

Patrick J Renshaw
Project Manager – Environmental

PPL Electric Utilities
1639 Church Road
Allentown, PA 18104-9342
Tel. 484-661-4486 Fax 484-661-4273
prensaw@pplweb.com



January 26, 2021

Via Electronic Submittal

Pennsylvania Department of Environmental Protection
Attn: Environmental Quality Board
Rachel Carson State Office Building -16th Floor
PO Box 8477
Harrisburg, PA 17105-8477

Re: Comments on Proposed Rulemaking
C25 Pa. Code Chapter 105 – Dams and Waterways Management

To Environmental Quality Board,

Please accept these comments on behalf of PPL Electric Utilities Corporation (PPL EU) concerning the Department of Environmental Protection (PADEP) proposed rulemaking; “Dam Safety and Waterway Management” published in the *Pennsylvania Bulletin* on December 5, 2020.

The proposed rulemaking as described by the PADEP is to amend Chapter 105 to add structure and activities eligible for permit waivers, ad antidegradation and cumulative impacts. However, while PPL EU understands and in principle agrees with majority of the language as proposed; we believe clarification with regards to the following questions and comments is needed.

PPL EU Specific Comments -

1. § 105.12 (3) Aerial Crossing

Regarding the Department’s changes to Waiver 3 PPL EU looks for clarification to the statement, “An aerial crossing ... does not apply to the maintenance and construction of towers, single poles with concrete foundations or pilings, roads or other water obstructions or encroachments.”

PPL EU requests that the following additional language be considered:

“...This does not apply to the maintenance and construction of towers, single poles with concrete foundations or pilings, roads or other water obstructions or encroachments **within the non-navigable stream or wetland.**”

2. PPL EU asks the department to recognize that single (monopole) structure which are direct buried within the non-navigable stream or wetland are eligible for waiver 3.

3. §105.12 (22) Temporary Mats:

Regarding the addition of Waiver 22, can the Department clarify whether “placement, maintenance and removal of temporary mats and pads used for minimizing erosion and sedimentation at a wetland crossing” would cover timber mats placed in a wetland for equipment access. Additionally, does this waiver apply to temporary air-bridging crossings as well.

4. § 105.17 Wetlands

PPL EU looks for clarification to the statement in § 105.17 (1)(iv,) where “Wetlands located in or along the floodplain of waters listed as exceptional value (EV) under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto.” Specifically, what if the tributaries are not EV? Is the Department’s interpretation that these tributaries be considered EV?

5. § 105.14 Review of Applications and Registrations

Regarding § 105.14 (b)(1); “Potential threats to [life or property] life, health, safety, property, or the environment created by the dam, water obstruction or encroachment.” Can the Department define or share the criteria used to determine what poses a threat to the environment?

6. § 105.1 Definitions

Regarding definition of “Stormwater Facilities”, the department discusses swales and ditches not maintained. Note that conveyance channels and rock-lined ditches are often designed to require minimal maintenance— and are not abandoned even if they accumulate sediment, vegetate with hydrophytic plants, or concentrate runoff in ways similar to natural wetlands or streams. Can the Department provide guidance to define what may constitute abandoned facilities which then revert to coverage under Chapter 105?

Once again, we appreciate the opportunity to provide these comments on behalf of PPL EU concerning the proposed rulemaking on Chapter 105 “Dam Safety and Waterway Management”. Please contact me at 610-392-0979 or prenshaw@pplweb.com with any questions or clarifications you may have.

Sincerely,

Patrick J Renshaw

Patrick J. Renshaw
Environmental Project Manager
PPL Electric Utility Corporation