URBAN WATERFRONT ACTION GROUP

May 11, 2006

Runway 9R Safety Improvements
Penn Treaty Tower at Pier 53 North

Attendees

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Larry Toth	PADEP CZM	latoth@state.pa.us
Martine Belanger	Philadelphia City Plng. Comm.	martine.belanger@phila.gov
Thomas Joseph	PHL-ENGG	thomas.joseph@phl.org
Pat Quigley	PAQ Inc.	paqinc@aol.com
David Benner	Urban Engineers	drbenner@urbanengineers.com
David Ottow	Urban Engineers	dlottow@urbanengineers.com
Joe Musil	Urban Engineers	jfmusil@urbanengineers.com
Chris Linn	DVRPC	clinn@dvrpc.org

1. The meeting was called to order at 10:15 a.m.

2. Chris Linn of DVRPC chaired the meeting. Members of the UWAG committee and the applicants introduced themselves.

Runway 9R Safety Improvements

3. Mr. Linn introduced Joe Musil from Urban Engineers, who gave a description of the project to UWAG, which includes extending the graded area at the end of the runway and creating an access road.

4. Mr. Musil described the project area, identifying a number of pocket wetlands, which would be impacted by the project, and Long Hook Creek, which would need to be relocated. Several alternatives were evaluated for Long Hook Creek, including enclosing it and piping it under the runway. However, the EIS process indicated that channeling the creek around the runway would produce less of an impact than enclosing it.

5. Mr. Musil stated that they were developing a mitigation plan and would most likely develop off-site alternatives for mitigation.

6. Mr. Joseph stated that the impetus for the project is to conform to FAA runway safety area grading stanards.

7. Mr. Anderson inquired as to the length of the runway. Mr. Joseph replied that it is 10,500 feet. Mr. Anderson asked how much "safety area" is located at the other end of the runway. Mr. Joseph stated that the safety area at the other end of the runway meets FAA standards. Mr. Anderson asked if there are 30 extra feet of safety area at the other end of the runway and if perhaps the whole runway could simply be shifted 30 feet in that direction, thereby avoiding impacts to the wetlands. Ms. Quigley pointed out that Mr. Anderson was trying to determine if there are "non-wetland-impacting" alternatives. While Mr. Anderson's question was not definitively answered, Mr. Musil stated that past studies indicated that there were no "non-wetland-impacting" alternatives and that even if 30 extra feet were available at the other end of the runway, the wetlands on this end of the runway would still be impacted. Although not stated at the time, this is because the entire area (all 1000 feet) needs to be re-graded to insure a smooth slope (less than 5% grade) and to elimate a sudden 5 foot drop that now exists at the end of the runway.

8. Mr. Anderson asked how long the wetlands in question existed? Mr. Joseph said the runway was constructed in the early 70s and that the wetlands probably came into existence around that time.

9. Mr. Schuerman reported that STV and Sunoco Logistics are designing and permitting the construction of 5 pipelines to connect the Eagle Point refinery in NJ with the Philadelphia-area refinery. Sunoco acquired the Eagle Point refinery from El Paso Corp. in 2004. The existing inter-refinery system on the PA side of the river connects the Marcus Hook refinery to the Philadelphia-area refinery. The system also provides jet fuel to Paulsboro, NJ, which is then in turn supplied to the Philadelphia airport.

   Connecting Eagle Point to inter-refinery system is key to the economic viability of Eagle Point. Pipeline transmission is the safest, cleanest and most cost-effective way of transporting feed stocks and intermediary products. Mr. Schuerman stated that Sunoco is committed to a safe and environmentally-responsible execution of this project.

10. Ms. Descaro described the details of the pipeline project. The project will require a 5,000 foot drill to traverse the Delaware River. The entry/exit points will be on PRPA property in PA and at the Eagle Point refinery in West Deptford, NJ. Ms. Descaro then gave a detailed description of the pipeline's entire route which is depicted on the project maps. Two different route alternatives were described for the western portion of the pipeline near the Philadelphia refinery. Ms Descaro then displayed a cross-section of the drill underneath the Delaware River. At its deepest point, the pipeline would be located 75 feet below mean low water to take into account any potential future dredging projects undertaken by the Army Corps.

11. Ms. Legge, Manager of the Pipeline Integrity Department, gave a quick view inside Sunoco's integrity efforts and programs. Sunoco uses a number of tools, including dent, metal loss, crack detection, and corrosion specialty tools, to monitor the condition of pipelines. Sunoco uses its tools to maintain their pipelines beyond DOT regulatory requirements, repairing problems in both high-consequence and non-high-consequence areas, even though regulation does not require repairs in non-high-consequence areas. Sunoco analyzes pipeline risks in conjunction with field personnel to identify integrity issues. They conduct hypothetical spill modeling to focus on potential impacts and improve emergency planning. Leak-detection systems are continually evaluated and upgraded. Bi-weekly patrols of rights-of-way are conducted to prevent third-party damage. Navigable waterways are inspected. Sunoco has a comprehensive pipeline relocation program. Sunoco conducts regular emergency response drills. Sunoco has implemented a GIS mapping system for their pipelines.

