts necessary to carry out the provisions of this Resolution."

WITNESS my hand and the seal of Sun Pipe Line Company this 6th day of July, A. D. 1956.

[Signature]
Secretary
**Form 10-300**

**UNITED STATES DEPARTMENT OF THE INTERIOR**

**NATIONAL PARK SERVICE**

**NATIONAL REGISTER OF HISTORIC PLACES**

**INVENTORY - NOMINATION FORM**

*(Type all entries - complete applicable sections)*

1. **NAME**
   - COMMON: Somerset Roller Mills

2. **LOCATION**
   - STREET AND NUMBER: N. Hwy. 29
   - CITY OR TOWN: Titusville vicinity
   - CONGRESSIONAL DISTRICT: Thirteenth

3. **CLASSIFICATION**
   - CATEGORY (Check One)
     - Building
   - OWNERSHIP
     - Public
     - Private
   - STATUS
     - Occupied
   - ACCESSIBLE TO THE PUBLIC
     - Yes:
       - Restricted
       - Unrestricted
   - PRESENT USE (Check One or More as Appropriate)
     - Agricultural
     - Government
     - Park
     - Private Residence
     - Religious
     - Other (Specify) mills are unoccupied.

4. **OWNER OF PROPERTY**
   - OWNER'S NAME: Miss Ethel Coover
   - STREET AND NUMBER: River Rd.
   - CITY OR TOWN: Titusville

5. **LOCATION OF LEGAL DESCRIPTION**
   - COURTHOUSE, REGISTRY OF DEEDS, ETC:
     - Mercer County Courthouse
   - STREET AND NUMBER: 209 So. Broad St.
   - CITY OR TOWN: Trenton

6. **REPRESENTATION IN EXISTING SURVEYS**
   - TITLE OF SURVEY: New Jersey Historic Sites Inventory 1516.5
   - DATE OF SURVEY: 1960
   - DEPOSITORY FOR SURVEY RECORDS:
     - Historic Sites Office; Dept. of Environmental Protection
   - STREET AND NUMBER: Box 1420
   - CITY OR TOWN: Trenton

---

**FOR NPS USE ONLY**

**ENTRY DATE** NOV 19 1974
The random masonry buildings are simple and unpretentious, yet direct in the appeal of their wall fabric and periodic expansion. They stand well preserved. Remains of other stone out buildings such as a carriage house and horse barn dot this variant property. The initial section of the house was a two room, two story house with an off center cooking fireplace in the eastern end wall. This feature, with the exception of its left jamb, seems original, and bears the intriguing inscription "1739" on the end of the oak beam lintel. A simple open three shelved cupboard with a lower closed section occupies the adjacent space. Evidently, the stairway to the second floor, with its bedroom with small fireplace and beaded paneling, always stood at the eastern wall. Pegged doors and window frames, some with 16th century sash, punctuate the long walls. The chamfered floor joists and beams measure six by three inches. A brick barrel vault on masonry piers in the cellar supports the fireplace and chimney.

An unusual lean to kitchen abuts the eastern end of the original house. Although its northern wall was laid up of stone very similar to that of the old house, the kitchen's eastern and southern walls were brick filled clapboarded frame construction. Its fireplace joins the earlier chimney flue. Because of noticeable, though not complete, line in the masonry wall of the north wall and the absence of a basement under the lean-to, one can conclude that this was a later addition, perhaps only ten years after the initial phase of the house.

The prosperity of the mill is reflected in the large, three bay, back and front parlor house that was probably built circa 1850. Its ogee arch brackets, wide dog-earred door frames, thick molding cornices and panelled doors and the simple Gothic arched fireplaces dictate a mid-century dating. Jonathan T. Comley's acquisition and development of the property corroborate this also. An impressive scale throughout elevated this new house into the small manor house category and left behind the closer modest 16th century living quarters.

The mill was originally one and a half stories high and two window bays long. Splayed window jambs, heavy timber construction with two foot thick longitudinal beams into which the floor joists are set and a tell tale section of the western masonry wall define the first building. The overshot waterwheel, which in its later years was iron, turned outside the eastern facade. We notice two large, puzzling segmentally arched openings, now filled. Eighteenth century pegged window frames and a continuity of masonry suggests that the mill was increased to two and a half stories within a few decades.

Enlargements of this building are difficult to chart, because of the general character of the wall and interior construction and the lack of stylistic evidence. However, it is reasonable to conclude that Comley doubled the size to the west in 1841, and then decked the two parts with another story in 1847. The western cube sports large (cont. page 2)
### Statement of Significance

This small mill complex near the Delaware River and Canal represents a portion of the tradition of rural 18th and 19th century industry that has long since died. The house and the mill building sit beside Jacob Creek and reveal the origins and the growth of the grist mill business in the Delaware Valley. Of simple masonry construction, both buildings were expanded several times and hence show the effects of increased business and prosperity. Devoid of ornamentation, a simplicity in construction and an efficiency in operation characterize the forms of these vernacular buildings.

Tradition states that Isaac Smith received a land grant of 1000 acres from the English Crown in 1726. Presumably he built the first two room, two story house and one story mill sometime thereafter. He began processing grain and corn and shipped it down the Delaware to Philadelphia. The mill derived its power from a raceway that drew water from Jacob's Creek. It is likely that this mill provided flour for the Continental Army during the Revolutionary War.

The Delaware Canal opened in 1834 and seems to have stimulated business considerably. Jonathan T. Comley bought the complex in 1844, and immediately added two stories to the 18th century mill structure. In 1847, he topped the mill with a fifth floor. Shortly thereafter, he probably enlarged the house with spacious three bay, three story bracketed section.

In the last decade of the 19th century, the present owner's father bought the mill and successfully continued the grist operations, until the First World War. After that, automation in mid-western mill took over the field of flour refining and made this small, manual labor operation obsolete. Mr. Conover persisted, although he supplemented his activity with the production of apple cider. Operations ceased in the early years of the Depression.

(continued page 2)
9. MAJOR BIBLIOGRAPHICAL REFERENCES

4. Historical Collections of New Jersey, Barber and Howe, page 285, 1644.
5. Genealogy of Early Settlers in Trenton and Ewing, Eli Cooley, page 100.
6. Title Trace

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY

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<thead>
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<th>CORNER</th>
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LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES

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APPROXIMATE ACREAGE OF NOMINATED PROPERTY: about 5

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

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<th>STATE</th>
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</table>

11. FORM PREPARED BY

NAME AND TITLE: Connie Grieff; Annette Carter; with revisions Historic Sites Staff

ORGANIZATION: Mercer County Cultural and Heritage Comm.

DATE: March, 1974

STREET AND NUMBER: Trenton

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National [ ] State [ ] Local [ ]

Name: David J. Barlow
Title: Commissioner, Dept. of Environmental Protection

Date: July 1, 1974

I hereby certify that this property is included in the National Register.

Director, Office of Archeology and Historic Preservation

ATTEST:

Keeper of The National Register

Date: July 1, 1974
7. Description (cont.)

Somerset Roller Mills
Mercer County 021
New Jersey 34

stone blocks at the corners, which were reportedly dragged across the frozen Delaware in the winter. Two tablets, one dated 1841, and the other dated 1847, appear in the top level. The former, relating to the western cube section, may have been transferred into the upper level of the north wall. The interior shows two interior timber frame constructions, reflecting the two distinct building periods.

8. Sign. In conclusion, the Somerset Roller Mills and house is a well preserved, modest industrial group in a rural setting. First, it documents the beginnings, the development and the final demise of a vital manufacturing process in pre-20th century America. Persistence, honesty and a well-chosen location accounted for its success. Automated machinery spelled its doom.

Furthermore, it provides us with excellent examples of simple, vernacular buildings of the 18th and 19th centuries. The rugged construction and various additions tell the story of its development.

Congressional Representation:

Thirteenth District: Joseph Maraziti
Clifford Case, Senator
Harrison Williams, Senator
Somerset Roller Mills
Mercer County (021)
New Jersey 34

7. Description continued

There are the two buildings on the property along with two foundations of buildings.

There is some equipment left in the mill that has not yet been identified. There are some millstones of French granite composition in the mill.
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY MAP FORM

(Type all entries - attach to or enclose with map)

1. NAME
COMMON: Somerset Roller Mill
AND/OR HISTORIC:

2. LOCATION
STREET AND NUMBER: River Rd.
CITY OR TOWN: Titusville
STATE: New Jersey
CODE: 34
COUNTY: Mercer
CODE: 021

3. MAP REFERENCE
SOURCE: Historic Sites Section Hand drawn sketch map
SCALE:
DATE: October, 1974

4. REQUIREMENTS
TO BE INCLUDED ON ALL MAPS
1. Property boundaries where required.
2. North arrow.
3. Latitude and longitude reference.

STATE: New Jersey
COUNTY: Mercer
ENTRY NUMBER: 493
DATE: NOV 15 1974
From: McGinley, James X. <Jim.McGinley@stvinc.com>
Sent: Wednesday, July 6, 2022 3:29 PM
To: Hutchison, John [DEP] <John.Hutchison@dep.nj.gov>; Weirsky, Edward J. <Edward.Weirsky@stvinc.com>
Cc: Ruggeri, Joseph [DEP] <Joseph.Ruggeri@dep.nj.gov>; 'Joseph Ruggeri' <joe.drcc@hotmail.com>
Subject: [EXTERNAL] RE: Sunoco Pipeline Resubmission

Good afternoon John,

Please find attached the June response to comments. As emailed previously the below changes were made per our phone conversation. If you have any questions or if there is anything you feel needs addressed before your July meeting please let me know.

Thank you

Jim McGinley
Senior Environmental Scientist, Associate
STV
205 West Welsh Drive
- “Native” have been added and highlighted within the replanting section of the revised plans to further clarify only native vegetation will be used for replanting within the DRCC stream corridor.
- The impact table (below) has been modified to cover commission questions and make it read more clearly for those reviewing. The following changes were made:
  - Based on a 4 foot wide trench excavation required for the installation of 14 inch pipe the square footage of the excavation (1,580) was added to the table
  - A foot note was added to clarify the callouts of temporary workspace vs total LOD. To clarify the 2.74 acres is the total of new and existing easement and additional temporary work space. This is only the area within the DRCC Stream corridor as described in the note.

<table>
<thead>
<tr>
<th>IMPACTS WITHIN THE DRCC STREAM CORRIDOR</th>
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<tbody>
<tr>
<td>HDD (SEE NOTE 16)</td>
<td>1,465± L.F.</td>
</tr>
<tr>
<td>TRENCHING</td>
<td>395± L.F./1,580 SQ.FT.</td>
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<tr>
<td>PROPOSED FILL</td>
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<tr>
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<tr>
<td>PROPOSED TEMPORARY IMPERVIOUS SURFACE</td>
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* TOTAL LOD WITHIN THE DRCC STREAM CORRIDOR = PROPOSED PERMANENT EASEMENT + EXISTING EASEMENT + TEMPORARY WORKSPACE.

- Lastly the following clarification was added to the formal waiver request as per your request.
7:45-12.4 Waiver of stream corridor impact standards

(a) Projects otherwise subject to review by the Commission for stream corridor impact may be waived from strict adherence to such standards if the applicant establishes to the satisfaction of the Commission that:

1. The project will not have an adverse impact upon the stream corridor’s ability to function as a buffer for the water course’s ecological health and as a natural area;

   Based on the nature of the proposed work SPLP does not anticipate impacts to the stream corridor’s ability to function as a buffer for the water course’s ecological health and natural area. This determination is based on the following design criteria incorporated in the project design:

   - The entirety of the proposed project area will be restored to original grade and restored utilizing native seed mixes upon completion of the pipeline installation.

   - Tree removal within the DRCC stream corridor has been reduced to the greatest extent possible limiting tree removal within the corridor to only areas needed along the proposed pipeline easement. Additional protections are being added (temporary fencing) around those trees along the stream corridor that are not being removed but in close proximity to the work area.

   - Removal of 316 feet of currently exposed cased petroleum pipeline from Jacob’s Creek will be done during periods of low flow, without excavation in the stream bed, will result in the removal of an existing impediment and allow for additional flow of water through the existing canal culvert. Pipeline removal will be accomplished by purging the existing line and grouting after tie in of the new line to the existing. At which point the exposed line will be cut into sections, pulled though the culvert and loaded onto trailers for off site removal. As directed by NJDEP no instream excavation is proposed.

From: Hutchison, John [DEP] <John.Hutchison@dep.nj.gov>
Sent: Wednesday, July 6, 2022 3:03 PM
To: McGinley, James X. <Jim.McGinley@stvinc.com>
Cc: Ruggeri, Joseph [DEP] <Joseph.Ruggeri@dep.nj.gov>; 'Joseph Ruggeri' <joe.drcc@hotmail.com>
Subject: Sunoco Pipeline Resubmission

**This e-mail is from outside STV**

Hi Jim:

Please make your submission ASAP so that there is time to review the project for the July commission meeting... If there are any issues we can address them as we go...

Thanks.

John Hutchison
Executive Director
Delaware & Raritan Canal Commission
Think green before you print. Please consider the environment before printing this e-mail.

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Redesigned and rebuilt: visit our new website at www.stvinc.com

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SUBCHAPTER 9 STREAM CORRIDOR IMPACT 7:45-9.1

Scope of review

(a) Each project within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.

7:45-9.2 Submission requirements

(a) For each project that is subject to review by the Commission for stream corridor impact in accordance with N.J.A.C. 7:45-9.1, the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a scale of one inch equals 100 feet and containing the following:

1. The 100-year flood line, verified by the Department’s Division of Land Use Regulation; See attached map depicting the FEMA 100 year flood plain.
2. The 100 foot wide buffer along the 100-year flood line; See attached map depicting the FEMA 100 year flood plain with an additional 100 feet offset stream corridor
3. The location of all improvements and/or disturbances proposed to be located within the stream corridor; See attached map depicting the FEMA 100 year flood plain with an additional 100 feet offset flood line including all proposed work within this area.
4. A description of existing vegetation in the stream corridor; and Currently the stream corridor is a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. Included in this submission please find the tree survey data for the proposed project.
5. A metes and bounds description of the project site boundary and the stream corridor boundary, both on hard copy as well as a digital rendition, either as a CAD .dxf file or ArcView shapefile. Due to the nature of to stream corridor line as well as the proposed limit of disturbance a metes and bounds description is no practical. The proposed project area has been limited to the greatest extent possible and as such project lines turn frequently along the route so as to minimize impacts the variety of turns result in a description that is impractical on the current site plans. A requested shape file of the project has been attached for your use.

7:45-9.3 Prohibited uses within stream corridors

(a) The following uses shall be prohibited within a stream corridor:

1. Construction of new structures, including but not limited to buildings, retaining walls, and detention or retention basins; N/A no buildings, retaining walls, and detention or retention basins are proposed
2. Regrading of the existing topography; N/A all areas will be returned to original grade
3. On-site sewage disposal systems; N/A no sewage disposal is proposed.
4. Any solid or hazardous waste facilities, as defined in N.J.A.C. 7:26, including but not limited to sanitary landfills, transfer stations, wastewater lagoons and impoundments; **N/A no solid or hazardous waste facilities are proposed**

5. Junk yards, commercial and industrial storage facilities and the open storage of vehicles and materials;

6. Barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities;

7. Parking facilities, driveways and roads that parallel the stream corridor;

8. Removal of native vegetation or actions that result in the death of native vegetation except as necessary in connection with activities in the stream corridor permitted by the Commission;

9. Installation of non-native vegetation; and

10. New outfalls within stream corridors of water courses that discharge to the Canal, as described at N.J.A.C. 7:45-8.3.

(b) Applicants for residential projects shall design them to ensure a minimum of 25 feet of usable yard between the stream corridor and dwellings, as existing topography of a stream corridor cannot be regraded nor can native vegetation be removed.

**7:45-9.4 Conditional uses within stream corridors**

(a) The following uses may be permitted within a stream corridor of a water course as defined in N.J.A.C. 7:45-1.3 that does not directly enter the Canal, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A no recreational paths are proposed**

2. Outlet installation for sewage treatment plants and sewage pumping stations, and the expansion of existing sewage treatment facilities; **N/A no outlets are proposed**

3. Private or public water supply wells that have a sanitary seal; **N/A no water supplies are proposed**

4. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from the appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A no culverts are proposed**

5. Sanitary or storm sewers; **N/A no sanitary or storm sewers are proposed**

6. Outfall structures associated with storm water management facilities; **N/A no outfall structures are proposed**
7. Underground utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; **Proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally pipe removal will take place in accordance with these same measures.**

8. If the project site is a lot totaling less than one acre, and if the lot has been in existence since January 1989, the construction of one house or portion thereof may be conditionally permitted within the stream corridor. This conditional use does not apply, however, to the 100-year floodplain portion of the stream corridor. **N/A no homes or structures are proposed**

(b) The following uses may be permitted within a stream corridor of a water course that enters directly into the Canal as defined at N.J.A.C. 7:45-1.3, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A no recreational paths are proposed**

2. Private or public water supply wells that have a sanitary seal; **N/A no water supplies are proposed**

3. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from all appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A no culverts are proposed**

4. Underground utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; and **Proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally pipe removal will take place in accordance with these same measures.**

5. Flow or water quality measuring devices. **N/A no flow or water quality measuring devices are proposed**

7:45-9.5 Preservation of stream corridor
The applicant shall take whatever measures are necessary to ensure that stream corridors will be preserved and to prevent future encroachments in the stream corridor. At a minimum, such measures shall include easements, deed restrictions, or other measures satisfactory to the Commission. **The completed pipeline project will result in an easement at the location of the line. Sunoco Pipeline LP will maintain the line and corridor as necessary to ensure the safe operation of the pipeline.**

7:45-9.6 Local stream corridor ordinance When the Commission determines that a municipality or county has adopted a stream corridor ordinance that is more stringent than this subchapter, then compliance with the stricter requirements in said ordinance shall be required as a condition of the Commission’s individual approval, the provisions of this subchapter being considered as minima and not maxima. In such instances, the applicant shall grant to the Commission an easement or conservation restriction. **Sunoco Pipeline LP is currently coordinating with the Hopewell Township Zoning office to acquire the required stream corridor permit and to ensure that all local ordinances are being met by the proposed project.**
June 15, 2022

Delaware and Raritan Canal Commission
P.O. Box 539
Stockton, NJ 08559

Attention: John Hutchison
Executive Director

Subject: Sunoco Pipeline L.P.
Jacobs Creek Pipeline Repair
Upper Makefield, Bucks County, PA and
Ewing and Hopewell Township, Mercer County, NJ

Reference: DRCC Staff Report #21-5256B
June 7, 2022

STV Project No.: 38-16332

Mr. Hutchinson:

STV Energy Services, Inc. (STV) has been retained by Sunoco Pipeline L.P. (SPLP) to provide engineering and environmental services for replacement of their existing 14-inch Twin Oaks to Newark petroleum products pipeline. SPLP plans to replace the existing line via horizontal directional drill to remediate an exposure in Jacobs Creek in Hopewell and Ewing Townships, Mercer County, New Jersey.

As part of the permitting efforts for the Jacobs Creek Pipeline replacement STV has submitted permits and supporting documents to DRCC on April 17, 2020, April 12, 2021, December 16, 2021 and February 25, 2022. STV and SPLP have receive the latest DRCC Staff report dated June 7, 2022 below in bold are the responses and or additional questions for the applicable items listed in the staff report:

1. A Delaware and Raritan Canal Commission Stream Corridor delineation map exhibit has been submitted by the applicant. However, the 100-year floodplain delineation line has not been illustrated or labelled on the exhibit. Please provide a stream corridor exhibit that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. The method of delineation for the 100-year floodplain should also be identified on the exhibit.

Response: The attached figure illustrates the 100-year floodplain. The FEMA 100 Year Flood Line was obtained from the FEMA Flood Insurance Rate Map Number 34021CO113F, last revised July 20, 2016.
2. Please provide specific details on any proposed permanent or temporary disturbances within the defined Commission stream corridor area. Please be reminded that any intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area, including temporary disturbances are strictly prohibited. The applicant must either remove the prohibited activities from within the stream corridor or provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor buffer regulations for any remaining disturbances with the corridor pursuant to N.J.A.C. 7:45-12. This should include a detailed discussion and tables of the square footage of the existing conditions and the proposed permanent or temporary intrusions within the stream corridor including but not limited to the amount of land disturbance, new impervious areas, landscaping, and grading. The amount of linear[1]feet and square-footage disturbance for the portion of HDD installation and for the trenching should also be identified. The application should outline any mitigation efforts that are proposed, including details on the re-establishment of native vegetation and original land surface grades.

Response: See attached figure for specific details regarding permanent and temporary disturbances within the stream corridor area. A formal waiver request for impacts within the stream corridor buffer area is also enclosed. Mitigation measures, including re-establishment of native vegetation and original land surface grades is also included in the attached figure.

3. N.J.A.C. 7:45-8.1 directs that the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impacts. The submitted application states that the project will not result in the creation of any new impervious surface coverage. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, which includes gravel surfaces, and confirm the amount of impervious surface coverage that would result from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

Response: STV has reviewed the definition of impervious surface referenced in N.J.A.C. 7:45-1.3. The temporary gravel construction entrances and laydown areas will result in a total square footage of 29,426 square feet and will be in place for the duration of construction which is estimated at four months. The temporary gravel construction entrances and laydown areas are shown on the attached figure.

Sincerely,

James McGinley
STV Energy Services, Inc.
205 West Welsh Drive
Douglassville, PA 19518
610-385-8443 (desk)
610-655-7654 (cell)
June 15, 2022

Delaware and Raritan Canal Commission
P.O. Box 539
Stockton, NJ 08559

Attention: John Hutchison
Executive Director

Subject: Sunoco Pipeline L.P.
Jacobs Creek Pipeline Repair
Upper Makefield, Bucks County, PA and
Ewing and Hopewell Township, Mercer County, NJ

Reference: DRCC Staff Report #21-5256B
Waiver Request

STV Project No.: 38-16332

Mr. Hutchinson:

STV Energy Services, Inc. (STV) has been retained by Sunoco Pipeline L.P. (SPLP) to provide engineering and environmental services for replacement of their existing 14-inch Twin Oaks to Newark petroleum products pipeline. SPLP plans to replace the existing line via horizontal directional drill to remediate an exposure in Jacobs Creek in Hopewell and Ewing Townships, Mercer County, New Jersey.

