

STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING
ADDITIONAL DOCUMENTS



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:

| Road | Municipality | County | Block(s) | Lot(s) |
|--------------------------------------|--------------|--------|----------|--------|
| At Route 29 and Jacobs Creek Road | Hopewell Twp | Mercer | n/a | n/a |
| | Ewing Twp | Mercer | n/a | n/a |

Jurisdictional Determination:

| Zone A | Major | Nongovernmental |
|--------|-------|-----------------|
| | | |

Subject to Review for:

| Drainage | Visual | Traffic | Stream Corridors |
|----------|--------|---------|------------------|
| X | X | | X |

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 submitted: NJDEP Freshwater Wetlands General Permit 2 and Individual Flood Hazard Permit for Jacobs Creek Pipeline Relocation Project, dated April 2020.

PO BOX 539 STOCKTON, NJ 08559 609-397-2000
www.nj.gov/dep/drcc/

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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.

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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 is 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 be 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.

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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.

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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. 7:45-10.4(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)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.
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.

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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