As part of the permitting efforts for the Jacobs Creek Pipeline replacement STV has submitted permits and supporting documents to DRCC on April 17, 2020, April 12, 2021 and December 16, 2021, February 25, 2022 and May 10, 2022. STV and SPLP have received the latest DRCC Staff report dated June 7, 2022 which requests a waiver under N.J.A.C. 7:45-9 for intrusions within the stream corridor buffer.

After review of the June 7, 2022 staff report and further clarification SPLP would like to formally request a waiver under the following statutes. Justification for these requests are contained below:

- N.J.A.C. 7:45-9

Waivers

7:45-12.4 Waiver of stream corridor impact standards

(a) Projects otherwise subject to review by the Commission for stream corridor impact may be waived from strict adherence to such standards if the applicant establishes to the satisfaction of the Commission that:

1. The project will not have an adverse impact upon the stream corridor’s ability to function as a buffer for the water course’s ecological health and as a natural area; or
2. The project incorporates environmentally sound site planning techniques, or preserves other natural areas, either of which can be demonstrated to have a greater ecologically beneficial effect than would compliance with this chapter. Neither of
these techniques will be accepted by the Commission, however, for proposals that include either:

i. Intrusions into the 100-year flood plain portion of the stream corridor; or

ii. For water courses that drain directly into the Canal, intrusions within 150 feet of their tops of banks.

In support of this waiver request, we submit the following information:

SUBCHAPTER 9 STREAM CORRIDOR IMPACT 7:45-9.1

Scope of review

(a) Each project within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.

7:45-9.2 Submission requirements

(a) For each project that is subject to review by the Commission for stream corridor impact in accordance with N.J.A.C. 7:45-9.1, the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a scale of one-inch equals 100 feet and containing the following:

1. The 100-year flood line, verified by the Department’s Division of Land Use Regulation; See attached map depicting the FEMA 100-year flood plain.

2. The 100-foot wide buffer along the 100-year flood line; See attached map depicting the FEMA 100 year flood plain with an additional 100 feet offset stream corridor

3. The location of all improvements and/or disturbances proposed to be located within the stream corridor; See attached map depicting the FEMA 100-year flood plain with an additional 100 feet offset flood line including all proposed work within this area.

4. A description of existing vegetation in the stream corridor; and Currently the stream corridor is a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. Included in this submission please find the tree survey data for the proposed project.

5. A metes and bounds description of the project site boundary and the stream corridor boundary, both on hard copy as well as a digital rendition, either as a CAD .dx file or ArcView shapefile. Due to the nature of the stream corridor line as well as the proposed limit of disturbance a metes and bounds description is no practical. The proposed project area has been limited to the greatest extent possible and as such project lines turn frequently along the route so as to minimize impacts the variety of turns result in a description that is impractical on the current site plans. A requested shape file of the project has been attached for your use.

7:45-9.3 Prohibited uses within stream corridors

(a) The following uses shall be prohibited within a stream corridor:

1. Construction of new structures, including but not limited to buildings, retaining walls, and detention or retention basins; N/A no buildings, retaining walls, and detention or retention basins are proposed
2. Regrading of the existing topography; **N/A all areas will be returned to original grade**

3. On-site sewage disposal systems; **N/A no sewage disposal is proposed.**

4. Any solid or hazardous waste facilities, as defined in N.J.A.C. 7:26, including but not limited to sanitary landfills, transfer stations, wastewater lagoons and impoundments; **N/A no solid or hazardous waste facilities are proposed**

5. Junk yards, commercial and industrial storage facilities and the open storage of vehicles and materials; **No junk yards are proposed; see attached plans for temporary storage of vehicles and materials during construction**

6. Barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities; **N/A none of these facilities are proposed**

7. Parking facilities, driveways and roads that parallel the stream corridor; **See attached plans for temporary facilities during construction**

8. Removal of native vegetation or actions that result in the death of native vegetation except as necessary in connection with activities in the stream corridor permitted by the Commission; **See attached plans for impacts to vegetation. All impacts will be temporary in nature and the site will be reseeded with native vegetation following construction.**

9. Installation of non-native vegetation; and **The site will not be planted with non-native vegetation.**

10. New outfalls within stream corridors of water courses that discharge to the Canal, as described at N.J.A.C. 7:45-8.3. **There will be no new outfalls within the stream corridor.**

(b) Applicants for residential projects shall design them to ensure a minimum of 25 feet of usable yard between the stream corridor and dwellings, as existing topography of a stream corridor cannot be regraded nor can native vegetation be removed. **N/A this is not a residential project.**

**7:45-9.4 Conditional uses within stream corridors**

(a) The following uses may be permitted within a stream corridor of a water course as defined in N.J.A.C. 7:45-1.3 that does not directly enter the Canal, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A no recreational paths are proposed**

2. Outlet installation for sewage treatment plants and sewage pumping stations, and the expansion of existing sewage treatment facilities; **N/A no outlets are proposed**

3. Private or public water supply wells that have a sanitary seal; **N/A no water supplies are proposed**

4. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from the appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish
passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A no culverts are proposed**

5. Sanitary or storm sewers; **N/A no sanitary or storm sewers are proposed**

6. Outfall structures associated with storm water management facilities; **N/A no outfall structures are proposed**

7. Underground utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; **Proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, pipe removal will take place in accordance with these same measures.**

8. If the project site is a lot totaling less than one acre, and if the lot has been in existence since January 1989, the construction of one house or portion thereof may be conditionally permitted within the stream corridor. This conditional use does not apply, however, to the 100-year floodplain portion of the stream corridor. **N/A no homes or structures are proposed**

(b) The following uses may be permitted within a stream corridor of a water course that enters directly into the Canal as defined at N.J.A.C. 7:45-1.3, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths; **N/A no recreational paths are proposed**

2. Private or public water supply wells that have a sanitary seal; **N/A no water supplies are proposed**

3. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from all appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage; **N/A no culverts are proposed**

4. Underground utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water; and **Proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, pipe removal will take place in accordance with these same measures.**
5. Flow or water quality measuring devices. **N/A no flow or water quality measuring devices are proposed**

7:45-9.5 Preservation of stream corridor

The applicant shall take whatever measures are necessary to ensure that stream corridors will be preserved and to prevent future encroachments in the stream corridor. At a minimum, such measures shall include easements, deed restrictions, or other measures satisfactory to the Commission. **The completed pipeline project will result in an easement at the location of the line. Sunoco Pipeline LP will maintain the line and corridor as necessary to ensure the safe operation of the pipeline.**

7:45-9.6 Local stream corridor ordinance When the Commission determines that a municipality or county has adopted a stream corridor ordinance that is more stringent than this subchapter, then compliance with the stricter requirements in said ordinance shall be required as a condition of the Commission’s individual approval, the provisions of this subchapter being considered as minima and not maxima. In such instances, the applicant shall grant to the Commission an easement or conservation restriction. **Sunoco Pipeline LP is currently coordinating with the Hopewell Township Zoning office to acquire the required stream corridor permit and to ensure that all local ordinances are being met by the proposed project.**

Should you have any questions or would like to discuss further please feel free to contact me.

Sincerely,

James McGinley
STV Energy Services, Inc.
205 West Welsh Drive
Douglassville, PA 19518
610-385-8443(desk)
610-655-7654 (cell)
1. The construction specifications shall require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior, to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, shall be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NWJSA for review and approval prior to construction;

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents shall include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State-owned land shall be in accordance with the existing lease;

9. Visual inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;

11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all cleanup procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes);

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection; and
14. The applicant shall submit to the Commission a complete set of As-Built plans upon completion of the project to verify compliance with the revegetation requirement for the temporary graveled surfaces located in the construction entrances and laydown areas related to the project.
Re: Summary of Project Review with New Jersey Historic Preservation Office, Proposed Sunoco Pipeline, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. McGinley:

E2 Project Management, LLC (E2PM) is pleased to provide this summary of New Jersey Historic Preservation Office Project Review regarding the proposed Sunoco Pipeline project at Jacob’s Creek, Hopewell and Ewing Townships, Mercer County, New Jersey. The proposed Sunoco Pipeline project intends to install a 14-inch high pressure petroleum pipeline connecting Sunoco Pipeline L.P.’s Twin Oaks Terminal and their Newark Facility. The pipeline enters New Jersey across the Delaware River from Upper Makefield Township, Bucks County, Pennsylvania, then travels up the Jacobs Creek streambed in both Hopewell and Ewing Townships, Mercer County, New Jersey and through a large concrete and stone arch culvert supporting both the Delaware and Raritan Canal and New Jersey State Route 29. The proposed project seeks to replace approximately 2,500 feet of exposed pipeline through installation via directional drilling.

As this project involves the crossing the Delaware River, crossing of State lines, and excavations within a stream channel, STV anticipated that various permits will be necessary to support the project including, an Army Corps of Engineers Nationwide #12 Permit, project review through the Delaware and Raritan Canal Commission, Freshwater Wetlands Permits, and/or other New Jersey Division of Land Resource Protection or agency approvals. The proposed project crosses or intersects lands associated with several previously-identified historic properties including the Delaware & Raritan Canal and the National Register of Historic Places listed Somerset Roller Mills and Miller’s House. As such, STV retained E2PM to provide cultural resources consulting services to support the permitting efforts.

E2PM completed a Phase IA archaeological assessment for the site in September 2020 prior to the completion of any permit applications. The report was submitted to the New Jersey Historic Preservation Office (NJHPO) for review. E2PM defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the directional drill and an open trench connecting the access/egress point to the existing pipeline. The NJHPO concurred with E2PM’s recommendations while also requesting that vibration monitoring be conducted on the mill and miller’s house to ensure the HDD directional drilling does not physically impact/affect the structures (see Appendix A).

E2PM completed a Phase IB subsurface investigation in October 2021 in compliance with the NJDEP Freshwater Wetlands Permit’s special conditions (DLRP Permit No. DLRP 1100-20-0003.1 – LUP200001; NJHPO Project No. 20-1683). The survey report was submitted to the NJHPO for review under the associated permit. Despite having an associated DLRP permit number, the NJHPO logged the project for review under “Technical Assistance” and, as such, no formal review comments were provided. On November 12, 2021 the NJHPO provided E2PM “Informal Notes” regarding the project review which in essence concurred with E2PM’s findings but were not provided in any official capacity. Several attempts to clarify these comments and request an “Official” NJHPO finding were made via email communications between E2PM and the NJHPO. Despite the project review bearing directly on permits
and regulations other than the cited, Freshwater Wetlands permit, the NJHPO finally responded on December 16, 2021 that their email communications of “Informal Notes” in lieu of official project review “should be sufficient” for the project’s needs. The email correspondences with the NJHPO are included as Appendix B. Given the NJHPO’s response, should any more official determinations be necessary with regard to the work completed to-date by other review agencies, those agencies are invited to contact Dr. Katherine Marcopul, Administrator and Deputy State Historic Preservation Officer for such determinations. E2PM will continue assisting STV in implementing both the Archaeological Monitoring and Protection Plan and the Vibration Monitoring program required for this project. The results of these efforts will be submitted to the NJHPO for their review and concurrence upon completion and in fulfillment of the NJHPO approved approach developed by E2PM and attached herein with Appendix A.

Should you have any further questions or comments, please do not hesitate to contact me via email at scott.wieczorek@e2pm.com or on my cell phone at 732-575-5580.

Sincerely,

Scott Wieczorek, RPA
Cultural Resources Sector Manager / Senior Archaeologist

Cc:
Edward Weirsky, STV
E2PM Project File
Appendix A
NJHPO Correspondence
Phase IA and AMP Plan
**This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office as we switch to a temporary remote work environment in response to the ongoing novel coronavirus (COVID-19) outbreak**

HPO Project No. 20-1683-1
HPO-J2020-125

Re: Phase IA Archaeological Investigation, Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. Wieczorek,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following archaeological survey letter report received at the HPO on September 29, 2020 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance
September 2020  
*Phase IA Archaeological Investigation, Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation, Hopewell and Ewing Townships, Mercer County, New Jersey.*  
Prepared for STV Energy Services, Douglassville, PA. Prepared by E2 Project Management, LLC, Rockaway, NJ

The report states that the project involves the horizontal directional drilling (HDD) of 2,500 feet of new 14-inch high pressure petroleum pipeline to replace the existing line eroding out into Jacobs Creek. The new line will be 75-80 feet below the National Register listed Delaware and Raritan Canal Historic District and 35-40 feet below the contributing Route 29/Jacob’s Creek Culvert. The HDD exit pit will be within the limits of the National Register listed Somerset Rolling Mills property with a trench cut connecting the new line to the existing line.

The Phase IA report evaluated the project’s area of potential effects (APE) into zones of low-, moderate- and high archaeological sensitivity (Figure 11) and recommended Phase IB archaeological testing to identify the presence or absence of archaeological deposits and sites within any new temporary and permanent ground disturbing project activities.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. If subject to any of the above referenced regulations, the need for a Phase IB archaeological survey identified in
the report above is appropriate. In addition, any temporary use of the D&R Canal pathways as access will also need to be evaluated as part of the project’s temporary ground disturbing activities regarding archaeology, as well as, evaluating any impacts to historic properties. Finally, seismic analysis for HDD vibration will be appropriate on any historic structures within or near the proposed HDD alignment/exit pit.

Any State, county, or municipal entity involved with this project that takes place within the limits of any historic properties listed on the New Jersey Register of Historic Places will be subject to the requirements of the New Jersey Register of Historic Places Act.

Additional Comments

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please reference HPO project number 20-1683 in any future calls emails, submissions or written correspondence to help expedite your review and If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with any questions.

Sincerely,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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Sincerely,

Scott Wieczorek, RPA
Senior Archaeologist

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com
Dear Scott,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following historic and archaeological avoidance, protection, and monitoring plan received at the HPO on March 22, 2021 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance

The above-referenced avoidance, protection and monitoring plan was prepared for the proposed Jacob’s Creek pipeline replacement project located in Hopewell Borough. A prior Phase IA archaeological survey identified the presence of several historic properties within the area of potential effects (APE) including National Register listed- Delaware and Raritan Canal Historic District and the Somerset Rolling Mill property. In addition, portions of the APE were assessed with high sensitivity for Pre-Contact period and historic period archaeological resources based on the APE’s proximity to the Delaware River and historic resources associated with the historic gristmill. Therefore, a Phase IB archaeological survey and archaeological monitoring and the use of an avoidance and protection plan was recommended.

The above-referenced plan includes the use of high-visibility fencing around archaeologically sensitive areas, the use of timber matting and geo-textile to provide a barrier between the areas of archaeological sensitivity and project activities, and the development of a vibration monitoring plan for historic structures within and near the APE.
The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. Upon review, if subject to the above-referenced regulations, while the above-referenced plan states that an archaeological monitor will be present during timber matting installation and removal, the HPO would also require photo documentation prior to, during, and post removal to ensure no effect to any potential archaeological resources.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Additional Comments

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic and archaeological resources. The HPO looks forward to receiving the Phase IB archaeological survey for review and comment. Please reference the HPO project number 20-1683 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with questions regarding archaeology.

regards,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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Appendix B
NJHPO Correspondence
Phase IB
Good morning, Mr. Wieczorek,

As I understand it, you were intending to provide the report for our review pursuant to the discovery clause in the DLRP permit. You may use the email comments that we previously provided to you as evidence for DLRP that you have consulted with us under the condition. I believe that will be sufficient. If DLRP needs something additional from us, they will ask us directly, but I do not foresee that happening.

Thank you for your concern for New Jersey's historic resources.

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578
Hi Dr. Marcopul,

I am just following up on this. As I mentioned, below, we need to have a completed Official Review, not just “Informal Notes” in order to meet DLRP and other permitting requirements with other agencies. Is there anything more we can provide to assist this effort along?

Thanks,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

---

From: Scott Wieczorek [mailto:Scott.Wieczorek@e2pm.com]
Sent: Tuesday, December 14, 2021 12:55 PM
To: Marcopul, Kate [DEP]; Baratta, Meghan [DEP]
Cc: Edward Weirsky (edward.weirsky@stvinc.com); McGinley, James X.; West-Rosenthal, Jesse [DEP]
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Dr. Marcopul,

What we need from the HPO is an Official response concurring with our project through review channels. Per the consultation response from November 12, 2021:

*This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.*

As this submission was sent in with the intention of meeting permit conditions, based upon the language above, those conditions are not at present met as these are not Official review comments. Could we receive an Official sign-off from the HPO which will satisfy other permitting requirements instead of just “Informal notes?”

Thanks,

Scott Wieczorek, RPA
Cultural Resources Sector Manager
From: Marcopul, Kate [DEP] [mailto:Kate.Marcopul@dep.nj.gov]
Sent: Tuesday, December 14, 2021 12:35 PM
To: Scott Wieczorek; Baratta, Meghan [DEP]
Cc: Edward Weirsky (edward.weirsky@stvinc.com); McGinley, James X.; West-Rosenthal, Jesse [DEP]
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Good afternoon, Mr. Wieczorek,

I am not sure I understand the issue. It looks like your client already has the permit from the Division of Land Resource Protection, and the HPO reviewed and responded to your submission on November 12, 2021 concurring with the report findings. Is there something else that you need from HPO for this project?

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
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T (609) 984-0176 | F (609) 984-0578
Good Morning Dr. Marcopul,

I seek your assistance with an issue impacting one of my client’s projects. We submitted a project for review under a DLRP permit number 1100-20-0003.1 – LUP200001 (also may be listed as no. 1106-20-0001.1 – LUP200001; see highlighted copy of permit attached) and it got logged in as a “Technical Assistance” review. The result of this is that it is now holding up our clients’ permits through multiple other agencies (D&R Canal Commission, DLRP, ACOE, etc…) because the NJHPO has not provided an “Official” Response. These other permits are all conditioned upon SHPO’s review and comments as the project will impact a NR-listed historic property (Somerset Roller Mill). Per my understanding of the law, and the conditions of the FWW permit it was submitted under (highlighted), this should be a regulatory review as it is required per law or regulation. However, after following up with Jesse on the project, his response below takes a different interpretation of the process by suggesting that “Official” HPO review can only be given if directly requested by another agency while also suggesting that the permit conditions are just “standard language.” Is that supposed to mean that my clients don’t need to abide by these “standard language” conditions? Did the process change?

The bottom line is that because of this situation, my client’s project is now being delayed unnecessarily. We request your assistance in addressing this matter.

Sincerely,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com

Scott, 

The comments are provided as technical assistance as we have not been afforded the opportunity to review and comment on the project through any regulatory channel. The documentation had been received directly from you, the cultural resource consultant, on behalf of your client. As such, we responded in-kind. It appears the FWW wetlands permit you
Hi Jesse,

Thanks for getting back to us on the review. I do have one question, however. Your letter mentions “if” this project is subject to FWW while our submission cited specifically that it is associated with DLUR project no: 1100-20-0003.1 – LUP200001. More specifically, this submission is associated with FWW permit special condition 11 as the LOD is within a listed historic property (Somerset Roller Mills as identified on LUCY). Since this project is regulatory-driven and not a “technical assistance review”, why is this reviewed as “informal notes” and not under NJAC 7:7A-19.5(I) or under the FWW/DLUR rules?

Thanks for any clarification you may be able to provide,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Hi Scott:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The following technical assistance comments are in response to the following archaeological survey report, received at this office on October 15, 2021, in support for the above-referenced project:

Wieczorek, Scott and Tyler Nance

According to information in the above-referenced report, Phase IB archaeological survey was conducted in areas previously identified during the Phase IA archaeological assessment that were evaluated as possessing a high sensitivity for archaeological resources that would not otherwise be avoided through implementation of an archaeological avoidance plan. A total of eight shovel test pits were excavated in the project’s area of potential effects. No historic-period or Native American artifacts or cultural features were identified during testing. Taking the aforementioned information, E2PM recommends no further archaeological consideration for the proposed ground disturbing activities associated with the areas of open trench and ingress/egress for directional drilling for this project.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development, Upland Development, Coastal Area Facilities Review Act, and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Resource Protection, as well as environmental assessments under Executive Order 215. In consequence, if the project is subject to any of the above-referenced regulations, this information will be utilized to support the HPO’s review of the proposed project and the HPO would concur with the recommendation provided. This information will be placed on file at the HPO for future reference.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.

Thank you again for providing this opportunity to comment on this proposed project. If additional consultation with the HPO is needed for this project, please reference the HPO project number 21-1477 in any future calls, emails, submissions,
or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at jesse.west-rosenthal@dep.nj.gov with questions regarding archaeology.

Sincerely,

Jesse West-Rosenthal, Ph.D.
Historic Preservation Specialist 2
Historic Preservation Office
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March 25, 2022

Delaware and Raritan Canal Commission
P.O. Box 539
Stockton, NJ 08559

Attention: John Hutchison
Executive Director

Subject: Sunoco Pipeline L.P.
Jacobs Creek Pipeline Repair
Upper Makefield, Bucks County, PA and
Ewing and Hopewell Township, Mercer County, NJ

Reference: DRCC Staff Report #21-5256B
February 16, 2022

STV Project No.: 38-16332

Mr. Hutchinson:

STV Energy Services, Inc. (STV) has been retained by Sunoco Pipeline L.P. (SPLP) to provide engineering and environmental services for replacement of their existing 14-inch Twin Oaks to Newark petroleum products pipeline. SPLP plans to replace the existing line via horizontal directional drill to remediate an exposure in Jacobs Creek in Hopewell and Ewing Townships, Mercer County, New Jersey.

As part of the permitting efforts for the Jacobs Creek Pipeline replacement STV has submitted permits and supporting documents to DRCC on April 17, 2020, April 12, 2021 and December 16 2021. STV and SPLP have receive the latest DRCC Staff report dated February 16, 2022 below in bold are the responses and or additional questions for the applicable items listed in the staff report:

**Stormwater Impact:** N.J.A.C. 7:45-8.1 directs that the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impacts. The submitted application states that the project will not result in the creation of any new impervious surface coverage. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, which includes gravel surfaces, and confirm the amount of impervious surface coverage that would result from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

STV has reviewed the definition of impervious surface referenced in N.J.A.C. 7:45-1.3. The temporary gravel construction entrances and laydown areas will result in a total square footage of 29,426 square feet and will be in place for the duration of construction which is estimated at four months.
Visual, Historic & Natural Quality Impact: N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s Master Plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The project is located in a Transportation canal environment as defined in Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park squeezed between roads, railroads, and river or stream. The Master Plan at Page 14 notes that the canal is closely paralleled by the “railroad path” (now multiuse trail) to the west and Route 29 to the east for all of this section and that the Delaware River is very close to the path for nearly the entire length. The riverbank and the canal bank next to Route 29 are lined with trees and shrubs, sometimes quite densely. The plan also notes the presence of the historic communities of Titusville and Washington Crossing State Park to the north of the project site, and a large field south of the Mercer/Hunterdon County line which the plan anticipated in 1989 would serve as a venue for special events and the maintenance headquarters of the western section of the park. The plan also called for the creation of a staging area for a canal boat ride into Lambertville and recommended the creation of additional access areas to the park and additional paths throughout the section.

Commission staff observes that the SXL pipeline, which was constructed starting in 1956 preceded the creation of the Delaware and Raritan Canal State Park by 18 years, and that the applicant does not propose to expand the pipeline or create any new aboveground structures within the boundaries of the park. Staff also observes that the plan did not mention or call for the removal of the existing pipeline when it was adopted in 1989. Therefore, staff determines that the replacement of an existing pipeline is not inconsistent with the Master Plan.

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the Park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the Park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the Park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.

The applicant has not indicated whether the project is in compliance with this requirement; nor has the applicant indicated whether they propose any of the seven specific compensatory measures cited hereinabove to mitigate the project’s potential for harmful impact on the park. The applicant’s email submission dated May 27, 2021 appears to indicate that the applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future,” and;
1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

i. The topography of the land screens the entire project from the view of a person in the park;
ii. Existing structures screen the entire project from the view of a person in the park; or
iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

Commission staff observes that the project is not eligible for the suggested waiver, since the applicant’s submission clearly indicates that the proposed project does not preserve natural terrains, soils and vegetation [Emphasis added]. The applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. Given the foregoing, the project is not in compliance with this requirement.

STV has reviewed the above requirements and finds that the proposed project is eligible for waiver in that:

- All natural terrain and soils will be replaced in kind resulting in no impacts to these items. As stated above wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a NJDEP approved native seed mix in order to preserve the integrity of the area.
- The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.
- Please find attached under separate cover (Attachment 1) the formal waiver request.

N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park. As the Commission staff noted in the September 28, 2020 staff report, N.J.A.C 7:45-12.7(c) states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. The applicant has not submitted the requested justification for waiver of strict adherence with the setback requirement. Commission staff renews this request. Therefore, it is unclear whether the project is in compliance with this requirement.

STV will provide a formal request for waiver of setback requirements as requested by DRCC (Attachment 1).

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission indicates that “[N]o tree removal will be required on commission property. All removal is limited to private properties east of the park across Route 29. The tree removal plan is ongoing as required by Hopewell township. A list of removed trees and the mitigation plan will be provided upon approval by Hopewell Township.”

The applicant is advised that this response is insufficient for the purpose of compliance with N.J.A.C. 7:45-10.4(d)5 and misapprehends the Commission’s regulations. First, Commission staff observes
that there is no such thing as “commission property.” The Delaware and Raritan Canal State Park is owned by the Department of Environmental Protection, while the water transmission complex of the canal is operated by the New Jersey Water Supply Authority (NJWSA). Secondly, the requirement to preserve natural terrains, soils, stones, and vegetation and to plant native species is enforceable in Review Zone A, and not the Delaware and to the Raritan Canal State Park property [Emphasis added]. Thus, the Commission has jurisdiction over -- and N.J.A.C. 7:45-10.4(d)5 applies to -- the removal and replanting of any vegetation withing Review Zone A related to the project. Staff also notes that compliance with any applicable tree planting requirements of Hopewell Township are separate from compliance with the Commission’s regulations. Commission staff therefore cannot determine whether the project is in compliance with this requirement.

- All natural terrain and soils will be replaced in kind resulting in no impacts to these items. As stated above wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a NJDEP approved native seed mix in order to preserve the integrity of the area.
- The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.

Traffic Impact: N.J.A.C. 7:45-11.1 directs that the Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Delaware and Raritan Canal State Park and have direct access to a road that enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A [Emphasis added].

Due to the nature of the project (replacement of existing pipeline in place requiring no additional inspections) no additional traffic is anticipated within the park or surrounding area after the completion of the proposed project.

Additional Conditions: Commission staff observes that the Delaware and Raritan Canal is a water transmission complex maintained by the New Jersey Water Supply Authority and used as a raw water source for several water companies downstream. As such, the applicant is advised that any certificate of approval for the project will include conditions from the NJWSA. The applicant is advised that NJWSA reviewed the project staff report for DRCC #20-5256B dated September 28, 2020. The NJWSA retained the consulting services of Schnabel Engineering to perform a review of the project’s design and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021 review completed by Schnabel Engineering of the design and construction documents concluded the following:

• Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

• The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.
Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

Note. No impacts to bedrock within Jacobs Creek are proposed as part of the installation of the new pipeline or removal of the old. The current pipeline is exposed within a portion of Jacobs Creek and for the entire length of the culverted area. The proposed removal involves grouting of the existing line, cutting at the current location where the line goes below the bed of the stream and removal of only the currently exposed section of pipe thereby causing no disturbance to the bedrock.

NJWSA should review the contractor's Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

SPLP is currently in the process of awarding the project contract. This contract involves the preparation of the referenced plan upon completion of the plan it will be provided to DRCC.

The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation, prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

This information will be provided as requested.

Therefore, based upon the recommendation of Schnabel Engineering and the NJWSA’s review, the applicant is advised that any Commission certificate of approval shall be conditioned upon the following:

The below items will be included in the contractor specifications for this project and additionally will be monitored by SPLP onsite inspectors.

1. The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

This information will be provided as requested.

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, should be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NWJSA for review and approval prior to construction;

SPLP is currently in the process of awarding the project contract. This contract involves the preparation of the referenced plan upon completion of the plan it will be provided to DRCC.
3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents should include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

No impacts to bedrock within Jacobs Creek are proposed as part of the installation of the new pipeline or removal of the old. The current pipeline is exposed within a portion of Jacobs Creek and for the entire length of the culverted area. The proposed removal involves grouting of the existing line, cutting at the current location where the line goes below the bed of the stream and removal of only the currently exposed section of pipe thereby causing no disturbance to the bedrock.

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

This information will be provided to the NJWSA once the contract is awarded and the contractor has provided the information to SPLP.

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

NJWSA will be notified 15 days prior to the start of any construction and the date of the drilling of the pilot hole will be approved at a minimum 5 days prior to allow for a representative to be on site.

6. The applicant shall provide the contractor's Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

This information will be provided to the NJWSA once the contract is awarded and the contractor has provided the information to SPLP.

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

This lease agreement is ongoing and will be completed prior to the start of construction

8. In the event of any frac-out clean-up activities, access to State owned land shall be in accordance with the existing Lease;

In the event of an inadvertent return requiring access to state own land all lease conditions will be followed.

9. Visual Inspections (frac-walks) for frac-outs shall be performed;

Visual inspections will be performed at regular intervals throughout the HDD installation.
10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;

**NJWSA will be notified upon any loss of return during the HDD installation.**

11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all clean up procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

**NJWSA will be notified of any inadvertent return and drilling operations will stopped until approval from NJWSA for startup is received.**

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes); and

**NJWSA inspectors will be allowed on site to verify means and methods any deviations from such will be provided to NJWSA in writing.**

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection.

**SPLP will coordinate with the NJWSA inspector throughout construction**

Additional Information Required: Based upon a review of the submitted documentation, the following information should be provided prior to staff approval:

1. The applicant shall in future respond to the deficiencies set forth in this report through correspondence addressed to the Commission. References to documents submitted to other State agencies or other DEP regulatory programs are not sufficient to determine compliance with the Commission’s regulations.

**All requested information will be provided**

2. The applicant shall submit a Delaware and Raritan Canal Commission Stream Corridor delineation map that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

**Updated floodplain and buffer mapping will be provided to DRCC**

2. The applicant shall provide specific details on any proposed disturbances within the defined Commission stream corridor areas. The applicant is reminded that any new intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area are strictly prohibited. The applicant must either remove the prohibited activities from within the stream corridor, or in the alternative provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor impact review standards for any remaining disturbances with the corridor pursuant to the procedural and substantive requirements set forth N.J.A.C. 7:45-12. This justification shall include a detailed explanation and discussion of the square footage of proposed intrusions including, but not limited to, the amount of land disturbance, new impervious areas, landscaping and grading. The application
should outline any mitigation efforts that are proposed. For any conditional uses sought in the stream corridor, the applicant must meet the standard set forth at N.J.A.C. 7:45-9.4(a).

**STV will provide a revised application with the requested documentation necessary for a waiver including detailed explanation and discussion of the square footage of proposed intrusions including, but not limited to, the amount of land disturbance, new impervious areas, landscaping and grading (Attachment 2).**

3. The applicant is advised that the definition of “impervious surface” at N.J.A.C. 7:45-1.3 includes graveled surfaces [Emphasis added]. The applicant is directed to confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site.

**STV has reviewed the definition of impervious surface referenced in N.J.A.C. 7:45-1.3 and will prepare additional plan sets calling out these temporary gravel areas. The temporary gravel construction entrances and laydown areas will result in a total square footage of 29,426 square feet and will be in place for the duration of construction which is estimated at four months.**

4. In order to determine compliance with N.J.A.C. 7:45-10.3(a), the applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. The applicant is encouraged to contact the Commission staff to discuss any proposed special compensatory measures in detail.

As discussed previously STV has review the above requirements and finds that the proposed project is eligible for waiver (Attachment 1) in that:

- All natural terrain and soils will be replaced in kind resulting in no impacts to these items. As stated above wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a NJDEP approved native seed mix in order to preserve the integrity of the area.
- The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.
- Please find attached under separate cover the formal waiver request.

5. As noted in the September 28, 2020 staff report and in order to determine compliance with N.J.A.C. 7:45-10.4(a), the applicant is directed to either: explain in narrative format how the proposed project shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected; or in the alternative, submitted a narrative justification for a waiver of strict adherence with the setback requirement based upon N.J.A.C 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park.

**STV will provide a formal request for waiver of setback requirements as requested by DRCC (Attachment 1).**
6. In order to determine compliance with N.J.A.C. 7:45-10.4(d)2, the applicant shall confirm in writing that any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park.

**A formal letter stating the above will be proved to DRCC (Attachment 4).**

7. In order to determine compliance with N.J.A.C. 7:45-10.4(d)5, the applicant shall submit a landscaping plan which indicates the number and species of all trees proposed to be removed by the project. The landscaping plan shall indicate the species, quantity and size of any proposed tree plantings, which shall be taken from the Commission lists of Native Trees and Shrubs, which may be accessed at:

https://www.nj.gov/dep/drcc/pdf/Native%20Vegetation%20Lists/DRCC%20Current%20Tree%20List%207-1-21.pdf; and

The applicant is advised that the Commission policy requires that any trees planted as part of an individual permit application shall have an 85% survivability rate over 3 years following planting.

A tree removal plan documenting all proposed tree removal, species and diameter at breast height will be provided to DRCC as requested.

**Due to landowner requests tree planting is not practical in the area proposed for clearing within the limit of disturbance. Proposed NJDEP approved seed mixes for replanting of disturbed areas are limited to native grasses so as to eliminate the potential for invasive nonnative species. All natural terrain and soils will be replaced in kind resulting in no impacts to these items. Wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.**

8. In order to determine compliance with N.J.A.C. 7:45-10.4(d)6, the applicant is advised that any certificate of approval shall be conditioned upon State Register review by the State Historic Preservation Office for compliance with the “New Jersey Register of Historic Places Act.”

**NJSHPO review and approval has been completed. Approval letters area attached.** (Attachment 3)

9. The applicant shall obtain a Special Use Permit or Right-of-Entry Agreement, as the case may be, from the Department of Environmental Protection, Division of Parks and Forestry, State Park Service.

**All required permits/agreements will be obtained prior to entry into state owned lands.**

10. The applicant shall submit the traffic impact study required pursuant to N.J.A.C.7:45-11.

**STV will provide the requested traffic study documenting the proposed inspection schedule and vehicle requirements for the proposed pipeline post construction.**
11. The applicant is advised that any certificate of approval shall be conditioned upon compliance with the conditions contained in the recommendation prepared by Schnabel Engineering and the NJWSA set forth hereinabove related to the project design and the contractor’s means and methods they relate to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

**All Schnabel Engineering and NJSWA recommendations will be followed.**

12. Pursuant to the schedule set forth at N.J.A.C. 7:45-13.2, the applicant shall remit application fee payment in the amount of $9,900, made payable to “Treasurer, State of New Jersey.”

**Required application fees will be provided.**

Sincerely,

James McGinley
STV Energy Services, Inc.
205 West Welsh Drive
Douglassville, PA 19518
610-385-8443(desk)
610-655-7654(cell)
ATTACHMENT 1
March 16, 2022

Delaware and Raritan Canal Commission
P.O. Box 539
Stockton, NJ 08559

Attention: John Hutchison
Executive Director

Subject: Sunoco Pipeline L.P.
Jacobs Creek Pipeline Repair
Upper Makefield, Bucks County, PA and
Ewing and Hopewell Township, Mercer County, NJ

Reference: DRCC Staff Report #21-5256B
Waiver Request

STV Project No.: 38-16332

Mr. Hutchinson:

STV Energy Services, Inc. (STV) has been retained by Sunoco Pipeline L.P. (SPLP) to provide engineering and environmental services for replacement of their existing 14-inch Twin Oaks to Newark petroleum products pipeline. SPLP plans to replace the existing line via horizontal directional drill to remediate an exposure in Jacobs Creek in Hopewell and Ewing Townships, Mercer County, New Jersey.

As part of the permitting efforts for the Jacobs Creek Pipeline replacement STV has submitted permits and supporting documents to DRCC on April 17, 2020, April 12, 2021 and December 16, 2021. STV and SPLP have receive the latest DRCC Staff report dated February 16, 2022 below:

After review of the February 16, 2022 staff report and further clarification SPLP would like to formally request a waiver under the following statutes. Justification for these requests are contained below:

- N.J.A.C. 7:45-10.3(a)
- N.J.A.C. 7:45-10.4(a)
- N.J.A.C. 7:45-10.4(d)5

Waivers

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the Park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the Park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the Park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.

The applicant has not indicated whether the project is in compliance with this requirement; nor has the applicant indicated whether they propose any of the seven specific compensatory measures cited hereinabove to mitigate the project’s potential for harmful impact on the park. The applicant’s email submission dated May 27, 2021 appears to indicate that the applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and;

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

   i. The topography of the land screens the entire project from the view of a person in the park;
   ii. Existing structures screen the entire project from the view of a person in the park; or
   iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

Commission staff observes that the project is not eligible for the suggested waiver, since the applicant’s submission clearly indicates that the proposed project does not preserve natural terrains, soils and vegetation [Emphasis added]. The applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. Given the foregoing, the project is not in compliance with this requirement.

   and

4. In order to determine compliance with N.J.A.C. 7:45-10.3(a), the applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. The applicant is encouraged to contact the Commission staff to discuss any proposed special compensatory measures in detail.

STV and SPLP have review the above requirements and finds that the proposed project is eligible for waiver in that:

- All-natural terrain and soils will be replaced in kind resulting in no impacts to these items. Wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a NJDEP approved native seed mix in order to preserve the integrity of the area.

- The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.
N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park. As the Commission staff noted in the September 28, 2020 staff report, N.J.A.C 7:45-12.7(c) states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. The applicant has not submitted the requested justification for waiver of strict adherence with the setback requirement. Commission staff renews this request. Therefore, it is unclear whether the project is in compliance with this requirement.

and

5. As noted in the September 28, 2020 staff report and in order to determine compliance with N.J.A.C. 7:45-10.4(a), the applicant is directed to either: explain in narrative format how the proposed project shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected; or in the alternative, submitted a narrative justification for a waiver of strict adherence with the setback requirement based upon N.J.A.C 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park.

- Location of all areas to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.

- Additionally the proposed project will improve the visual aesthetic of the DRCC park in that the currently exposed pipeline within the mouth of Jacobs creek and visible from the DRCC park will be removed.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission indicates that “[N]o tree removal will be required on commission property. All removal is limited to private properties east of the part across Route 29. The tree removal plan is ongoing as required by Hopewell township. A list of removed trees and the mitigation plan will be provided upon approval by Hopewell Township.”

The applicant is advised that this response is insufficient for the purpose of compliance with N.J.A.C. 7:45-10.4(d)5 and misapprehends the Commission’s regulations. First, Commission staff observes that there is no such thing as “commission property.” The Delaware and Raritan Canal State Park is owned by the Department of Environmental Protection, while the water transmission complex of the canal is operated by the New Jersey Water Supply Authority (NJWSA). Secondly, the requirement to preserve natural terrains, soils, stones, and vegetation and to plant native species is enforceable in Review Zone A, and not the Delaware and to the Raritan Canal State Park property [Emphasis added]. Thus, the Commission has jurisdiction over -- and N.J.A.C. 7:45-10.4(d)5 applies to -- the removal and replanting of any vegetation withing Review Zone A related to the project. Staff also notes that compliance with any applicable tree planting requirements of Hopewell Township are separate from compliance with the Commission’s regulations. Commission staff therefore cannot determine whether the project is in compliance with this requirement.
STV and SPLP have reviewed the above requirements and finds that the proposed project is eligible for waiver in that:

- All natural terrain and soils will be replaced in kind resulting in no impacts to these items. Wherever possible native vegetation has been preserved. Temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a NJDEP approved native seed mix in order to preserve the integrity of the area.

- The area to be cleared is located such that any cleared areas will not be visible from the park. Existing trees along SR-29, existing structures and relative elevation are such that no visual impacts to the park property are likely.

Should you have any questions or would like to discuss further please feel free to contact me.

Sincerely,

James McGinley
STV Energy Services, Inc.
205 West Welsh Drive
Douglassville, PA 19518
610-385-8443 (desk)
610-655-7654 (cell)
ATTACHMENT 2
ATTACHMENT 3
Re: Summary of Project Review with New Jersey Historic Preservation Office, Proposed Sunoco Pipeline, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. McGinley:

E2 Project Management, LLC (E2PM) is pleased to provide this summary of New Jersey Historic Preservation Office Project Review regarding the proposed Sunoco Pipeline project at Jacob’s Creek, Hopewell and Ewing Townships, Mercer County, New Jersey. The proposed Sunoco Pipeline project intends to install a 14-inch high pressure petroleum pipeline connecting Sunoco Pipeline L.P.’s Twin Oaks Terminal and their Newark Facility. The pipeline enters New Jersey across the Delaware River from Upper Makefield Township, Bucks County, Pennsylvania, then travels up the Jacobs Creek streambed in both Hopewell and Ewing Townships, Mercer County, New Jersey and through a large concrete and stone arch culvert supporting both the Delaware and Raritan Canal and New Jersey State Route 29. The proposed project seeks to replace approximately 2,500 feet of exposed pipeline through installation via directional drilling.

As this project, involves the crossing the Delaware River, crossing of State lines, and excavations within a stream channel, STV anticipated that various permits will be necessary to support the project including, an Army Corps of Engineers Nationwide #12 Permit, project review through the Delaware and Raritan Canal Commission, Freshwater Wetlands Permits, and/or other New Jersey Division of Land Resource Protection or agency approvals. The proposed project crosses or intersects lands associated with several previously-identified historic properties including the Delaware & Raritan Canal and the National Register of Historic Places listed Somerset Roller Mills and Miller’s House. As such, STV retained E2PM to provide cultural resources consulting services to support the permitting efforts.

E2PM completed a Phase IA archaeological assessment for the site in September 2020 prior to the completion of any permit applications. The report was submitted to the New Jersey Historic Preservation Office (NJHPO) for review. E2PM defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the directional drill and an open trench connecting the access/egress point to the existing pipeline. The NJHPO concurred with E2PM’s recommendations while also requesting that vibration monitoring be conducted on the mill and miller’s house to ensure the HDD directional drilling does not physically impact/affect the structures (see Appendix A).

E2PM completed a Phase IB subsurface investigation in October 2021 in compliance with the NJDEP Freshwater Wetlands Permit’s special conditions (DLRP Permit No. DLRP 1100-20-0003.1 – LUP200001; NJHPO Project No. 20-1683). The survey report was submitted to the NJHPO for review under the associated permit. Despite having an associated DLRP permit number, the NJHPO logged the project for review under “Technical Assistance” and, as such, no formal review comments were provided. On November 12, 2021 the NJHPO provided E2PM “Informal Notes” regarding the project review which in essence concurred with E2PM’s findings but were not provided in any official capacity. Several attempts to clarify these comments and request an “Official” NJHPO finding were made via email communications between E2PM and the NJHPO. Despite the project review bearing directly on permits
and regulations other than the cited, Freshwater Wetlands permit, the NJHPO finally responded on December 16, 2021 that their email communications of “Informal Notes” in lieu of official project review “should be sufficient” for the project’s needs. The email correspondences with the NJHPO are included as Appendix B.

Given the NJHPO’s response, should any more official determinations be necessary with regard to the work completed to-date by other review agencies, those agencies are invited to contact Dr. Katherine Marcopul, Administrator and Deputy State Historic Preservation Officer for such determinations. E2PM will continue assisting STV in implementing both the Archaeological Monitoring and Protection Plan and the Vibration Monitoring program required for this project. The results of these efforts will be submitted to the NJHPO for their review and concurrence upon completion and in fulfillment of the NJHPO approved approach developed by E2PM and attached herein with Appendix A.

Should you have any further questions or comments, please do not hesitate to contact me via email at scott.wieczorek@e2pm.com or on my cell phone at 732-575-5580.

Sincerely,

[Signature]

Scott Wieczorek, RPA
Cultural Resources Sector Manager / Senior Archaeologist

Cc:
Edward Weirsky, STV
E2PM Project File
Appendix A
NJHPO Correspondence
Phase IA and AMP Plan
Re: Phase IA Archaeological Investigation, Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation, Hopewell and Ewing Townships, Mercer County, New Jersey

Dear Mr. Wieczorek,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following archaeological survey letter report received at the HPO on September 29, 2020 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance

The report states that the project involves the horizontal directional drilling (HDD) of 2,500 feet of new 14-inch high pressure petroleum pipeline to replace the existing line eroding out into Jacobs Creek. The new line will be 75-80 feet below the National Register listed Delaware and Raritan Canal Historic District and 35-40 feet below the contributing Route 29/Jacob’s Creek Culvert. The HDD exit pit will be within the limits of the National Register listed Somerset Rolling Mills property with a trench cut connecting the new line to the existing line.

The Phase IA report evaluated the project’s area of potential effects (APE) into zones of low-, moderate- and high archaeological sensitivity (Figure 11) and recommended Phase IB archaeological testing to identify the presence or absence of archaeological deposits and sites within any new temporary and permanent ground disturbing project activities.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. If subject to any of the above referenced regulations, the need for a Phase IB archaeological survey identified in
the report above is appropriate. In addition, any temporary use of the D&R Canal pathways as access will also need to be evaluated as part of the project’s temporary ground disturbing activities regarding archaeology, as well as, evaluating any impacts to historic properties. Finally, seismic analysis for HDD vibration will be appropriate on any historic structures within or near the proposed HDD alignment/exit pit.

Any State, county, or municipal entity involved with this project that takes place within the limits of any historic properties listed on the New Jersey Register of Historic Places will be subject to the requirements of the New Jersey Register of Historic Places Act.

Additional Comments

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please reference HPO project number 20-1683 in any future calls emails, submissions or written correspondence to help expedite your review and If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with any questions.

Sincerely,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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From: Scott Wieczorek <Scott.Wieczorek@e2pm.com>
Sent: Tuesday, September 29, 2020 10:35 AM
To: DEP NJHPO <NJHPO@dep.nj.gov>
Cc: McGinley, James X. <Jim.McGinley@stvinc.com>; Joseph Schuchman <joseph.schuchman@e2pm.com>
Subject: [EXTERNAL] Re: Sunoco LP - Twin Oaks to Newark, Jacob’s Creek Replacement

Good Morning:

Please find attached E2PM’s submission of a new archaeological project for NJHPO review. If you have any questions or comments, please feel free to contact me by reply email.
Sincerely,

Scott Wieczorek, RPA
Senior Archaeologist

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com
**This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office as we switch to a temporary remote work environment in response to the ongoing novel coronavirus (COVID-19) outbreak.**

HPO Project# 20-1683-2  
HPO-D2021-093

Mercer County, Hopewell Borough  
Proposed 14-Inch Twin Oaks to Newark  
Jacobs Creek Pipeline Relocation  
Historic and Archaeological Avoidance, Protection, & Monitoring Plan  
Technical Assistance Review

Dear Scott,

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The comments below are in response to the following historic and archaeological avoidance, protection, and monitoring plan received at the HPO on March 22, 2021 in anticipation of the project need for review under the New Jersey Freshwater Wetlands Protection Act rules:

Wieczorek, Scott and Tyler Nance  
March 2021  

The above-referenced avoidance, protection and monitoring plan was prepared for the proposed Jacob’s Creek pipeline replacement project located in Hopewell Borough. A prior Phase IA archaeological survey identified the presence of several historic properties within the area of potential effects (APE) including National Register listed- Delaware and Raritan Canal Historic District and the Somerset Rolling Mill property. In addition, portions of the APE were assessed with high sensitivity for Pre-Contact period and historic period archaeological resources based on the APE’s proximity to the Delaware River and historic resources associated with the historic gristmill. Therefore, a Phase IB archaeological survey and archaeological monitoring and the use of an avoidance and protection plan was recommended.

The above-referenced plan includes the use of high-visibility fencing around archaeologically sensitive areas, the use of timber matting and geo-textile to provide a barrier between the areas of archaeological sensitivity and project activities, and the development of a vibration monitoring plan for historic structures within and near the APE.
The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development Upland Development, CAFRA and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Use Regulation, as well as, environmental assessments under Executive Order 215. Upon review, if subject to the above-referenced regulations, while the above-referenced plan states that an archaeological monitor will be present during timber matting installation and removal, the HPO would also require photo documentation prior to, during, and post removal to ensure no effect to any potential archaeological resources.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Additional Comments

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic and archaeological resources. The HPO looks forward to receiving the Phase IB archaeological survey for review and comment. Please reference the HPO project number 20-1683 in any future calls, emails, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at Vincent.maresca@dep.nj.gov with questions regarding archaeology.

regards,

Vincent Maresca, M.A. | Historic Preservation Specialist 2 | Historic Preservation Office
Department of Environmental Protection | Mail Code 501-04B | PO Box 420 | Trenton, NJ 08625-0420
P: (609) 633-2395 | F: (609) 984-0578 | vincent.maresca@dep.nj.gov | Website: http://www.nj.gov/dep/hpo

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Appendix B
NJHPO Correspondence
Phase IB
Good morning, Mr. Wieczorek,

As I understand it, you were intending to provide the report for our review pursuant to the discovery clause in the DLRP permit. You may use the email comments that we previously provided to you as evidence for DLRP that you have consulted with us under the condition. I believe that will be sufficient. If DLRP needs something additional from us, they will ask us directly, but I do not foresee that happening.

Thank you for your concern for New Jersey’s historic resources.

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578
Hi Dr. Marcopul,

I am just following up on this. As I mentioned, below, we need to have a completed Official Review, not just “Informal Notes” in order to meet DLRP and other permitting requirements with other agencies. Is there anything more we can provide to assist this effort along?

Thanks,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com

From: Scott Wieczorek [mailto:Scott.Wieczorek@e2pm.com]
Sent: Tuesday, December 14, 2021 12:55 PM
To: Marcopul, Kate [DEP]; Baratta, Meghan [DEP]
Cc: Edward Weirsky (edward.weirsky@stvinc.com); McGinley, James X.; West-Rosenthal, Jesse [DEP]
Subject: RE: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Dr. Marcopul,

What we need from the HPO is an Official response concurring with our project through review channels. Per the consultation response from November 12, 2021:

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.

As this submission was sent in with the intention of meeting permit conditions, based upon the language above, those conditions are not at present met as these are not Official review comments. Could we receive an Official sign-off from the HPO which will satisfy other permitting requirements instead of just “Informal notes?”

Thanks,

Scott Wieczorek, RPA
Cultural Resources Sector Manager
Good afternoon, Mr. Wieczorek,

I am not sure I understand the issue. It looks like your client already has the permit from the Division of Land Resource Protection, and the HPO reviewed and responded to your submission on November 12, 2021 concurring with the report findings. Is there something else that you need from HPO for this project?

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street
Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578
Good Morning Dr. Marcopul,

I seek your assistance with an issue impacting one of my client’s projects. We submitted a project for review under a DLRP permit number 1100-20-0003.1 – LUP200001 (also may be listed as no. 1106-20-0001.1 – LUP200001; see highlighted copy of permit attached) and it got logged in as a “Technical Assistance” review. The result of this is that it is now holding up our clients’ permits through multiple other agencies (D&R Canal Commission, DLRP, ACOE, etc…) because the NJHPO has not provided an “Official” Response. These other permits are all conditioned upon SHPO’s review and comments as the project will impact a NR-listed historic property (Somerset Roller Mill). Per my understanding of the law, and the conditions of the FWW permit it was submitted under (highlighted), this should be a regulatory review as it is required per law or regulation. However, after following up with Jesse on the project, his response below takes a different interpretation of the process by suggesting that “Official” HPO review can only be given if directly requested by another agency while also suggesting that the permit conditions are just “standard language.” Is that supposed to mean that my clients don’t need to abide by these “standard language” conditions? Did the process change?

The bottom line is that because of this situation, my client’s project is now being delayed unnecessarily. We request your assistance in addressing this matter.

Sincerely,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Fax. (973) 299-5059
Cell. (732) 575-5580
Scott.Wieczorek@e2pm.com
www.e2pm.com

The comments are provided as technical assistance as we have not been afforded the opportunity to review and comment on the project through any regulatory channel. The documentation had been received directly from you, the cultural resource consultant, on behalf of your client. As such, we responded in-kind. It appears the FWW wetlands permit you
reference has been issued without our review and the Special Condition you reference was standard language issued by DLRP. Regardless of the current permitting situation, this does not change the substance of our comments.

Take Care,
Jesse

Jesse West-Rosenthal, Ph.D.
Historic Preservation Specialist 2
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street, Trenton, NJ 08625
jesse.west-rosenthal@dep.nj.gov
T (609) 984-6019 | F (609) 984-0578

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From: Scott Wieczorek <Scott.Wieczorek@e2pm.com>
Sent: Monday, November 15, 2021 8:00 AM
To: West-Rosenthal, Jesse [DEP] <Jesse.West-Rosenthal@dep.nj.gov>
Subject: [EXTERNAL] RE: Phase IB Archaeological Investigation - Proposed 14-Inch Twin Oaks to Newark, Jacobs Creek Pipeline Relocation (HPO Project # 20-1683)

Hi Jesse,

Thanks for getting back to us on the review. I do have one question, however. Your letter mentions “if” this project is subject to FWW while our submission cited specifically that it is associated with DLUR project no: 1100-20-0003.1 – LUP200001. More specifically, this submission is associated with FWW permit special condition 11 as the LOD is within a listed historic property (Somerset Roller Mills as identified on LUCY). Since this project is regulatory-driven and not a “technical assistance review”, why is this reviewed as “informal notes” and not under NJAC 7:7A-19.5(l) or under the FWW/DLUR rules?

Thanks for any clarification you may be able to provide,

Scott Wieczorek, RPA
Cultural Resources Sector Manager

E2 Project Management LLC
75 East Main Street
Rockaway, NJ 07866
Tel. (973) 625-5600 x409
Hi Scott:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. The following technical assistance comments are in response to the following archaeological survey report, received at this office on October 15, 2021, in support for the above-referenced project:

Wieczorek, Scott and Tyler Nance

According to information in the above-referenced report, Phase IB archaeological survey was conducted in areas previously identified during the Phase IA archaeological assessment that were evaluated as possessing a high sensitivity for archaeological resources that would not otherwise be avoided through implementation of an archaeological avoidance plan. A total of eight shovel test pits were excavated in the project’s area of potential effects. No historic-period or Native American artifacts or cultural features were identified during testing. Taking the aforementioned information, E2PM recommends no further archaeological consideration for the proposed ground disturbing activities associated with the areas of open trench and ingress/egress for directional drilling for this project.

The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development, Upland Development, Coastal Area Facilities Review Act, and Highland Preservation Area Approval permits issued by the State of New Jersey’s Division of Land Resource Protection, as well as environmental assessments under Executive Order 215. In consequence, if the project is subject to any of the above-referenced regulations, this information will be utilized to support the HPO's review of the proposed project and the HPO would concur with the recommendation provided. This information will be placed on file at the HPO for future reference.

This information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area.

Thank you again for providing this opportunity to comment on this proposed project. If additional consultation with the HPO is needed for this project, please reference the HPO project number 21-1477 in any future calls, emails, submissions,
or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact me at jesse.west-rosenthal@dep.nj.gov with questions regarding archaeology.

Sincerely,

Jesse West-Rosenthal, Ph.D.
Historic Preservation Specialist 2
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street, Trenton, NJ 08625
jesse.west-rosenthal@dep.nj.gov
T (609) 984-6019 | F (609) 984-0578
ATTACHMENT 4
March 16, 2022

Delaware and Raritan Canal Commission
P.O. Box 539
Stockton, NJ 08559

Attention: John Hutchison  
Executive Director

Subject: Sunoco Pipeline L.P.  
Jacobs Creek Pipeline Repair  
Upper Makefield, Bucks County, PA and  
Ewing and Hopewell Township, Mercer County, NJ

Reference: DRCC Staff Report #21-5256B  
N.J.A.C. 7:45-10.4(d)2

STV Project No.: 38-16332

Mr. Hutchinson:

STV Energy Services, Inc. (STV) has been retained by Sunoco Pipeline L.P. (SPLP) to provide engineering and environmental services for replacement of their existing 14-inch Twin Oaks to Newark petroleum products pipeline. SPLP plans to replace the existing line via horizontal directional drill to remediate an exposure in Jacobs Creek in Hopewell and Ewing Townships, Mercer County, New Jersey.

As part of the permitting efforts for the Jacobs Creek Pipeline replacement STV has submitted permits and supporting documents to DRCC on April 17, 2020, April 12, 2021 and December 16, 2021. STV and SPLP have receive the latest DRCC Staff report dated February 16, 2022.

Included within the February 16, 2022 staff report was a request for a formal letter stating compliance with N.J.A.C. 7:45-10.4(d)2. Below please find the request from the staff report as well as the applicable compliance statement:

6. In order to determine compliance with N.J.A.C. 7:45-10.4(d)2, the applicant shall confirm in writing that any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park.

The majority of the proposed project area has been designed so as to reduce visual impacts to the park to the greatest extent possible. The majority of the limit of disturbance is located in such a way that existing visual screening trees within the park and along SR-29 as well as existing structures and topographical location of the proposed work will shield visual impacts of the proposed work and clearing from the canal park.
Should you have any questions or would like to discuss further please feel free to contact me.

Sincerely,

James McGinley  
STV Energy Services, Inc.  
205 West Welsh Drive  
Douglassville, PA 19518  
610-385-8443(desk)  
610-655-7654 (cell)
ATTACHMENT 5
West of Culvert

Photo 1: Canal and towpath from the bridge spanning the canal located south of the proposed pipeline crossing. Note the existing visual screening located between the canal and SR-29

Photo 2: Proposed pipeline crossing from the towpath facing east. Note the visual screening of existing trees and structures along SR-29
Photo 3: Existing cased pipeline to be removed from Jacobs Creek and the canal culvert

Photo 4: Existing cased pipeline to be removed from Jacobs Creek and the canal culvert
Photo 5: Existing cased pipeline to be removed from Jacobs Creek and the canal culvert viewed from the canal park
East Side at Culvert

Photo 6: Existing cased pipeline to be removed from Jacobs Creek and the canal culvert
DRCC #: 20-5256B  
DATE: September 28, 2020  
PROJECT NAME: Sunoco Jacobs Creek Pipeline Relocation Project  
Latest Submission Received: September 3, 2020

**Applicant:**  
Sunoco Pipeline L.P.  
100 Green Street  
Marcus Hook, AP 19061  
Colleen.armstrong@energytransfer.com

**Engineer:**  
Christopher Antoni  
STV Energy Services  
205 West Welsh Drive  
Douglassville, PA 19518  
Christopher.antoni@stvinc.com

**Project Location:**

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**Documents submitted:**  
NJDEP Freshwater Wetlands General Permit 2 and Individual Flood Hazard Permit for Jacobs Creek Pipeline Relocation Project, dated April 2020.
The application is incomplete. The following is a staff report and review of deficiencies:

**Existing Conditions:** Sunoco Pipeline L.P. (SXL) owns and operates a 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark facility. Near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County, New Jersey, and Upper Makefield Township, Bucks County, Pennsylvania, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River then up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and State Route 29.

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek, running parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and New Jersey State Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot wide rock and concrete arch culvert. The pipeline is exposed a total length of 301 feet within Jacobs Creek, 169-foot within the culvert, 3-feet upstream and 129-feet downstream of the culvert. The creek bed is located approximately 30-35 feet below the highway and canal surface.

The project area, described as a 4.42-acre site, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District which extends 300 feet to either side of the mid-line of the canal.

On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to repair a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** Horizontal directional drill (HDD) installation techniques will be used to install an approximately 2,500 foot of pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline. The proposed HDD installation will be a 14-inch pipeline that will be approximately 35-40 feet deep under the Delaware and Jacobs Creek stream beds, the concrete arch culvert and approximately 75-85 feet under the Delaware Raritan Canal and Route 29.

Going from PA into NJ in a west to east direction, the proposed HDD will cross under PA SR 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.
The proposed HDD will be installed from both the PA and NJ sides of the Delaware River. On the PA side, the HDD entry point will be within a private residential property. Two (2) 1250-foot HDD pipeline strings will be assembled and tested within the same private residential area and an additional residential/farm property. Access to the PA residential and residential farm property will be off Oakdale Avenue.

On the NJ side, the HDD exit point will be on what if referred to as the Gristmill property (see Figure 4). Access to the Gristmill property will be through a residential property off Creek Rim Drive and the existing Gristmill driveway off Route 29. The contractor will travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment will use an additional access location through an existing private residence property located on Creek Rim Drive.

The proposed HDD will be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacobs Creek and the Delaware River. On the NJ side the HDD installation will be tied in on the Grist Mill property and on the PA side it will be tied in within Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie ins will be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline will be removed from Jacobs Creek and the remaining existing/abandoned pipeline will remain in place. Jacobs Creek will be dammed off using sand bags or a port-a dam to allow access into the stream and to the exposed pipe which will be cut and capped at this location. Access to the western end of the exposed pipe will along an existing Delaware Raritan Canal gravel tow path down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek.

Once the exposed pipeline ends have been cut, the cut pipeline will be pulled through the culvert onto the Gristmill property where it will be cut into 20-foot joints and placed into roll-offs which will be hauled off-site and disposed of. All exposed pipeline removal activities will occur on the NJ side of the river.

As directed by NJDEP the scour hole under the existing pipe will not be filled. Upon removal of the existing pipeline, construction disturbance will be restored and no further impacts to Jacobs creek are proposed. As directed by DEP, a tree clearing moratorium from April 1 to August 31 will be enacted in order to protect nesting birds. Also as directed by NJDEP, in-stream work will not take place between March 1 and June 30 in order to protect anadromous fish.

Access to the site will include via the D&R Canal State Park from Bernard Drive in Ewing Township north along the towpath to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property. The applicant states that the project will result in no new impervious surface and that the proposed disturbance is 4.42 acres.
Stream Corridor: Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A … of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.

Stormwater Impact: Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in no new impervious surface. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, Definitions, which includes gravel surfaces, and confirm the amount of impervious surface resulting from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

Visual, Historic & Natural Quality Impact: The proposed project is within Commission Review Zone A. The Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the park as defined by the park’s Master Plan. The visual, historic and natural quality impact review is intended to assure that the development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the Park. The proposed project is located within the Transportation environment, which is characterized at N.J.A.C. 7:45-10.2, as an area of “Park squeezed between road, railroads, and river and stream”.

Major projects are discouraged from those portions of Zone A that comprise, in part, the Transportation environment, N.J.A.C. 7:45-10.3. This project is a major project in Review Zone A. Commission regulations state that the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to: increased setback distances from the park, making open space available at the site, extensive landscape development, development of traffic circulation patterns away from the park, noise abatement measures, improvements to adjoining areas of the park, and signage or other interpretive devices for historic structures or the district relating to the site. Please see N.J.A.C. 7:45-10.3(a).

Pursuant to N.J.A.C. 7:45-10.4(a), major and minor projects in a transportation environment shall be located 200 feet or more from the park. The proposed pipeline runs roughly perpendicularly east and west through the park and adjoining lands and ties into the existing pipeline to the east of the park. Commission staff notes that, at N.J.A.C 7:45-12.7(c), projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. Staff withholds finding on the setback impact until further information is submitted by the applicant.
Pursuant to N.J.A.C. 7:45-10.4(b), major and minor projects in Zone A shall maintain a reasonable height and scale relationship to nearby structures and vegetation. Within a transportation environment, projects shall be limited to a height of 40 feet above existing grade. The proposed pipeline relocation and replacement project is in compliance with this standard.

Pursuant to N.J.A.C. 7:45-10.4(c), major and minor projects within Zone A shall be in keeping with the character of the park’s individual environments. Colors, building materials, and textures shall harmonize with surrounding man-made and natural materials. It is unclear what structures will be visible from the park at the conclusion of the project and therefore it is unclear if the proposed project is in compliance with this standard.

The compliance standards at N.J.A.C. 7:45-10.4(d)1 through 4, which address the impacts of project-related electric, telephone, and cable lines, ancillary areas and structures, and signage, do not apply to this project.

Pursuant to N.J.A.C. 7:45-10.4(d)5, for major and minor projects, wherever possible, natural terrains, soils, stones, and vegetation should be preserved. New vegetation, stones, and soils should be native to the environment in which they are placed. The applicant is required to demonstrate compliance with this standard. Staff notes that on Drawing 9 of 16 of the submitted site plan, it is noted that “existing trees within the temporary workspace will be cleared as necessary.” It is unclear if the applicant is in compliance with N.J.A.C. 7:4510.4(d)5.

Pursuant to N.J.A.C. 7:45-10.4(d)6, major and minor projects located in any officially designated Federal, State, or local historic district or site shall be assessed for their impact upon the district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the NJDEP Historic Preservation Office.

Staff notes that a February 17, 2019 letter from the State Historic Preservation Office identifies the proposed project site as within the Delaware and Raritan Canal Historic District and within the boundaries of the Somerset Roller Mills (Jacobs Creek Grist Mill). Both sites are listed in the New Jersey and National Registers of Historic Places. In addition, the letter identifies the site as that consistent with the current archaeological models for locations containing Native American archeological deposits. The applicant will be required to complete review as required by the NJ Historic Preservation Office.

Additional Information Required:
1. Please provide a list, by block and lot with municipality, of the properties within the project site.
2. Please confirm the amount of total disturbance, including but not limited to excavation areas, vegetation removal areas, temporary workspaces, laydown areas, and access routes.
3. Please provide the expected duration of the project within the park and Commission Review Zones.

4. Please provide the depth of the existing pipeline and that proposed within the project area.

5. The proposed project is subject to stream corridor impact review. Please submit materials which demonstrate compliance with the standards of N.J.A.C. 7:45-9.

6. The definition of impervious surface at N.J.A.C. 7:45-1.3 includes graveled surfaces. Please confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site.

7. Pursuant to N.J.A.C. 7:45-10.4(a), major and minor projects in a transportation environment shall be located 200 feet or more from the park. The proposed pipeline runs perpendicularly through the linear park and ties into the existing pipeline to the east of the park. Commission staff notes that, at N.J.A.C. 7:45-12.7(c), projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. Please submit justification for waiver of the setback requirement.

8. Pursuant to N.J.A.C. 7:45-10.4(c), major and minor projects within Zone A shall be in keeping with the character of the park’s individual environments. Colors, building materials, and textures shall harmonize with surrounding man-made and natural materials. It is unclear what structures will be visible from the park as a result of the project. The applicant is required to submit materials illustrating compliance with the standards at N.J.A.C. 7:45-10.4(c).

9. Pursuant to N.J.A.C. 7:45-10.4(d), for major and minor projects, wherever possible, natural terrains, soils, stones, and vegetation should be preserved. New vegetation, stones, and soils should be native to the environment in which they are placed. The applicant is required to demonstrate compliance with this standard. Staff notes that on Drawing 9 of 16 of the submitted site plan, it is noted that “existing trees within the temporary workspace will be cleared as necessary.” The applicant is requested to submit a vegetation removal and replacement plan, including number and species of trees to be removed. The planting plan shall use native species identified in the Commission’s native species planting list. This list is available on the Commission website.

10. Upon the applicant’s confirming the amount disturbance and new impervious surface resulting from the project, the applicant will be informed of the impact review fees required by the Commission at N.J.A.C. 7:45-13.
11. The applicant shall obtain necessary approvals and permitting from the NJDEP Division of Parks and Forestry, NJDEP NHR Office of Concessions and Leases, NJDEP State Historic Preservation Office, and the New Jersey Water Supply Authority.

12. The applicant shall submit a hard copy of all application materials.

**Staff Recommendation:** Staff does not recommend approval at this time.

Sincerely,

John Hutchison
Executive Director

c. Patricia Kalleser, Superintendent, D&R Canal State Park
Jesse West-Rosenthal, NJDEP Historic Preservation Office
Mike Sellar, NJWSA
Julie Shelly, NJWSA
Darin Shaffer, NJWSA
George Chidley, NJDEP NRH Office of Leases and Concessions
Hopewell Township Planning Board
Ewing Township Planning Board
Mercer County Planning Board
DRCC #: 21-5256B
DATE: February 16, 2022
PROJECT NAME: Sunoco Jacobs Creek Pipeline Replacement
Latest Submission Received: January 18, 2022

Applicant:
Sunoco Pipeline L.P.
100 Green Street
Marcus Hook, PA 19061
Colleen.armstrong@energytransfer.com

Engineer:
STV Energy Services (STV)
205 West Welsh Drive
Douglassville, PA 19518
Christopher.antoni@stvinc.com
Jim.meginley@stvinc.com
Edward.weirsky@stvinc.com

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CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Permit Plans (24 sheets) dated April 17, 2020, revised April 12, 2021, prepared by STV; Sediment and Erosion Control Plan (1 sheet) dated April 17, 2020, prepared by STV; Lease Agreement between the N.J. Department of Conservation and Sun Pipeline Co. (8 pages), dated June 6, 1956; Summary of Project Review for NJDEP/SHPO (16 pages) dated December 16, 2021, prepared by E2 Project Management, LLC; NJDEP Freshwater Wetland General Permit 2 and Individual Flood Hazard Permit (240 pages), dated April 2020, submitted by STV.

The application is incomplete. The following is a staff report and review of deficiencies:

Existing Conditions: The project area is the location where the Sunoco Pipeline L.P. (SXL) 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark, New Jersey facility crosses the Delaware River. The pipeline crosses the Delaware River at Upper Makefield Township in Bucks County, Pennsylvania, and enters New Jersey near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County.

In the existing condition the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River, then proceeds up the Jacobs Creek streambed, through a large concrete and stone arch culvert.
which supports the Delaware and Raritan Canal and N.J. State Highway Route No. 29 (Route 29).

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek and runs parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed for a total length of 301 feet within Jacobs Creek; 169 feet within the culvert, 3 feet upstream, and 129 feet downstream of the culvert. The creek bed is located approximately 30 to 35 feet below the Route 29 highway and canal surface.

The project area, which the applicant’s submission indicates comprises a total area of 4.42 acres, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District.

The Commission has reviewed applications relating to the SXL pipeline on two occasions. On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to replace a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** The applicant proposes to install approximately 2,500 feet of pipeline across the Delaware River and then up Jacobs Creek in order to replace the portion of exposed pipeline using horizontal directional drill (HDD) installation
techniques. The proposed HDD installation would consist of a 14-inch pipeline that will be located approximately 35 to 40 feet below the Delaware and Jacobs Creek stream beds, the concrete arch culvert which supports the Delaware and Raritan Canal and Route 29, and approximately 75 to 85 feet under the canal and Route 29.

Examining the proposed route from Pennsylvania to New Jersey in a west-to-east direction, the proposed HDD would cross under Pennsylvania Route 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD would be installed from both the Pennsylvania and New Jersey sides of the Delaware River. On the Pennsylvania side, the HDD entry point would be located on a private residential property. Two 1250-foot HDD pipeline strings will be assembled and tested within the above private residential area, and an additional residential/farm property. The Pennsylvania residential area and residential farm property would be accessed via Oakdale Avenue.

On the New Jersey side, the HDD exit point would be located on what is referred to by the applicant as the “Gristmill property” (i.e. Somerset Roller Mills site). Access to the Gristmill property would be through a residential property off Creek Rim Drive and the existing Gristmill driveway located off of Route 29. The contractor proposes to travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment would use an additional access location at a private residence located on Creek Rim Drive.
The proposed HDD would be tied into the existing pipeline using trench installation techniques located land-side and outside of Jacobs Creek and the Delaware River. On the New Jersey side of the Delaware River, the HDD installation would be tied in on the Grist Mill property, while on the Pennsylvania side it would be tied in at Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie in locations would then be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline would be removed from Jacobs Creek and the remaining existing/abandoned pipeline would remain in place. Jacobs Creek would be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe, which would be cut and capped at this location. Access to the western end of the exposed pipe will be made along the existing Delaware Raritan Canal multiuse trail down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline would be pulled through the culvert onto the Gristmill property where it would then be cut into 20-foot joints and placed into roll-offs, which would be hauled offsite for disposal. All exposed pipeline removal activities would occur on the New Jersey side of the Delaware River.

The applicant’s submission indicates that as directed by NJDEP, the scour hole under the existing pipe would not be filled. Upon removal of the existing pipeline, construction disturbance would be restored and no further impacts to Jacobs Creek are proposed. The applicant’s submission indicates that pursuant to direction from NJDEP, a tree clearing moratorium from April 1 to August 31 would be enacted in order to protect nesting birds. Also as directed by NJDEP, in-stream work would not take place between March 1 and June 30 in order to protect anadromous fish.

The applicant proposes to access the project site from the Delaware and Raritan Canal State Park from Bernard Drive in Ewing Township northward along the multiuse trail to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property. The applicant’s submission indicates that the project would result in the creation of no new impervious surface coverage, and that the project would result in the disturbance of 4.42 acres of land.

**Stream Corridor:** The Commission’s regulations at N.J.A.C. 7:45-9.1 direct that “[E]ach project within Zone A… of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek. Jacobs Creek is a Commission-regulated stream that runs under the Delaware and Raritan Canal. Therefore, the project is subject to stream corridor impact review and the applicant is required to meet the compliance standards set forth at N.J.A.C. 7:45-9.

Commission staff will require additional information in order to evaluate potential stream corridor impacts.
Stormwater Impact: N.J.A.C. 7:45-8.1 directs that the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impacts. The submitted application states that the project will not result in the creation of any new impervious surface coverage. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, which includes gravel surfaces, and confirm the amount of impervious surface coverage that would result from the project, the amount of temporary impervious surface and the duration of time the temporary impervious surface will be in place.

Visual, Historic & Natural Quality Impact: N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s Master Plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The project is located in a Transportation canal environment as defined in Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park squeezed between roads, railroads, and river or stream. The Master Plan at Page 14 notes that the canal is closely paralleled by the “railroad path” (now multiuse trail) to the west and Route 29 to the east for all of this section and that the Delaware River is very close to the path for nearly the entire length. The riverbank and the canal bank next to Route 29 are lined with trees and shrubs, sometimes quite densely. The plan also notes the presence of the historic communities of Titusville and Washington Crossing State Park to the north of the project site, and a large field south of the Mercer/Hunterdon County line which the plan anticipated in 1989 would serve as a venue for special events and the maintenance headquarters of the western section of the park. The plan also called for the creation of a staging area for a canal boat ride into Lambertville and recommended the creation of additional access areas to the park and additional paths throughout the section.

Commission staff observes that the SXL pipeline, which was constructed starting in 1956 preceded the creation of the Delaware and Raritan Canal State Park by 18 years, and that the applicant does not propose to expand the pipeline or create any new aboveground structures within the boundaries of the park. Staff also observes that the plan did not mention or call for the removal of the existing pipeline when it was adopted in 1989. Therefore, staff determines that the replacement of an existing pipeline is not inconsistent with the Master Plan.

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the Park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the Park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the Park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.

The applicant has not indicated whether the project is in compliance with this requirement; nor has the applicant indicated whether they propose any of the seven specific compensatory measures cited hereinabove to mitigate the project’s potential for harmful impact on the park. The applicant’s email submission dated May 27, 2021 appears to indicate that the applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and;

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

   i. The topography of the land screens the entire project from the view of a person in the park;
   ii. Existing structures screen the entire project from the view of a person in the park; or
   iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

Commission staff observes that the project is not eligible for the suggested waiver, since the applicant’s submission clearly indicates that the proposed project does not preserve natural terrains, soils and vegetation. The applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. Given the foregoing, the project is not in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(b), which discourage minor projects proposed to be located in those portions of Zone A that comprise the Transportation canal environments of the park, and authorize the Commission to require as a condition of approval specific compensatory measures, are inapplicable to the proposed project, which as noted above, is a “major project.”

N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal
environment, all structures shall be located 200 feet or more from the park. As the Commission staff noted in the September 28, 2020 staff report, N.J.A.C 7:45-12.7(c) states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park. The applicant has not submitted the requested justification for waiver of strict adherence with the setback requirement. Commission staff renews this request. Therefore, it is unclear whether the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(b) directs that projects in Review Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. In the Transportation canal environment, structures shall be limited to a height of 40 feet above existing grade where existing vegetation does not provide adequate winter screening. The applicant’s submission indicates that the project proposes no new aboveground structures; therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(c) directs that for projects in Review Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park’s individual environments. Specifically, colors used shall harmonize with the manmade or natural surroundings of the project and shall be typical of colors found in the park environment. Building materials and texture shall harmonize with the surrounding manmade and natural materials. The applicant’s submission indicates that since the project proposes no aboveground structures, the materials and colors proposed by the project would pose no visual impact. Accordingly, Commission staff determines that the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d1) directs that within Review Zone A any electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. Waivers may be requested from the Commission for aboveground terminals, transformers, and similar facilities, and for the extension of service in an existing development. The applicant’s submission indicates that the project will be located below ground and would therefore not be visible from the Delaware and Raritan Canal State Park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d2) directs that within Review Zone A any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park. Commission staff understands that the project would be constructed below ground; however, the applicant is directed to confirm in writing that the project does not propose any ancillary areas or structures. Commission staff therefore cannot determine whether the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d3) and 4, respectively which regulate the location and dimensions of commercial signs and outdoor advertising structures, are inapplicable to the proposed project.
N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission indicates that “[N]o tree removal will be required on commission property. All removal is limited to private properties east of the part across Route 29. The tree removal plan is ongoing as required by Hopewell township. A list of removed trees and the mitigation plan will be provided upon approval by Hopewell Township.”

The applicant is advised that this response is insufficient for the purpose of compliance with N.J.A.C. 7:45-10.4(d)5 and misapprehends the Commission’s regulations. First, Commission staff observes that there is no such thing as “commission property.” The Delaware and Raritan Canal State Park is owned by the Department of Environmental Protection, while the water transmission complex of the canal is operated by the New Jersey Water Supply Authority (NJWSA). Secondly, the requirement to preserve natural terrains, soils, stones, and vegetation and to plant native species is enforceable in Review Zone A, and not the Delaware and to the Raritan Canal State Park property [Emphasis added]. Thus, the Commission has jurisdiction over -- and N.J.A.C. 7:45-10.4(d)5 applies to -- the removal and replanting of any vegetation withing Review Zone A related to the project. Staff also notes that compliance with any applicable tree planting requirements of Hopewell Township are separate from compliance with the Commission’s regulations. Commission staff therefore cannot determine whether the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, as supplemented or amended, and incorporated herein by reference, in accordance with N.J.A.C. 7:4-8 of the New Jersey Register of Historic Places Rules. Commission staff will consult with the SHPO, as needed.

A review of the project area Block and Lots in the NJDEP SHPO “LUCY” online cultural resources inventory viewer indicates that the project will traverse the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. Specifically, the proposed HDD would pass underneath the arch culvert which supports the Delaware and Raritan Canal. The culvert, which is comprised of a concrete arch and wall and partial stone interior, is an original element of the canal’s design and the largest culvert on the canal.

In addition, the project would be located on what the applicant’s submission refers to as the “Gristmill Property” (Block 99.01, Lot 6). This is an historic property; namely, the site of the Somerset Roller Mills (Jacobs Creek Grist Mill), a former gristmill complex originally built in the early 18th century that was placed on the National Register of
Historic Places on November 19, 1974 for its significance in architecture, commerce, and industry. It is believed that Isaac Smith received a 1,000 acres land grant in 1726 from the English Crown, and shortly thereafter built the first house (Miller’s House) and mill on the site, in order to ship processed grain down the Delaware River to Philadelphia. It is believed that that the mill provided flour to the Continental Army during the American Revolution. The opening of the Delaware and Raritan Canal next to the mill in 1834 greatly improved its business, leading to its expansion in the 1840s. The mill continued in operation until the Great Depression, by which point modern automated mill technology rendered it obsolete. The image below, taken from the applicant’s submission, NJ-Geoweb and the “LUCY” online viewer shows the location of surrounding historic district boundaries and historic sites and structures in relation to the proposed project.

Finally, based upon its topographic setting, a well-drained landform adjacent to a tributary of Jacobs Creek, the project area is consistent with current archaeological models for locations containing Native American archaeological deposits.

The applicant’s submission indicates that the applicant caused to be conducted a Phase IA archaeological assessment of the project site in September of 2020 and prior to the submission of the project application to the Commission. The report was submitted to the SHPO for review. The applicant’s consultant defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the HDD and an open trench.
connecting the access/egress point to the existing pipeline. The SHPO concurred with these recommendations and requested that vibration monitoring be conducted on the mill building and the Miller’s House to ensure the HDD did not physically impact those structures.

The applicant also caused to be conducted a Phase IB subsurface investigation in October of 2021 in compliance with their NJDEP Freshwater Wetlands Permit special conditions. The survey report was submitted to the SHPO for review under that permit. The applicant’s consultant states that on November 12, 2021 the SHPO indicated via email they concurred with the consultants findings but that this concurrence was not provided in any official capacity.

Therefore, in order to ensure compliance with N.J.A.C. 7:45-10.4(d)6 and implement any SHPO recommendations to avoid, minimize, and/or mitigate the impacts of the project on the historic resources cited hereinabove, Commission staff will recommend that any certificate of approval for the project be conditioned upon State Register review by the SHPO for compliance with the “New Jersey Register of Historic Places Act.”

**Traffic Impact:** N.J.A.C. 7:45-11.1 directs that the Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Delaware and Raritan Canal State Park and have direct access to a road that enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A [Emphasis added].

**Additional Conditions:** Commission staff observes that the Delaware and Raritan Canal is a water transmission complex maintained by the New Jersey Water Supply Authority and used as a raw water source for several water companies downstream. As such, the applicant is advised that any certificate of approval for the project will include conditions from the NJWSA. The applicant is advised that NJWSA reviewed the project staff report for DRCC #20-5256B dated September 28, 2020. The NJWSA retained the consulting services of Schnabel Engineering to perform a review of the project’s design and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021 review completed by Schnabel Engineering of the design and construction documents concluded the following:

- Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

- The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.
Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

- NJWSA should review the contractor's Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

- The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation, prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

Therefore, based upon the recommendation of Schnabel Engineering and the NJWSA’s review, the applicant is advised that any Commission certificate of approval shall be conditioned upon the following:

1. The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, should be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NJWSA for review and approval prior to construction;

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents should include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;
5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor's Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State owned land shall be in accordance with the existing Lease;

9. Visual Inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;

11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all clean up procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes); and

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection.

**Additional Information Required:** Based upon a review of the submitted documentation, the following information should be provided prior to staff approval:

1. The applicant shall in future respond to the deficiencies set forth in this report through correspondence addressed to the Commission. References to documents submitted to other State agencies or other DEP regulatory programs are not sufficient to determine compliance with the Commission’s regulations.

2. The applicant shall submit a Delaware and Raritan Canal Commission Stream Corridor delineation map that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

2. The applicant shall provide specific details on any proposed disturbances within the defined Commission stream corridor areas. The applicant is reminded that any new intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area are strictly prohibited. The applicant must either remove the prohibited activities from within the
stream corridor, or in the alternative provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor impact review standards for any remaining disturbances with the corridor pursuant to the procedural and substantive requirements set forth N.J.A.C. 7:45-12. This justification shall include a detailed explanation and discussion of the square footage of proposed intrusions including, but not limited to, the amount of land disturbance, new impervious areas, landscaping and grading. The application should outline any mitigation efforts that are proposed. For any conditional uses sought in the stream corridor, the applicant must meet the standard set forth at N.J.A.C. 7:45-9.4(a).

3. The applicant is advised that the definition of “impervious surface” at N.J.A.C. 7:45-1.3 includes graveled surfaces [Emphasis added]. The applicant is directed to confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site.

4. In order to determine compliance with N.J.A.C. 7:45-10.3(a), the applicant is directed to propose specific compensatory measures that mitigate the project’s potential for harmful impact on the Delaware and Raritan Canal State Park. The applicant is encouraged to contact the Commission staff to discuss any proposed special compensatory measures in detail.

5. As noted in the September 28, 2020 staff report and in order to determine compliance with N.J.A.C. 7:45-10.4(a), the applicant is directed to either: explain in narrative format how the proposed project shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected; or in the alternative, submitted a narrative justification for a waiver of strict adherence with the setback requirement based upon N.J.A.C. 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park.

6. In order to determine compliance with N.J.A.C. 7:45-10.4(d)2, the applicant shall confirm in writing that any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park.

7. In order to determine compliance with N.J.A.C. 7:45-10.4(d)5, the applicant shall submit a landscaping plan which indicates the number and species of all trees proposed to be removed by the project. The landscaping plan shall indicate the species, quantity and size of any proposed tree plantings, which shall be taken from the Commission lists of Native Trees and Shrubs, which may be accessed at: https://www.nj.gov/dep/drcc/pdf/Native%20Vegetation%20Lists/DRCC%20Current%20Tree%20List%207-1-21.pdf; and

The applicant is advised that the Commission policy requires that any trees planted as part of an individual permit application shall have an 85% survivability rate over 3 years following planting.

8. In order to determine compliance with N.J.A.C. 7:45-10.4(d)6, the applicant is advised that any certificate of approval shall be conditioned upon State Register review by the State Historic Preservation Office for compliance with the “New Jersey Register of Historic Places Act.”

9. The applicant shall obtain a Special Use Permit or Right-of-Entry Agreement, as the case may be, from the Department of Environmental Protection, Division of Parks and Forestry, State Park Service.

10. The applicant shall submit the traffic impact study required pursuant to N.J.A.C. 7:45-11.

11. The applicant is advised that any certificate of approval shall be conditioned upon compliance with the conditions contained in the recommendation prepared by Schnabel Engineering and the NJWSA set forth hereinafter related to the project design and the contractor’s means and methods they relate to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

12. Pursuant to the schedule set forth at N.J.A.C. 7:45-13.2, the applicant shall remit application fee payment in the amount of $9,900, made payable to “Treasurer, State of New Jersey.”

**Staff Recommendation:** Staff does not recommend approval at this time.

Sincerely,

John Hutchison
Executive Director

c. Robin Madden, Chief of Operations, DEP Natural and Historic Resources
   Patricia Kallessier, Superintendent, Delaware and Raritan Canal State Park
Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO
Adria Wentzel, DEP Office of Leases and Concessions
Judeth Yeaney, DEP Legal Services & Stewardship
Darin Shaffer, Chief Engineer, NJWSA
Michael Sellar, Facility Manager, Delaware and Raritan Canal, NJWSA
Julie Shelley, Property and Permit Administrator, NJWSA
Mercer County Planning Board
Ewing Township Planning Board
Hopewell Township Planning Board
STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS

DRCC #: 21-5256B
DATE: April 25, 2022
PROJECT NAME: Sunoco Jacobs Creek Pipeline Replacement
Latest Submission Received: March 25, 2022

Applicant: Sunoco Pipeline L.P.
100 Green Street
Marcus Hook, PA 19061
Colleen.armstrong@energytransfer.com

Engineer: STV Energy Services (STV)
205 West Welsh Drive
Douglassville, PA 19518

Colleen.armstrong@energytransfer.com
Christopher.antoni@stvinc.com
Jim.mcginley@stvinc.com
Edward.weirsky@stvinc.com

Project Location:

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THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Permit Plans (24 sheets) dated April 17, 2020, revised April 12, 2021, prepared by STV; Sediment and Erosion Control Plan (1 sheet) dated April 17, 2020, prepared by STV; Lease Agreement between the N.J. Department of Conservation and Sun Pipeline Co. (8 pages), dated June 6, 1956; Summary of Project Review for NJDEP/SHPO (16 pages) dated December 16, 2021, prepared by E2 Project Management, LLC; NJDEP Freshwater Wetland General Permit 2 and Individual Flood Hazard Permit (240 pages), dated April 2020, submitted by STV.

The application is incomplete. The following is a staff report and review of deficiencies:

Existing Conditions: The project area is the location where the Sunoco Pipeline L.P. (SXL) 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark, New Jersey facility crosses the Delaware River. The pipeline crosses the Delaware River at Upper Makefield Township in Bucks County, Pennsylvania, and enters New Jersey near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County.

In the existing condition, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River, then proceeds up the Jacobs Creek streambed, through a large concrete and stone arch culvert...
which supports the Delaware and Raritan Canal and N.J. State Highway Route No. 29 (Route 29).

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek and runs parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed for a total length of 301 feet within Jacobs Creek; 169 feet within the culvert, 3 feet upstream, and 129 feet downstream of the culvert. The creek bed is located approximately 30 to 35 feet below the Route 29 highway and canal surface.

The project area, which the applicant’s submission indicates comprises a total area of 4.42 acres, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District.

The Commission has reviewed applications relating to the SXL pipeline on two occasions. On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to replace a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

**Proposed Project:** The applicant proposes to install approximately 2,500 feet of pipeline across the Delaware River and then up Jacobs Creek in order to replace the portion of exposed pipeline using horizontal directional drill (HDD) installation
techniques. The proposed HDD installation would consist of a 14-inch pipeline that will be located approximately 35 to 40 feet below the Delaware and Jacobs Creek stream beds, the concrete arch culvert which supports the Delaware and Raritan Canal and Route 29, and approximately 75 to 85 feet under the canal and Route 29.

Examining the proposed route from Pennsylvania to New Jersey in a west-to-east direction, the proposed HDD would cross under Pennsylvania Route 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware/Raritan Canal.

The proposed HDD would be installed from both the Pennsylvania and New Jersey sides of the Delaware River. On the Pennsylvania side, the HDD entry point would be located on a private residential property. Two 1250-foot HDD pipeline strings will be assembled and tested within the above private residential area, and an additional residential/farm property. The Pennsylvania residential area and residential farm property would be accessed via Oakdale Avenue.

On the New Jersey side, the HDD exit point would be located on what is referred to by the applicant as the “Gristmill property” (i.e. Somerset Roller Mills site). Access to the Gristmill property would be through a residential property off Creek Rim Drive and the existing Gristmill driveway located off of Route 29. The contractor proposes to travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment would use an additional access location at a private residence located on Creek Rim Drive.
The proposed HDD would be tied into the existing pipeline using trench installation techniques located landside and outside of Jacobs Creek and the Delaware River. On the New Jersey side of the Delaware River, the HDD installation would be tied in on the Grist Mill property, while on the Pennsylvania side it would be tied in at Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie in locations would then be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline would be removed from Jacobs Creek and the remaining existing/abandoned pipeline would remain in place. Jacobs Creek would be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe, which would be cut and capped at this location. Access to the western end of the exposed pipe will be made along the existing Delaware and Raritan Canal multiuse trail down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline would be pulled through the culvert onto the Gristmill property where it would then be cut into 20-foot joints and placed into roll-offs, which would be hauled offsite for disposal. All exposed pipeline removal activities would occur on the New Jersey side of the Delaware River.

The applicant’s submission indicates that, as directed by NJDEP, the scour hole under the existing pipe would not be filled. Upon removal of the existing pipeline, construction disturbance would be restored and no further impacts to Jacobs Creek are proposed. The applicant’s submission indicates that, pursuant to direction from NJDEP, a tree clearing moratorium from April 1 to August 31 would be enacted in order to protect nesting birds. Also, as directed by NJDEP, in-stream work would not take place between March 1 and June 30 in order to protect anadromous fish.

The applicant proposes to access the project site from the Delaware and Raritan Canal State Park from Bernard Drive in Ewing Township northward along the multiuse trail to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property.

The applicant’s submission indicates that the project would result in the creation of 29,426 square feet (0.67 acre) of impervious surface coverage in the form of temporary gravel construction entrances and laydown areas, which would be place for the duration of construction, which is estimated to be four months. The project would also result in the disturbance of 4.42 acres of land.

**Stream Corridor:** The Commission’s regulations at N.J.A.C. 7:45-9.1 direct that “[E]ach project within Zone A… of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek. Jacobs Creek is a Commission-regulated stream that runs under the Delaware and Raritan Canal. Therefore, the project is subject to stream corridor impact review. The applicant is required to meet the compliance standards set forth at N.J.A.C. 7:45-9. The applicant is directed to submit a stream
corridor map showing the proposed intrusions and a waiver of strict adherence with the stream corridor impact review standards.

**Stormwater Impact:** The applicant notes that temporary gravel construction entrances and laydown areas will result in a total of 29,426 square feet of impervious surface coverage. The duration of construction for the project is estimated to be approximately four months. The applicant is requested to provide details on how the temporary gravel areas will be reestablished after construction; particularly, any areas that are located within the Commission-regulated stream corridor. The temporary construction entrances and laydown areas should be mapped over the submitted stream corridor plan and, to the maximum extent possible, be located outside of the limits of the stream corridor.

**Visual, Historic & Natural Quality Impact:** N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s Master Plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The project is located in a Transportation canal environment as defined in the Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park squeezed between roads, railroads, and river or stream. The Master Plan at Page 14 notes that the canal is closely paralleled by the “railroad path” (now multiuse trail) to the west and Route 29 to the east for all of this section and that the Delaware River is very close to the path for nearly the entire length. The riverbank and the canal bank next to Route 29 are lined with trees and shrubs, sometimes quite densely. The plan also notes the presence of the historic community of Titusville and Washington Crossing State Park to the north of the project site, and a large field south of the Mercer/Hunterdon County line which the plan anticipated in 1989 would serve as a venue for special events and the maintenance headquarters of the western section of the park. The plan also called for the creation of a staging area for a canal boat ride into Lambertville and recommended the creation of additional access areas to the park and additional paths throughout the section.

Commission staff observes that the SXL pipeline, which was constructed starting in 1956 preceded the creation of the Delaware and Raritan Canal State Park by 18 years, and that the applicant does not propose to expand the pipeline or create any new aboveground structures within the boundaries of the park. Staff also observes that the plan did not mention or call for the removal of the existing pipeline when it was adopted in 1989. Therefore, staff determines that the replacement of an existing pipeline is not inconsistent with the Master Plan.

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful
impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the Park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the Park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the Park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.

The applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and;

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

   i. The topography of the land screens the entire project from the view of a person in the park;
   ii. Existing structures screen the entire project from the view of a person in the park; or
   iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

The applicant states that the proposed project meets the criteria to be eligible for waiver because:

- All natural terrain and soils will be replaced in-kind, which would result in no impact to these resources;
- The applicant has wherever possible preserved native vegetation through the reduction of temporary workspace, and the minimization of tree clearing. Any disturbed areas would be reseeded with a DEP-approved native seed mix in order to preserve the integrity of the area; and
- The area proposed to be cleared would not be visible from the Delaware and Raritan Canal State Park. Existing trees located along Route 29, existing structures, and relative elevation are such that visual impacts to the park are unlikely.
Commission staff determines that the applicant has met the criteria for a waiver of strict adherence with the provisions of N.J.A.C. 7:45-10.3(a).

The provisions of N.J.A.C. 7:45-10.4(b), which discourage minor projects proposed to be located in those portions of Zone A that comprise the Transportation canal environments of the park and authorize the Commission to require as a condition of approval specific compensatory measures, are inapplicable to the proposed project, which as noted above, is a “major project.”

N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park.

The applicant has submitted a request for a waiver of strict adherence with the setback requirement pursuant to the criteria at N.J.A.C 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park.

N.J.A.C. 7:45-10.4(b) directs that projects in Review Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. In the Transportation canal environment, structures shall be limited to a height of 40 feet above existing grade where existing vegetation does not provide adequate winter screening. The applicant’s submission indicates that that the project proposes no new aboveground structures; therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(c) directs that for projects in Review Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park’s individual environments. Specifically, colors used shall harmonize with the manmade or natural surroundings of the project and shall be typical of colors found in the park environment. Building materials and texture shall harmonize with the surrounding manmade and natural materials. The applicant’s submission indicates that since the project proposes no aboveground structures, the materials and
colors proposed by the project would pose no visual impact. Accordingly, Commission staff determines that the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)1 directs that within Review Zone A, any electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. Waivers may be requested from the Commission for aboveground terminals, transformers, and similar facilities, and for the extension of service in an existing development. The applicant’s submission indicates that the project will be located below ground and would therefore not be visible from the Delaware and Raritan Canal State Park. The applicant’s submission also notes that the majority of the limit of disturbance is located so that existing visual screening made up of trees within the park and along Route 29, as well as existing structures and topographical location of the proposed work, will shield any visual impacts of the proposed work and clearing from the park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)2 directs that, within Review Zone A, any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park. The project would be constructed below ground and does not propose any ancillary areas or structures. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)3 and 4, respectively which regulate the location and dimensions of commercial signs and outdoor advertising structures, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission states that all natural terrains and soils will be replaced in-kind and that wherever possible native vegetation has been preserved. The applicant further notes that temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a DEP-approved native seed mix in order to preserve the integrity of the area. Commission staff observes that this native seed mix was directed to be planted in lieu of woody vegetation. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as supplemented or amended, and incorporated herein by reference, in accordance with N.J.A.C. 7:4-8 of the
New Jersey Register of Historic Places Rules. Commission staff will consult with the SHPO, as needed.

A review of the project area Block and Lots in the NJDEP SHPO “LUCY” online cultural resources inventory viewer indicates that the project will traverse the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. Specifically, the proposed HDD would pass underneath the arch culvert which supports the Delaware and Raritan Canal. The culvert, which is comprised of a concrete arch and wall and partial stone interior, is an original element of the canal’s design and the largest culvert on the canal.

In addition, the project would be located on what the applicant’s submission refers to as the “Gristmill Property” (Block 99.01, Lot 6). This is an historic property; namely, the site of the Somerset Roller Mills (Jacobs Creek Grist Mill), a former gristmill complex originally built in the early 18th century that was placed on the National Register of Historic Places on November 19, 1974, for its significance in architecture, commerce, and industry. It is believed that Isaac Smith received a 1,000-acres land grant in 1726 from the English Crown, and shortly thereafter built the first house (Miller’s House) and mill on the site, in order to ship processed grain down the Delaware River to Philadelphia. It is believed that that the mill provided flour to the Continental Army during the American Revolution. The opening of the Delaware and Raritan Canal next to the mill in 1834 greatly improved its business, leading to its expansion in the 1840s. The mill continued in operation until the Great Depression, by which point modern automated mill technology rendered it obsolete. The image below, taken from the applicant’s submission using NJ-Geoweb and the “LUCY” online viewer, shows the location of surrounding historic district boundaries and historic sites and structures in relation to the proposed project.
Finally, based upon its topographic setting as a well-drained landform adjacent to a tributary of Jacobs Creek, the project area is consistent with current archaeological models for locations containing Native American archaeological deposits.

The applicant’s submission indicates that the applicant caused to be conducted a Phase IA archaeological assessment of the project site in September of 2020 and prior to the submission of the project application to the Commission. The report was submitted to the SHPO for review. The applicant’s consultant defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the HDD and an open trench connecting the access/egress point to the existing pipeline. The SHPO concurred with these recommendations and requested that vibration monitoring be conducted on the mill building and the Miller’s House to ensure the HDD did not physically impact those structures.

The applicant also caused to be conducted a Phase IB subsurface investigation in October of 2021 in compliance with their NJDEP Freshwater Wetlands Permit special conditions. The survey report was submitted to the SHPO for review under that permit. The applicant’s consultant states that on November 12, 2021, the SHPO indicated via email they concurred with the consultant’s findings.

Additionally, the applicant has submitted an email, transmitted by the SHPO dated October 27, 2020, which states that “[T]his information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.”

Therefore, in order to ensure compliance with N.J.A.C. 7:45-10.4(d)6 and implement any SHPO recommendations to avoid, minimize, and/or mitigate the impacts of the project on the historic resources cited hereinafore, Commission staff recommends that any certificate of approval for the project be conditioned upon State Register review by the SHPO for compliance with the “New Jersey Register of Historic Places Act.”

**Traffic Impact:** N.J.A.C. 7:45-11.1 directs that the Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Delaware and Raritan Canal State Park and have direct access to a road that enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A.

The applicant has submitted a statement which notes that the project is a replacement of existing pipeline, and that the proposed project would not require additional inspections.
Therefore, no additional traffic is anticipated within the Delaware and Raritan Canal State Park or surrounding area after the completion of the proposed project.

Commission staff agrees with the submitted traffic assessment; and therefore, the project is in compliance with this requirement.

**Additional Conditions:** Commission staff observes that the Delaware and Raritan Canal is a water transmission complex maintained by the New Jersey Water Supply Authority (NJWSA) and used as a raw water source for several water companies downstream. As such, the applicant is advised that any certificate of approval for the project will include conditions from the NJWSA. The applicant is advised that NJWSA reviewed the project staff report for DRCC #20-5256B dated September 28, 2020. The NJWSA retained the consulting services of Schnabel Engineering to perform a review of the project’s design and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021 review completed by Schnabel Engineering of the design and construction documents concluded the following:

- Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

- The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.

Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

- NJWSA should review the contractor's Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

- The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation, prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.
Based upon the recommendations of Schnabel Engineering and the NJWSA review, NJWSA will require the following conditions to be satisfied:

1. The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, should be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NJWSA for review and approval prior to construction;

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents should include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State owned land shall be in accordance with the existing Lease;

9. Visual Inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;
11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all clean up procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes); and

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection.

Additional information required:

1. The applicant is directed to submit a stream corridor map showing the proposed intrusions and a waiver of strict adherence with the stream corridor impact review standards.

2. The applicant is requested to provide details on how the temporary gravel areas will be reestablished after construction; particularly, any areas that are located within the Commission-regulated stream corridor. The temporary construction entrances and laydown areas should be mapped over submitted stream corridor plan and, the maximum extent possible, be located outside of the limits of the stream corridor.

Staff Recommendation: Staff does not recommend approval at this time.

Sincerely,

John Hutchison
Executive Director

c. Robin Madden, Chief of Operations, DEP State Parks, Forests and Historic Sites
Patricia Kallesser, Superintendent, Delaware and Raritan Canal State Park
Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO
Adria Wentzel, DEP Office of Leases and Concessions
Judeth Yeaney, DEP Legal Services & Stewardship
Darin Shaffer, Chief Engineer, NJWSA
Michael Sellar, Facility Manager, Delaware and Raritan Canal, NJWSA
Julie Shelley, Property and Permit Administrator, NJWSA
Mercer County Planning Board
Ewing Township Planning Board
Hopewell Township Planning Board
**STAFF REPORT**

**PLEASE REFER TO DRCC # WHEN SUBMITTING ADDITIONAL DOCUMENTS**

DRCC #: 21-5256B  
DATE: June 7, 2022  
**PROJECT NAME:** Sunoco Jacobs Creek Pipeline Replacement  
**Latest Submission Received:** May 10, 2022

**Applicant:**  
Sunoco Pipeline L.P.  
100 Green Street  
Marcus Hook, PA 19061  
Colleen.armstrong@energytransfer.com

**Engineer:**  
STV Energy Services (STV)  
205 West Welsh Drive  
Douglassville, PA 19518  
Christopher.antoni@stvinc.com  
Jim.mceginley@stvinc.com  
Edward.weirsky@stvinc.com

**Project Location:**

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**Subject to Review for:**

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**THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL.**

PO BOX 539  
STOCKTON, NJ 08559  
609-397-2000  
www.nj.gov/dep/drcc/
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Permit Plans (24 sheets) dated April 17, 2020, revised April 12, 2021, prepared by STV; Sediment and Erosion Control Plan (1 sheet) dated April 17, 2020, prepared by STV; Lease Agreement between the N.J. Department of Conservation and Sun Pipeline Co. (8 pages), dated June 6, 1956; Summary of Project Review for NJDEP/SHPO (16 pages) dated December 16, 2021, prepared by E2 Project Management, LLC; NJDEP Freshwater Wetland General Permit 2 and Individual Flood Hazard Permit (240 pages), dated April 2020, Stream Corridor Exhibit (2 sheets) dated May 4, 2022; submitted by STV.

The application is incomplete. The following is a staff report and review of deficiencies:

Existing Conditions: The project area is the location where the Sunoco Pipeline L.P. (SXL) 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark, New Jersey facility crosses the Delaware River. The pipeline crosses the Delaware River at Upper Makefield Township in Bucks County, Pennsylvania, and enters New Jersey near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County.

In the existing condition, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River, then
proceeds up the Jacobs Creek streambed, through a large concrete and stone arch culvert which supports the Delaware and Raritan Canal and N.J. State Highway Route No. 29 (Route 29).

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek and runs parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed for a total length of 301 feet within Jacobs Creek; 169 feet within the culvert, 3 feet upstream, and 129 feet downstream of the culvert. The creek bed is located approximately 30 to 35 feet below the Route 29 highway and canal surface.

The project area, which the applicant’s submission indicates comprises a total area of 4.42 acres, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District.

The Commission has reviewed applications relating to the SXL pipeline on two occasions. On June 20, 2018, the applicant obtained a General Permit No. 1 which authorized emergency repair work at the site to replace a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1 which modified the previous general permit in that the applicant required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).

Proposed Project: The applicant proposes to install approximately 2,500 feet of pipeline across the Delaware River and then up Jacobs Creek in order to replace the
portion of exposed pipeline using horizontal directional drill (HDD) installation techniques. The proposed HDD installation would consist of a 14-inch pipeline that will be located approximately 35 to 40 feet below the Delaware and Jacobs Creek stream beds, the concrete arch culvert which supports the Delaware and Raritan Canal and Route 29, and approximately 75 to 85 feet under the canal and Route 29.

Examining the proposed route from Pennsylvania to New Jersey in a west-to-east direction, the proposed HDD would cross under Pennsylvania Route 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware and Raritan Canal.

The proposed HDD would be installed from both the Pennsylvania and New Jersey sides of the Delaware River. On the Pennsylvania side, the HDD entry point would be located on a private residential property. Two 1,250-foot HDD pipeline strings will be assembled and tested within the above private residential area, and an additional residential/farm property. The Pennsylvania residential area and residential farm property would be accessed via Oakdale Avenue.

On the New Jersey side of the Delaware River, the HDD exit point would be located on what is referred to by the applicant as the “Gristmill property” (i.e. Somerset Roller Mills site). Access to the Gristmill property would be through a residential property off Creek Rim Drive and the existing Gristmill driveway located off of Route 29. The contractor proposes to travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment would use an additional access location at a private residence located on Creek Rim Drive.
The proposed HDD would be tied into the existing pipeline using trench installation techniques located landside and outside of Jacobs Creek and the Delaware River. On the New Jersey side of the Delaware River, the HDD installation would be tied in on the Grist Mill property, while on the Pennsylvania side it would be tied in at Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie in locations would then be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline would be removed from Jacobs Creek and the remaining existing/abandoned pipeline would remain in place. Jacobs Creek would be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe, which would be cut and capped at this location. Access to the western end of the exposed pipe will be made along the existing Delaware and Raritan Canal State Park multiuse trail down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline would be pulled through the culvert onto the Gristmill property where it would then be cut into 20-foot joints and placed into roll-offs, which would be hauled offsite for disposal. All exposed pipeline removal activities would occur on the New Jersey side of the Delaware River.

The applicant’s submission indicates that, as directed by NJDEP, the scour hole under the existing pipe would not be filled. Upon removal of the existing pipeline, construction disturbance would be restored and no further impacts to Jacobs Creek are proposed. The applicant’s submission indicates that, pursuant to direction from NJDEP, a tree clearing moratorium from April 1 to August 31 would be enacted in order to protect nesting birds. Also, as directed by NJDEP, in-stream work would not take place between March 1 and June 30 in order to protect anadromous fish.

The applicant proposes to access the project site from the Delaware and Raritan Canal State Park from Bernard Drive in Ewing Township northward along the multiuse trail to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property.

The applicant’s submission indicates that the project would result in the creation of 29,426 square feet (0.67 acre) of impervious surface coverage in the form of temporary gravel construction entrances and laydown areas, which would be in place for the duration of construction, which is estimated to be four months. The project would also result in the disturbance of 4.42 acres of land.

Stream Corridor: Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.
As Jacobs Creek drains to the Delaware and Raritan Canal State Park, the Commission defines “stream corridor” to mean Jacobs Creek, the 100-year floodplain associated with Jacobs Creek, and all of the land within a 100-foot buffer adjacent to the 100-year flood line associated with Jacobs Creek. The applicant has provided a Delaware and Raritan Canal Commission exhibit; however, the 100-year floodplain delineation line has not been illustrated or labelled on the exhibit.

The existing stream corridor is currently made up of a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. The applicant has also submitted a tree survey data for the proposed project.

The applicant is proposing intrusions within the Commission stream corridor area. Therefore, this project will be subjected to a stream corridor impact review as per N.J.A.C. 7:45-9.1(a). Impacts to the Commission stream corridor include land grading, which appears to be somewhat temporary in nature. Additional impacts will include the proposed installation and removal of existing pipeline across the Delaware River and up Jacobs Creek to replace the portion of exposed pipeline. A portion of this disturbance will be by using HDD installation techniques and a portion will be trenched. Construction of new structures, regrading and removal of vegetation are all considered to be prohibited uses in accordance with N.J.A.C. 7:45-9.3(a).

The applicant has suggested that portions of the proposed disturbances within the stream corridor could be considered to be a conditional use. Pursuant to N.J.A.C. 7:45-9.4(a)7, underground utility transmission lines may be permitted, as a conditional use, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan. The 14-inch diameter pipeline will be installed within the stream corridor to provide transport of petroleum from SXLs Twin Oaks, Pennsylvania terminal to their Newark facility. A portion of the pipeline installation will be directionally drilled to minimize disturbance of sensitive land. The proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, the pipe removal work will take place in accordance with these same measures.

Commission staff will require additional information in order to evaluate potential stream corridor impacts.

**Stormwater Impact:** Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in no new impervious surface. Staff requests that the applicant review the definition of “impervious surface” at N.J.A.C. 7:45-1.3, Definitions, which includes gravel surfaces, and confirm the amount of impervious surface resulting from the project, the amount of temporary impervious surface, and the duration of time the temporary impervious surface will be in place.
Visual, Historic & Natural Quality Impact: N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s Master Plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The project is located in a Transportation canal environment as defined in the Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park squeezed between roads, railroads, and river or stream. The Master Plan at Page 14 notes that the canal is closely paralleled by the “railroad path” (now multiuse trail) to the west and Route 29 to the east for all of this section and that the Delaware River is very close to the path for nearly the entire length. The riverbank and the canal bank next to Route 29 are lined with trees and shrubs, sometimes quite densely. The plan also notes the presence of the historic community of Titusville and Washington Crossing State Park to the north of the project site, and a large field south of the Mercer/Hunterdon County line which the plan anticipated in 1989 would serve as a venue for special events and the maintenance headquarters of the western section of the park. The plan also called for the creation of a staging area for a canal boat ride into Lambertville and recommended the creation of additional access areas to the park and additional paths throughout the section.

Commission staff observes that the SXL pipeline, which was constructed starting in 1956 preceded the creation of the Delaware and Raritan Canal State Park by 18 years, and that the applicant does not propose to expand the pipeline or create any new aboveground structures within the boundaries of the park. Staff also observes that the plan did not mention or call for the removal of the existing pipeline when it was adopted in 1989. Therefore, staff determines that the replacement of an existing pipeline is not inconsistent with the Master Plan.

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the Park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the Park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the Park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.
The applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and;

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

   i. The topography of the land screens the entire project from the view of a person in the park;
   ii. Existing structures screen the entire project from the view of a person in the park; or
   iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

The applicant states that the proposed project meets the criteria to be eligible for waiver because:

- All natural terrain and soils will be replaced in-kind, which would result in no impact to these resources;
- The applicant has, wherever possible, preserved native vegetation through the reduction of temporary workspace and the minimization of tree clearing. Any disturbed areas would be reseeded with a DEP-approved native seed mix in order to preserve the integrity of the area; and
- The area proposed to be cleared would not be visible from the Delaware and Raritan Canal State Park. Existing trees located along Route 29, existing structures, and relative elevation are such that visual impacts to the park are unlikely.

Commission staff determines that the applicant has met the criteria for a waiver of strict adherence with the provisions of N.J.A.C. 7:45-10.3(a).

The provisions of N.J.A.C. 7:45-10.4(b), which discourage minor projects proposed to be located in those portions of Zone A that comprise the Transportation canal environments of the park and authorize the Commission to require as a condition of approval specific compensatory measures, are inapplicable to the proposed project, which as noted above, is a “major project.”

N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park.
The applicant has submitted a request for a waiver of strict adherence with the setback requirement pursuant to the criteria at N.J.A.C 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact the character of the park.

The applicant notes that the pipeline is a pre-existing nonconforming structure, which pre-dates the creation of the Delaware and Raritan Canal State Park by 18 years. Second, the applicant notes that the location of any areas to be cleared within the 200-foot setback would not be visible from the park and would accordingly not further impact the character of the park. Finally, the applicant asserts that the proposed project would in the proposed condition improve the visual aesthetic of the park when compared with the existing condition. The applicant observes that in the existing condition, the current pipeline is exposed within the mouth of Jacobs Creek and is visible from the park. In the proposed condition, the pipeline would be removed.

Commission staff determines that the applicant has met the criteria for a waiver of strict adherence with the provisions of N.J.A.C. 7:45-10.4(a).

N.J.A.C. 7:45-10.4(b) directs that projects in Review Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. In the Transportation canal environment, structures shall be limited to a height of 40 feet above existing grade where existing vegetation does not provide adequate winter screening. The applicant’s submission indicates that the project proposes no new aboveground structures; therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(c) directs that for projects in Review Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park’s individual environments. Specifically, colors used shall harmonize with the manmade or natural surroundings of the project and shall be typical of colors found in the park environment. Building materials and texture shall harmonize with the surrounding manmade and natural materials. The applicant’s submission indicates that since the project proposes no aboveground structures, the materials and colors proposed by the project would pose no visual impact. Accordingly, Commission staff determines that the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)1 directs that within Review Zone A, any electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. Waivers may be requested from the Commission for aboveground terminals, transformers, and similar facilities, and for the extension of service in an existing development. The applicant’s submission indicates that the project will be located below ground and would therefore not be visible from the Delaware and Raritan Canal State Park. The applicant’s submission also notes that the majority of the limit of disturbance is located so that existing visual screening made up of trees within the park and along Route 29, as well as existing structures and topographical location of the proposed work, will shield any visual impacts of the
proposed work and clearing from the park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)2 directs that, within Review Zone A, any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the park or designed to minimize their visual impact on the park. The project would be constructed below ground and does not propose any ancillary areas or structures. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)3 and 4, respectively which regulate the location and dimensions of commercial signs and outdoor advertising structures, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission states that all natural terrains and soils will be replaced in-kind and that wherever possible native vegetation has been preserved. The applicant further notes that temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a DEP-approved native seed mix in order to preserve the integrity of the area. Commission staff observes that this native seed mix was directed to be planted in lieu of woody vegetation. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as supplemented or amended, and incorporated herein by reference, in accordance with N.J.A.C. 7:4-8 of the New Jersey Register of Historic Places Rules. Commission staff will consult with the SHPO, as needed.

A review of the project area Block and Lots in the NJDEP SHPO “LUCY” online cultural resources inventory viewer indicates that the project will traverse the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. Specifically, the proposed HDD would pass underneath the arch culvert which supports the Delaware and Raritan Canal. The culvert, which is comprised of a concrete arch and wall and partial stone interior, is an original element of the canal’s design and the largest culvert on the canal.

In addition, the project would be located on what the applicant’s submission refers to as the “Gristmill Property” (Block 99.01, Lot 6). This is an historic property; namely, the site of the Somerset Roller Mills (Jacobs Creek Grist Mill), a former gristmill complex...
originally built in the early 18<sup>th</sup> century that was placed on the National Register of Historic Places on November 19, 1974, for its significance in architecture, commerce, and industry. It is believed that Isaac Smith received a 1,000-acres land grant in 1726 from the English Crown, and shortly thereafter built the first house (Miller’s House) and mill on the site, in order to ship processed grain down the Delaware River to Philadelphia. It is believed that the mill provided flour to the Continental Army during the American Revolution. The opening of the Delaware and Raritan Canal next to the mill in 1834 greatly improved its business, leading to its expansion in the 1840s. The mill continued in operation until the Great Depression, by which point modern automated mill technology rendered it obsolete. The image below, taken from the applicant’s submission using NJ-Geoweb and the “LUCY” online viewer, shows the location of surrounding historic district boundaries and historic sites and structures in relation to the proposed project.

Finally, based upon its topographic setting as a well-drained landform adjacent to a tributary of Jacobs Creek, the project area is consistent with current archaeological models for locations containing Native American archaeological deposits.

The applicant’s submission indicates that the applicant caused to be conducted a Phase IA archaeological assessment of the project site in September of 2020 and prior to the submission of the project application to the Commission. The report was submitted to the SHPO for review. The applicant’s consultant defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the HDD and an open trench connecting the access/egress point to the existing pipeline. The SHPO concurred with these recommendations and requested that vibration monitoring be conducted on the mill.
building and the Miller’s House to ensure the HDD did not physically impact those structures.

The applicant also caused to be conducted a Phase IB subsurface investigation in October of 2021 in compliance with their NJDEP Freshwater Wetlands Permit special conditions. The survey report was submitted to the SHPO for review under that permit. The applicant’s consultant states that on November 12, 2021, the SHPO indicated via email they concurred with the consultant’s findings.

Additionally, the applicant has submitted an email, transmitted by the SHPO dated October 27, 2020, which states that “[T]his information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.”

Therefore, in order to ensure compliance with N.J.A.C. 7:45-10.4(d)6 and implement any SHPO recommendations to avoid, minimize, and/or mitigate the impacts of the project on the historic resources cited hereinabove, Commission staff recommends that any certificate of approval for the project be conditioned upon State Register review by the SHPO for compliance with the “New Jersey Register of Historic Places Act.”

Traffic Impact: N.J.A.C. 7:45-11.1 directs that the Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Delaware and Raritan Canal State Park and have direct access to a road that enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A.

The applicant has submitted a statement which notes that the project is a replacement of existing pipeline, and that the proposed project would not require additional inspections. Therefore, no additional traffic is anticipated within the Delaware and Raritan Canal State Park or surrounding area after the completion of the proposed project.

Commission staff agrees with the submitted traffic assessment; and therefore, the project is in compliance with this requirement.

Additional Conditions: Commission staff observes that the Delaware and Raritan Canal is a water transmission complex maintained by the New Jersey Water Supply Authority (NJWSA) and used as a raw water source for several water companies downstream. As such, the applicant is advised that any certificate of approval for the project will include conditions from the NJWSA. The applicant is advised that NJWSA reviewed the project staff report for DRCC #20-5256B dated September 28, 2020. The NJWSA retained the consulting services of Schnabel Engineering to perform a review of the project’s design
and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021 review completed by Schnabel Engineering of the design and construction documents concluded the following:

- Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

- The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.

- Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

- NJWSA should review the contractor’s Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

- The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation, prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

Based upon the recommendations of Schnabel Engineering and the NJWSA review, NJWSA will require the following conditions to be satisfied:

1. The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior, to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;
2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, should be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NJWSA for review and approval prior to construction;

3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert's foundations are bearing on rock. The contract documents should include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State owned land shall be in accordance with the existing lease;

9. Visual inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;

11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all clean up procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions(changes); and

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection.
Additional information required:

1. A Delaware and Raritan Canal Commission Stream Corridor delineation map exhibit has been submitted by the applicant. However, the 100-year floodplain delineation line has not been illustrated or labelled on the exhibit. Please provide a stream corridor exhibit that clearly identifies 100-foot buffers adjacent to the 100-year floodplain of any water course that will be impacted by the project including Jacobs Creek and its tributaries. The floodplain could be delineated using any one of the six methods that are provided in the NJ Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. The method of delineation for the 100-year floodplain should also be identified on the exhibit.

2. Please provide specific details on any proposed permanent or temporary disturbances within the defined Commission stream corridor area. Please be reminded that any intrusions under N.J.A.C. 7:45-9 within the stream corridor buffer area, including temporary disturbances are strictly prohibited. The applicant must either remove the prohibited activities from within the stream corridor or provide an application with acceptable justification for a waiver of strict adherence to the Commission stream corridor buffer regulations for any remaining disturbances with the corridor pursuant to N.J.A.C. 7:45-12. This should include a detailed discussion and tables of the square footage of the existing conditions and the proposed permanent or temporary intrusions within the stream corridor including but not limited to the amount of land disturbance, new impervious areas, landscaping, and grading. The amount of linear-feet and square-footage disturbance for the portion of HDD installation and for the trenching should also be identified. The application should outline any mitigation efforts that are proposed, including details on the re-establishment of native vegetation and original land surface grades.

3. The definition of impervious surface at N.J.A.C. 7:45-1.3 includes graveled surfaces. Please confirm the amount of new impervious surface proposed for the project. Please provide the amount of temporary impervious surface, including gravel, and an estimated duration of its placement within the project site.

Staff Recommendation: Staff does not recommend approval at this time.

Sincerely,

John Hutchison
Executive Director
c. Robin Madden, Chief of Operations, DEP State Parks, Forests and Historic Sites
Patricia Kallesser, Superintendent, Delaware and Raritan Canal State Park
Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO
Adria Wentzel, DEP Office of Leases and Concessions
Judeth Yeaney, DEP Legal Services & Stewardship
Darin Shaffer, Chief Engineer, NJWSA
Michael Sellar, Facility Manager, Delaware and Raritan Canal, NJWSA
Julie Shelley, Property and Permit Administrator, NJWSA
Mercer County Planning Board
Ewing Township Planning Board
Hopewell Township Planning Board
DRCC #: 21-5256B
DATE: July 12, 2022
PROJECT NAME: Sunoco Jacobs Creek Pipeline Replacement
Latest Submission Received: July 6, 2022

Applicant: Sunoco Pipeline L.P.
100 Green Street
Marcus Hook, PA 19061
Colleen.armstrong@energytransfer.com

Engineer: STV Energy Services (STV)
205 West Welsh Drive
Douglassville, PA 19518
Christopher.antoni@stvinc.com
Jim.mcginley@stvinc.com
Edward.weirsky@stvinc.com

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THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO
CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: Permit Plans (24 sheets) dated April 17, 2020, revised April 12, 2021, prepared by STV; Sediment and Erosion Control Plan (1 sheet) dated April 17, 2020, prepared by STV; Lease Agreement between the N.J. Department of Conservation and Sun Pipeline Co. (8 pages), dated June 6, 1956; Summary of Project Review for NJDEP/SHPO (16 pages) dated December 16, 2021, prepared by E2 Project Management, LLC; NJDEP Freshwater Wetland General Permit 2 and Individual Flood Hazard Permit (240 pages), dated April 2020, Stream Corridor Exhibit (2 sheets) dated May 4, 2022; submitted by STV.

Staff comments continued below.

The application is complete and shall be presented to the Commission for their action with a staff recommendation of approval at the July 20, 2020, meeting, based upon the following analysis:

Existing Conditions: The project area is the location where the Sunoco Pipeline L.P. (SXL) 14-inch welded steel high-pressure petroleum pipeline that transports product from SXL’s Twin Oaks, Pennsylvania terminal to their Newark, New Jersey, facility crosses the Delaware River. The pipeline crosses the Delaware River at Upper Makefield Township in Bucks County, Pennsylvania, and enters New Jersey near the confluence of Jacobs Creek and the Delaware River in Ewing and Hopewell Townships, Mercer County.
In the existing condition, the existing pipeline is located within the stream beds of the Delaware River and Jacobs Creek. The pipeline travels across the Delaware River, then proceeds up the Jacobs Creek streambed, through a large concrete and stone arch culvert, which supports the Delaware and Raritan Canal and N.J. State Highway Route No. 29 (Route 29).

The project area is located near the confluence of the Delaware River and Jacobs Creek. At this location, the pipeline is within the stream bed of Jacobs Creek and runs parallel to the creek. The Delaware and Raritan Canal parallels the Delaware River and Route 29 at this location, with Jacobs Creek bisecting them within a 24-foot-wide rock and concrete arch culvert. The pipeline is exposed for a total length of 301 feet within Jacobs Creek; 169 feet within the culvert, 3 feet upstream, and 129 feet downstream of the culvert. The creek bed is located approximately 30 to 35 feet below the Route 29 highway and canal surface.

The project area, which the applicant’s submission indicates comprises a total area of 4.42 acres, is located within Commission Review Zone A and within the Delaware and Raritan Canal Historic District.

The Commission has reviewed applications relating to the SXL pipeline on two occasions. On June 20, 2018, the applicant obtained a General Permit No. 1, which authorized emergency repair work at the site to replace a washed-out section of pipeline located in Jacobs Creek, Hopewell Township (DRCC# 18-5356). On September 20, 2019, the applicant obtained a General Permit No. 1, which modified the previous general permit in that the applicant was required to drill a geotechnical boring for the purpose of obtaining soil samples (DRCC# 19-5256A).
Proposed Project: The applicant proposes to install approximately 2,500 feet of pipeline across the Delaware River and then up Jacobs Creek to replace the portion of exposed pipeline using horizontal directional drill (HDD) installation techniques. The proposed HDD installation would consist of a 14-inch pipeline that will be located approximately 35 to 40 feet below the Delaware and Jacobs Creek stream beds, the concrete arch culvert, which supports the Delaware and Raritan Canal and Route 29, and approximately 75 to 85 feet under the canal and Route 29.

Examining the proposed route from Pennsylvania to New Jersey in a west-to-east direction, the proposed HDD would cross under Pennsylvania Route 32/River Road, the Delaware River, Jacobs Creek and the concrete culvert that supports Route 29 and the Delaware and Raritan Canal.

The proposed HDD would be installed from both the Pennsylvania and New Jersey sides of the Delaware River. On the Pennsylvania side, the HDD entry point would be located on a private residential property. Two 1,250-foot HDD pipeline strings will be assembled and tested within the above private residential area, and an additional residential/farm property. The Pennsylvania residential area and residential farm property would be accessed via Oakdale Avenue.

On the New Jersey side of the Delaware River, the HDD exit point would be located on what is referred to by the applicant as the “Gristmill property” (i.e. Somerset Roller Mills site). Access to the Gristmill property would be through a residential property off Creek Rim Drive and the existing Gristmill driveway located off Route 29. The contractor proposes to travel down the driveway and continue around the back of another private residence on the same property. Large construction equipment would use an additional access location at a private residence located on Creek Rim Drive.
The proposed HDD would be tied into the existing pipeline using trench installation techniques located landside and outside of Jacobs Creek and the Delaware River. On the New Jersey side of the Delaware River, the HDD installation would be tied in on the Grist Mill property, while on the Pennsylvania side it would be tied in at Oakdale Avenue.

The entire length of the abandoned pipeline from the location of the new tie in locations would then be grouted in place. Upon completion of the grouting, approximately 350 feet of the exposed abandoned/existing pipeline would be removed from Jacobs Creek and the remaining existing/abandoned pipeline would remain in place. Jacobs Creek would be dammed off using sandbags or a port-a-dam to allow access into the stream and to the exposed pipe, which would be cut and capped at this location. Access to the western end of the exposed pipe will be made along the existing Delaware and Raritan Canal State Park multiuse trail down an existing cleared embankment to the confluence of the Delaware River and Jacobs Creek. Once the exposed pipeline ends have been cut, the cut pipeline would be pulled through the culvert onto the Gristmill property where it would then be cut into 20-foot joints and placed into roll-offs, which would be hauled offsite for disposal. All exposed pipeline removal activities would occur on the New Jersey side of the Delaware River.

The applicant’s submission indicates that, as directed by NJDEP, the scour hole under the existing pipe would not be filled. Upon removal of the existing pipeline, construction disturbance would be restored and no further impacts to Jacobs Creek are proposed. The applicant’s submission indicates that, pursuant to direction from NJDEP, a tree clearing moratorium from April 1 to August 31 would be enacted to protect nesting birds. Also, as directed by NJDEP, in-stream work would not take place between March 1 and June 30 to protect anadromous fish.

The applicant proposes to access the project site from the Delaware and Raritan Canal State Park from Bernard Drive in Ewing Township northward along the multiuse trail to Jacobs Creek, from Creek Rim Drive in Hopewell Township down to Jacobs Creek, and from Route 29 into the Gristmill property.

The applicant’s submission indicates that the project would result in the creation of 29,426 square feet (0.67 acre) of impervious surface coverage in the form of temporary gravel construction entrances and laydown areas, which would be in place for the duration of construction, which is estimated to be four months. The project would also result in the disturbance of 4.42 acres of land.

**Stream Corridor:** Pursuant to N.J.A.C. 7:45-9.1, “Each project within Zone A of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.” The pipeline replacement will take place within the stream bed of Jacobs Creek, a Commission regulated stream, which runs under the canal. Therefore, this project is subject to stream corridor impact review and the applicant is required to meet the compliance standards of N.J.A.C. 7:45-9.
As Jacobs Creek drains to the Delaware and Raritan Canal State Park, the Commission defines “stream corridor” to mean Jacobs Creek, the 100-year floodplain associated with Jacobs Creek, and all the land within a 100-foot buffer adjacent to the 100-year flood line associated with Jacobs Creek. The applicant has provided a Delaware and Raritan Canal Commission exhibit. The 100-year floodplain delineation line has been obtained from the FEMA Flood Insurance Rate Map (FIRM) Number 34021CO113F, last revised July 20, 2016. Commission staff has determined that an appropriate stream corridor delineation has been submitted.

The existing stream corridor is currently made up of a mixture of upland vegetation primarily and undergrowth of multifloral rose and a variety of tree species. The applicant has also submitted a tree survey data for the proposed project.

The applicant is proposing intrusions within the Commission stream corridor area. Therefore, this project will be subjected to a stream corridor impact review as per N.J.A.C. 7:45-9.1(a). Impacts to the Commission stream corridor include land grading, which appears to be somewhat temporary in nature. Additional impacts will include the proposed installation and removal of existing pipeline across the Delaware River and up Jacobs Creek, to replace the portion of exposed pipeline. A portion of this disturbance will be by using HDD installation techniques and a portion will be trenched. A total disturbance of 2.74 acres including existing easements (0.21 acre), proposed permanent easements (0.79 acre) and temporary workspace (1.74 acres) within the stream corridor. Construction of new structures, regrading and removal of vegetation are all considered to be prohibited uses in accordance with N.J.A.C. 7:45-9.3(a).

The applicant has suggested that portions of the proposed disturbances within the stream corridor could be considered a conditional use. Pursuant to the provisions of N.J.A.C. 7:45-9.4(a)7, underground utility transmission lines may be permitted, as a conditional use, if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan. The 14-inch diameter pipeline will be installed within the stream corridor to provide transport of petroleum from SXLs Twin Oaks, Pennsylvania terminal to their Newark facility. A portion of the pipeline installation will be directionally drilled to minimize disturbance of sensitive land.

Based on the submitted application, a 4-foot-wide trench excavation will be required for the installation of 14-inch pipe resulting in 1,580 square feet of land disturbance within the stream corridor. The proposed work will take place during periods of low flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner that will not impede flows or cause ponding of water. Additionally, the pipe removal work will take place in accordance with these same measures.

If a use is prohibited and not a conditional use, the proposed prohibited use must be removed from the project, or a waiver must be submitted. The applicant is requesting a waiver of strict adherence from the stream corridor impact review standards pursuant to the criteria at N.J.A.C. 7:45-12(a)1 with justifications. Based on the nature of the
proposed work, the applicant does not anticipate impacts to the stream corridor’s ability to function as a buffer for the water course’s ecological health and natural area. This determination is based on the following design criteria incorporated in the project design:

- The entirety of the proposed project area will be restored to original grade and restored utilizing native seed mixes upon completion of the pipeline installation;

- Tree removal within the Commission stream corridor has been reduced to the greatest extent possible limiting tree removal within the corridor to only areas needed along the proposed pipeline easement. Additional protections are being added (temporary fencing) around those trees along the stream corridor that are not being removed but in proximity to the work area; and

- Removal of 316 feet of currently exposed cased petroleum pipeline from Jacobs Creek will be done during periods of low flow, without excavation in the stream bed, will result in the removal of an existing impediment and allow for additional flow of water through the existing canal culvert. Pipeline removal will be accomplished by purging the existing line and grouting after tie-in of the new line to the existing. At which point, the exposed line will be cut into sections, pulled though the culvert and loaded onto trailers for offsite removal. As directed by NJDEP, no instream excavation is proposed.

Commission staff determines that the proposed underground utility transmission lines may be permitted, as a conditional use pursuant to N.J.A.C. 7:45-9.4(a)7. In addition, Commission staff believes that the applicant has justified and met the criteria for a waiver of strict adherence from the stream corridor impact review standards pursuant to N.J.A.C. 7:45-12(a)1.

**Stormwater Impact:** Pursuant to N.J.A.C. 7:45-8.1, the Commission shall review major projects within Review Zone A for stormwater runoff and water quality impact. The application states that the project will result in 29,426 square feet (0.68 acre) of new impervious surface. The Commission definition of “impervious surface” at N.J.A.C. 7:45-1.3, includes gravel surfaces. All the proposed impervious surface consists of temporary gravel construction entrances and laydown areas that will be in place for the duration of construction, which is estimated to be about four months. These areas are proposed to be revegetated upon completion of the project. As such, the stormwater management requirements of N.J.A.C. 7:45-8 will be met. However, Commission staff recommends that approval of the project should be conditioned upon the submission of an As-Built plan upon completion of the project to verify compliance with the revegetation requirement for the temporary graveled surfaces located in the construction entrances and laydown areas.

**Visual, Historic & Natural Quality Impact:** N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s Master Plan. The visual, historic and natural quality impact review is intended to ensure
that development within Zone A is not harmful to the character of the environmental types identified in the Master Plan as comprising the park.

The project is located in a Transportation canal environment as defined in the Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park is squeezed between roads, railroads, and river or stream. The Master Plan at Page 14 notes that the canal is closely paralleled by the “railroad path” (now multiuse trail) to the west and Route 29 to the east for all of this section and that the Delaware River is very close to the path for nearly the entire length. The riverbank and the canal bank next to Route 29 are lined with trees and shrubs, sometimes quite densely. The plan also notes the presence of the historic community of Titusville and Washington Crossing State Park to the north of the project site, and a large field south of the Mercer/Hunterdon County line, which the plan anticipated in 1989 would serve as a venue for special events and the maintenance headquarters of the western section of the park. The plan also called for the creation of a staging area for a canal boat ride into Lambertville and recommended the creation of additional access areas to the park and additional paths throughout the section.

Commission staff observes that the SXL pipeline, which was constructed starting in 1956, preceded the creation of the Delaware and Raritan Canal State Park by 18 years, and that the applicant does not propose to expand the pipeline or create any new aboveground structures within the boundaries of the park. Staff also observes that the plan did not mention or call for the removal of the existing pipeline when it was adopted in 1989. Therefore, staff determines that the replacement of an existing pipeline is not inconsistent with the Master Plan.

N.J.A.C. 7:45-10.3(a) directs that major projects are discouraged in the Transportation canal environment of the Delaware and Raritan Canal State Park. Where major projects are proposed for the above-cited environments, the Commission shall not grant approval unless specific compensatory measures that mitigate the project’s potential for harmful impact on the park are provided. Examples of such compensatory measures might include, but are not limited to:

1. Increased setback distances from the park;
2. At least 40% of the total project site be made available for open space for recreation or conservation purposes, and location of that open space be as near the park as possible;
3. Extensive landscape development;
4. Development of circulation patterns that direct traffic away from the park;
5. Noise abatement measures;
6. Improvements to adjoining portions of the park;
7. Signs or other means of interpreting any historic structures or districts relating to the site.

The applicant seeks a waiver of strict adherence with this provision of the visual, historic and natural quality impact review standards pursuant to the criteria at N.J.A.C. 7:45-12.7(a), which states that “[P]rojects otherwise subject to the visual, historic and natural
quality standards may be waived from strict adherence to such standards, if the applicant establishes to the satisfaction of the Commission that visual screening will continue to exist in the future, and;

1. Wherever possible, natural terrains, soils and vegetation are to be preserved, and new vegetation and soils are to be native to the environment in which they are placed; and

   i. The topography of the land screens the entire project from the view of a person in the park;
   
   ii. Existing structures screen the entire project from the view of a person in the park; or
   
   iii. Vegetation located on preserved land screens the entire project from the view of a person in the park during the winter season.”

The applicant states that the proposed project meets the criteria to be eligible for waiver because:

- All natural terrain and soils will be replaced in-kind, which would result in no impact to these resources;

- The applicant has, wherever possible, preserved native vegetation through the reduction of temporary workspace and the minimization of tree clearing. Any disturbed areas would be reseeded with a DEP-approved native seed mix to preserve the integrity of the area; and

- The area proposed to be cleared would not be visible from the Delaware and Raritan Canal State Park. Existing trees located along Route 29, existing structures, and relative elevation are such that visual impacts to the park are unlikely.

Commission staff determines that the applicant has met the criteria for a waiver of strict adherence with the provisions of N.J.A.C. 7:45-10.3(a).

The provisions of N.J.A.C. 7:45-10.4(b), which discourage minor projects proposed to be located in those portions of Zone A that comprise the Transportation canal environments of the park and authorize the Commission to require as a condition of approval specific compensatory measures, are inapplicable to the proposed project, which as noted above, is a “major project.”

N.J.A.C. 7:45-10.4(a) directs that projects in Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park.

The applicant has submitted a request for a waiver of strict adherence with the setback requirement pursuant to the criteria at N.J.A.C 7:45-12.7(c), which states that projects may be waived from the setback requirement if they are additions to a pre-existing nonconforming structure and the Commission determines that the proposed addition will not further impact on the character of the park.
The applicant notes that the pipeline is a pre-existing nonconforming structure, which pre-dates the creation of the Delaware and Raritan Canal State Park by 18 years. Second, the applicant notes that the location of any areas to be cleared within the 200-foot setback would not be visible from the park and would accordingly not further impact the character of the park. Finally, the applicant asserts that the proposed project would, in the proposed condition, improve the visual aesthetic of the park when compared with the existing condition. The applicant observes that in the existing condition, the current pipeline is exposed within the mouth of Jacobs Creek and is visible from the park. In the proposed condition, the pipeline would be removed.

Commission staff determines that the applicant has met the criteria for a waiver of strict adherence with the provisions of N.J.A.C. 7:45-10.4(a).

N.J.A.C. 7:45-10.4(b) directs that projects in Review Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. In the Transportation canal environment, structures shall be limited to a height of 40 feet above existing grade where existing vegetation does not provide adequate winter screening. The applicant’s submission indicates that the project proposes no new aboveground structures; therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(c) directs that for projects in Review Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park’s individual environments. Specifically, colors used shall harmonize with the man-made or natural surroundings of the project and shall be typical of colors found in the park environment. Building materials and texture shall harmonize with the surrounding man-made and natural materials. The applicant’s submission indicates that since the project proposes no aboveground structures, the materials and colors proposed by the project would pose no visual impact. Accordingly, Commission staff determines that the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)1 directs that within Review Zone A, any electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. Waivers may be requested from the Commission for aboveground terminals, transformers, and similar facilities, and for the extension of service in an existing development. The applicant’s submission indicates that the project will be located below ground and would therefore not be visible from the Delaware and Raritan Canal State Park. The applicant’s submission also notes that the majority of the limit of disturbance is located so that existing visual screening made up of trees within the park and along Route 29, as well as existing structures and topographical location of the proposed work, will shield any visual impacts of the proposed work and clearing from the park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)2 directs that, within Review Zone A, any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed.
from view from the park or designed to minimize their visual impact on the park. The project would be constructed below ground and does not propose any ancillary areas or structures. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)3 and 4, respectively, which regulate the location and dimensions of commercial signs and outdoor advertising structures, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant’s submission states that all natural terrains and soils will be replaced in-kind and that wherever possible native vegetation has been preserved. The applicant further notes that temporary workspace has been reduced to the greatest extent possible and tree clearing has been minimized wherever possible. Disturbed areas will be reseeded with a DEP-approved native seed mix to preserve the integrity of the area. Commission staff observes that this native seed mix was directed to be planted in lieu of woody vegetation. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)6 directs that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. Recommendations to avoid, minimize, and/or mitigate the impacts of a project on a listed property shall be made in consultation with the New Jersey Historic Preservation Office (SHPO) and based upon the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as supplemented or amended, and incorporated herein by reference, in accordance with N.J.A.C. 7:4-8 of the New Jersey Register of Historic Places Rules. Commission staff will consult with the SHPO, as needed.

A review of the project area Block and Lots in the NJDEP SHPO “LUCY” online cultural resources inventory viewer indicates that the project will traverse the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal. Specifically, the proposed HDD would pass underneath the arch culvert, which supports the Delaware and Raritan Canal. The culvert, comprising a concrete arch and wall and partial stone interior, is an original element of the canal’s design and the largest culvert on the canal.

In addition, the project would be located on what the applicant’s submission refers to as the “Gristmill Property” (Block 99.01, Lot 6). This is an historic property; namely, the site of the Somerset Roller Mills (Jacobs Creek Grist Mill), a former gristmill complex originally built in the early 18th century that was placed on the National Register of Historic Places on November 19, 1974, for its significance in architecture, commerce, and industry. It is believed that Isaac Smith received a 1,000-acres land grant in 1726 from the English Crown, and shortly thereafter built the first house (Miller’s House) and mill on the site, to ship processed grain down the Delaware River to Philadelphia. It is believed that the mill provided flour to the Continental Army during the American
Revolution. The opening of the Delaware and Raritan Canal next to the mill in 1834 greatly improved its business, leading to its expansion in the 1840s. The mill continued in operation until the Great Depression, by which point modern automated mill technology rendered it obsolete. The image below, taken from the applicant’s submission using NJ-Geoweb and the “LUCY” online viewer, shows the location of surrounding historic district boundaries and historic sites and structures in relation to the proposed project.

Finally, based upon its topographic setting as a well-drained landform adjacent to a tributary of Jacobs Creek, the project area is consistent with current archaeological models for locations containing Native American archaeological deposits.

The applicant’s submission indicates that the applicant caused to be conducted a Phase IA archaeological assessment of the project site in September 2020 and prior to the submission of the project application to the Commission. The report was submitted to the SHPO for review. The applicant’s consultant defined areas of archaeological sensitivity and proposed the implementation of an archaeological monitoring and protection plan for the proposed project with limited subsurface testing only in areas of open cut excavation, such as the access/egress point for the HDD and an open trench connecting the access/egress point to the existing pipeline. The SHPO concurred with these recommendations and requested that vibration monitoring be conducted on the mill building and the Miller’s House to ensure the HDD did not physically impact those structures.

The applicant also caused to be conducted a Phase IB subsurface investigation in October 2021 in compliance with their NJDEP Freshwater Wetlands Permit special conditions. The survey report was submitted to the SHPO for review under that permit. The
applicant’s consultant states that on November 12, 2021, the SHPO indicated via email they concurred with the consultant’s findings.

Additionally, the applicant has submitted an email, transmitted by the SHPO dated October 27, 2020, which states that “[T]his information is provided as informal notes to you and does not constitute identification level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. These notes do not constitute project review under any state or federal law. The absence of previously identified cultural resources does not imply that there are no eligible historic properties in the requested area. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.”

Therefore, to ensure compliance with N.J.A.C. 7:45-10.4(d)6 and implement any SHPO recommendations to avoid, minimize, and/or mitigate the impacts of the project on the historic resources cited hereinabove, Commission staff recommends that any certificate of approval for the project be conditioned upon State Register review by the SHPO for compliance with the “New Jersey Register of Historic Places Act.”

Traffic Impact: N.J.A.C. 7:45-11.1 directs that the Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Delaware and Raritan Canal State Park and have direct access to a road that enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A.

The applicant has submitted a statement which notes that the project is a replacement of existing pipeline, and that the proposed project would not require additional inspections. Therefore, no additional traffic is anticipated within the Delaware and Raritan Canal State Park or surrounding area after the completion of the proposed project.

Commission staff agrees with the submitted traffic assessment; and therefore, the project is in compliance with this requirement.

NJWSA Conditions: Commission staff observes that the Delaware and Raritan Canal is a water transmission complex maintained by the New Jersey Water Supply Authority (NJWSA) and used as a raw water source for several water companies downstream. As such, the applicant is advised that any certificate of approval for the project will include conditions from the NJWSA. The applicant is advised that NJWSA reviewed the project staff report for DRCC #20-5256B dated September 28, 2020. The NJWSA retained the consulting services of Schnabel Engineering to perform a review of the project’s design and the contractor’s means and methods as it related to potential impacts upon the water transmission complex of the Delaware and Raritan Canal.

An August 30, 2021, review completed by Schnabel Engineering of the design and construction documents concluded the following:
Overall, the HDD bore path layout and design calculations utilize geometric characteristics that are compliant with industry guidelines for good practice. It is noted that the compounded curve created by the horizontal and vertical curvature of the steel pipe alignment, and the planned entry and exit angles are close to the limit of industry guidelines. The calculations show results within expected ranges for this type and scale of HDD installation.

The depth of the proposed HDD bore path and its position deep within competent, high Rock Quality Designation (RQD) bedrock indicate a low likelihood the HDD installation would negatively impact the Canal and associated NJWSA operations.

Removal of the existing pipe will result in a trench in the bedrock that may gradually fill with sediment transported by the stream during higher flow periods. It is estimated that this proposed condition will have no impact on the stability of the bridge/culvert founded on the bedrock; however, the contractor should not be permitted to cause fracturing of the foundation bedrock during pipe removal.

NJWSA should review the contractor's Frac Out Contingency Plan submittal (aka Inadvertent Release Plan, Drill Fluid Management and Contingency Plan, etc.) with regard to proposed mitigation, monitoring, notification, containment, cleanup, and remediation measures where they could potentially impact NJWSA infrastructure.

The construction specifications should require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation, prior to drilling under the Canal to confirm the planned path is being followed and the HDD operation is performing as expected.

Based upon the recommendations of Schnabel Engineering and the NJWSA review, NJWSA will require the certain conditions to be satisfied, and Commission staff recommends that Commission approval of the project be conditioned upon compliance with those conditions, which are enumerated hereinbelow.

**Staff Recommendation:** Staff recommends approval, conditioned upon the following:

1. The construction specifications shall require the HDD contractor to provide the NJWSA representative with guidance data on the position and trajectory of the HDD bore, as well as records of the HDD installation prior, to drilling under the Delaware and Raritan Canal to confirm the planned path is being followed and the HDD operation is performing as expected;

2. Construction specifications for the HDD operation, which should include minimum requirements for construction submittals and required content in the Inadvertent Release Plan, shall be provided to the NJWSA for review and approval. The specifications should indicate that the submittals should be provided to NWJSA for review and approval prior to construction;
3. The existing pipeline within Jacobs Creek is proposed to be removed within the extent of the Jacobs Creek bridge/culvert carrying the Delaware and Raritan Canal. The bridge/culvert’s foundations are bearing on rock. The contract documents shall include requirements that the contractor is not permitted to use rock breaker (i.e. demo hammer) equipment to chip out the rock adjacent to the pipe, which may cause additional fracturing of the bridge/culvert foundation rock. The contract documents should also require the contractor to submit means/methods of pipe removal for review and approval by NJWSA prior to construction;

4. The applicant shall obtain the approval of the NJWSA regarding the means and methods for the HDD activities associated with the project. This is anticipated to be a contractor submittal at a time after contract award;

5. The applicant shall notify the NJWSA of the start of construction to allow for ample time for scheduling a representative to be on site during pilot hole drilling;

6. The applicant shall provide the contractor’s Drill Fluid Management and Contingency Plan (Inadvertent Release Plan, Frac Out Plan, etc.) to NJWSA for review and approval;

7. The applicant shall obtain any required Transmission Complex Utility Lease Agreement from the NJWSA;

8. In the event of any frac-out clean-up activities, access to State-owned land shall be in accordance with the existing lease;

9. Visual inspections (frac-walks) for frac-outs shall be performed;

10. In the event of a “Loss of Returns” occurrence and in any event that drilling fluid reaches the surface at any point in the drilling operation, NJWSA shall be notified;

11. If frac-out occurs within NJWSA jurisdiction, drilling shall be stopped, all cleanup procedures shall be followed, NJWSA shall be notified, and drilling operations shall only resume with NJWSA approval;

12. NJWSA shall be allowed to verify that the equipment listed in the means and methods are onsite as stated (or notify NJWSA of substitutions/changes);

13. The NJWSA’s consultant (Schnabel Engineering) will provide full-time onsite inspection; and

14. The applicant shall submit to the Commission a complete set of As-Built plans upon completion of the project to verify compliance with the revegetation requirement for the temporary graveled surfaces located in the construction entrances and laydown areas related to the project.
Sincerely,

John Hutchison  
Executive Director

c. Robin Madden, Chief of Operations, DEP State Parks, Forests and Historic Sites  
Patricia Kallesser, Superintendent, Delaware and Raritan Canal State Park  
Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO  
Adria Wentzel, DEP Office of Leases and Concessions  
Judeth Yeaney, DEP Legal Services & Stewardship  
Darin Shaffer, Chief Engineer, NJWSA  
Michael Sellar, Facility Manager, Delaware and Raritan Canal, NJWSA  
Julie Shelley, Property and Permit Administrator, NJWSA  
Mercer County Planning Board  
Ewing Township Planning Board  
Hopewell Township Planning Board
Let’s discuss how to organize this....

John Hutchison
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Delaware & Raritan Canal Commission
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If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.
I have attached Sunoco’s shape files of the line crossing the canal at the 3 referenced locations. I also included a kmz of the same files with push pins calling out the crossing locations for reference. I am working with our engineers today to get you a detailed description of why the line can not be returned to the existing ROW at the Jacob’s creek relocation site. I will provide that to you as soon as it is complete.

Jim McGinley  
Senior Environmental Scientist, Associate  
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Douglassville, PA 19518  
Office: 610-385-8443  
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**This e-mail is from outside STV**

Thanks Jim. Yes, please send justification for relocation of the line.

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I'm using Mimecast to share large files with you. Please see the attached instructions.

Good afternoon Julie,

Thank you again for reviewing these issues with me. I am currently working on getting you the shape files for the three crossing locations of the canal but in the mean time I wanted to provide you, as requested, with the most up to date site plans for the proposed pipeline replacement for your review. Additionally if there is any supporting documentation you need related to why the line can no be replaced in the existing easement please let me know an I will have our engineers pull
something together.

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From: Julie Shelley <jshelley@njwsa.org>
Sent: Friday, April 16, 2021 11:19 AM
To: McGinley, James X. <Jim.McGinley@stvinc.com>
Cc: 'Chidley, George (DEP)' <George.Chidley@dep.nj.gov>; Wentzel, Adria <Adria.Wentzel@dep.nj.gov>; 'Timmerman, Amy (DEP)' <Amy.Timmerman@dep.nj.gov>; Paul Harenberg <PHarenberg@njwsa.org>; Michael Sellar <msellar@njwsa.org>; Patricia Kalleser <Patricia.Kallesser@dep.nj.gov>; John Hutchison <john.hutchison@dep.nj.gov>
Subject: RE: Sunoco - Jacob's Creek Project

**This e-mail is from outside STV**

Jim,

It has come to our attention that your project is on the DRBC docket for the May meeting. Please note that the project has not received approval from the NJDEP or the NJWSA as it affects the D&R Canal, both of which are necessary. Bearing this in mind, following is a summary of outstanding issues to address with NJWSA and the NJDEP Office of Leases and Concessions (OLC). The D&R Canal is owned by the State of New Jersey and operated under an agreement between the NJDEP, the NJWSA and the D&R Canal Commission (DRCC). Each entity has its own jurisdictional responsibilities. The NJWSA operates the “water transmission complex”, which in that area of the Canal extends from the western edge of the ROW for Route 29 on the eastern side of the Canal to the toe of the embankment slope on the western side. The State Park Service operates the surrounding State property constituting the Park and the OLC manages agreements for activities within it. Each entity is responsible for managing leases and other agreements for activities within its jurisdictional area.

A Right of Entry (ROE) was drafted by the OLC and approved by NJWSA in 2019 which permits entry onto State property for the construction process, but does not permit the pipe to be relocated out of its current configuration. The ROE is not yet executed; I would advise follow up with OLC on that matter. A pre-construction condition of the ROE is that Sunoco provide OLC with a copy of approvals/permits from NJWSA (condition 2(c)). In order to obtain our approval, per instructions provided to Ed Weirsky on September 23, 2019 (copied below), the final plans and specs for the construction must be provided to Mike Sellar for review, and Sunoco must pay for NJWSA to hire an outside firm to review the HDD plans on our behalf, which will be overseen by Paul Harenberg. Both Mike and Paul are copied on this email and can provide further information about each of their respective roles at your request.

The document that Sunoco holds to operate this pipeline in its current location is attached. It is noteworthy that the agreement permits only the location of the 14” pipe, not any area around it. The agreement permits the pipeline to cross the D&R Canal in three places. Relocating a section of the pipe requires an amendment to the document to remove the subject project portion
from it, and the execution of a new document (lease) for the subject project portion. Approval of this amendment approach has not been given by OLC nor the NJWSA. If approved, the amendment will bring the existing agreement up to current standards for agreements with the State of New Jersey for the Princeton/West Windsor and Franklin crossings of the Canal, and the new lease for the Ewing/Hopewell Jacob’s Creek crossing will also follow the new format. A valid agreement with us and approved by OLC will be a condition of approval by the DRCC for the project permit (referenced as number 11 in their staff report of September 28, 2020, attached).

Presuming that an agreement with OLC and us for relocation of the pipe is reached, the next steps with NJWSA to address the lease issues will be:

1. You’ll need to have an appraisal performed to determine the fair market rental value of the highest and best use of the three locations where the pipeline crosses the D&R Canal. The appraisal must be performed by one of the Green Acres “Local” Approved Appraisers. The list of approved appraisers is available at the following site: [https://www.nj.gov/dep/greenacres/pdf/approved_appraisers_october-2020.pdf](https://www.nj.gov/dep/greenacres/pdf/approved_appraisers_october-2020.pdf). Once received that appraisal will be reviewed in-house by the NJWSA and the OLC. If a value greater than the minimum rental value of $0.15 per square foot or $700 per year is reached then that amount will be used. Current State guidelines also require a 3% annual increase in rent and a lease term of no longer than 20 years.

2. Updated drawings and corresponding shape files showing the pipeline location at all three crossings of the D&R Canal must be submitted to OLC and NJWSA. These will help determine the ultimate arrangement between jurisdictions for the amendment to the current agreement as well as the new lease for the Jacobs Creek crossing. The outcome of this determination will dictate what additional processes must be completed for lease/agreement approval by OLC and NJWSA.

I am available for a call if you have questions or wish to discuss this further.

Best regards,

_Julie Shelley_
_Property & Permit Administrator_
_New Jersey Water Supply Authority_
_1851 State Route 31, P.O. Box 5196_
_Clinton, NJ 08809_
-www.njwsa.org_
-www.RoundValleyProject.com_
_I am working from home and am best reached by email._

_From: Julie Shelley <jshelley@njwsa.org>
Sent: Monday, September 23, 2019 2:29 PM
To: 'Weirsky, Edward J.' <Edward.Weirsky@stvinc.com>
Cc: Michael Sellar <msellar@njwsa.org>; Paul Harenberg <PHarenberg@njwsa.org>; Gunson, Joe <Joe.Gunson@dep.nj.gov>
Subject: [EXTERNAL] RE: Sunoco - Jacob’s Creek Project

Ed,

As discussed, Mike Sellar is the Canal Operations Manager and attends the Canal Commission meetings. He will be your point of contact to provide the plans & specs once they’re finished, and his
review of those documents will dictate some of the permit conditions on your permit from DRCC.

Paul Harenberg is responsible for hiring an outside firm to review the HDD plans on our behalf and to and provide onsite construction oversight during the drilling. Contact him to discuss those issues further. The applicant is responsible for the cost of hiring the outside firm.

I will serve as your point of contact for the lease that will cover the pipeline once it’s installed. Typically we start working on that when you are in DRCC review and you provide me with a drawing that shows the new leased area and quantifies the square footage of Canal Transmission Complex land occupied by the pipe and ROW you need. The Canal Transmission Complex in this area of the Canal is typically measured from the edge of the Rt 29 ROW across the water to 25’ west of the water’s edge. A separate lease for the area of State Park crossed by the pipeline will be issued by DEP (Joe Gunson), as will a Right of Entry document that will grant you permission for staging and construction. The ROE will be issued by Joe’s office but we will be a signatory and potentially issue some of the conditions within it.

I understand from our conversation that that gas line will be 16” in diameter, will be placed 35’ below the river and Canal and your current timeline has construction beginning next July. Please keep us posted on your timeframe for presenting to DRCC, which I understand to be likely at the end of this year or early next year.

Best regards,
Julie

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**Julie Shelley**  
**Property & Permit Administrator**  
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