12. Ms.Schellhamer provided an overview of Sunoco's environmental program. Ms. Schellhamer reported that they do not yet have all their data, such as wetland acreage figures. Wetlands are present on the NJ side of the project area. Wetlands are also present in FDR Park and the area formerly occupied by Mustin Field. Ms. Schellhamer reported that wetlands impacts will be mitigated. On the PA side, Ms. Schellhamer stated that Sunoco has clearance from the PA Game Commission. DCNR was notified regarding the project. DCNR will finish their survey in May. Some State/Federal T&E species may be present. PA Fish & Boat Commission has identified two sturgeon species, which should not be affected by directional drilling. The red-bellied turtle and mud minnow were also identified. Sunoco has completed a Phase I-A archeological survey of the area. This survey will be ready for delivery to agencies in about six weeks.

13. Mr. Cianfrani asked what historical resource issues existed for the project. Ms. Descaro responded that the primary issue was archeological artifacts. Archeological oversight will be provided during construction activities.

14. Mr. Cianfrani asked if Sunoco/STV had coordinated with NMFS and USFW in regard to endangered species and if they responded that the project would not impact T&E species (not that they are not present). Ms. Schellhamer responded affirmatively.

15. Mr. Muir inquired as to the depth of the pipeline. Mr. Antoni stated that the pipeline would be approx. 90 feet deep at its deepest and would therefore have no influence on future

deepening projects. Mr. Muir asked what the depth of the shallow aquifer was. Mr. Antoni said he did not know.

16. Mr. Toth asked if STV had done any contaminated soil investigations. Ms. Descaro responded that they had completed a database search, but had not yet conducted much sampling. Ms Descaro added that due to past activities it is likely that some soils will be contaminated, and that they are treating some areas as a moderate risk and other areas as a high risk.

17. Ms. Scott asked if the boring would have any impact on navigational traffic. Ms. Descaro responded that there would be no impact, but in any case they would still release a "standard notice to mariners."

18. Ms. Scott asked if STV was performing an EIS. Ms. Descaro responded that they are not required to perform an EIS for this project.

19. Mr. Cianfrani asked if STV was still completing jurisdictional determinations. Ms Descaro replied, "That is correct." Based on the write-up, Mr. Cianfrani stated that it sounded as though there will be no permanent impacts on wetlands from the project. Ms. Descaro stated that where trenching is to be performed, wetlands will be restored. Ms. Descaro added that they still have to do some additional investigations regarding wetlands, the results of which will be covered in their report. Mr. Cianfrani asked if any new roads will be required. Ms. Descaro replied no.

20. Mr. Slenkamp inquired as to the number of entry and exit points on each side of the river. Mr. Antoni stated that the entire pipeline would be underground, but that in addition to the final entry and exit points at the two refineries, there would be valves on each side of the river crossing. The pipeline would only be above ground for about 20 feet or so at the valve sites.

21. Mr. Toth advised Sunoco to submit a joint permit application to DEP's southeast regional office. Three copies should be sent to SE regional office and an additional copy should be sent directly to Mr. Toth. The application should include all information possessed by Sunoco/STV on contaminated soils and wetland impacts. The locations of wetland impacts should be shown as well as whether or not those impacts will be temporary or permanent. Mr. Toth noticed there were some hits on state T&E species. Mr. Toth advised Sunoco to include all letters from state agencies regarding T&E species of concern. Turn around time is usually 180 days for issuance of a permit. Ken Anderson and Randy Brown at the DEP SE office are the main permit contacts – the other state agencies feed comments back to Ken and Randy. Mr. Toth stated that a submerged lands license will come when the applicant applies for their Water Encroachment Permit and their 401 Water Quality Certification. Mr. Toth advised Sunoco/STV to make their application as complete as possible so the application won't get bogged down in any letter writing campaigns.

22. Ms. Descaro stated they will need to have a meeting with DRBC. Mr. Linn replied that Mr. Paul Scally from DRBC, although typically present, could not attend the meeting due to

jury duty. Mr. Scally informed Mr. Linn that Sunoco/STV could obtain application materials from the DRBC website and forward the project data on to Bill Muszynski.

23. Mr. Cianfrani stated that the Corps' jurisdiction applies to the Delaware River and associated wetlands. This triggers the requirement for a Section 10 and a Section 404 permit, although only one permit application is necessary. According to Mr. Cianfrani, this does not appear to be a problem project for the Corps. The only areas that would be impacted in any substantial way are the wetland areas. The Corps' main concern is that those wetland areas are restored. Sunoco/STV should give a better description (including pictures) of the wetland habitats impacted by the project in their permit application. The Corps would also like to know Sunoco/STV's planned method of construction in wetland areas. The Corps will coordinate with USFW and NMFS.

24. Mr. Antoni asked if they would need to have two submissions to the Corps: one for the NJ side of the project and a joint submission for PA. Mr. Cianfrani replied that one application to the Corps would be sufficient, although they would have to show impacts on both the PA and NJ sides of the river. Mr. Cianfrani added that the Corps won't render a final decision until the state permits (in this case, PA and NJ) have been issued.

25. Mr. Slenkamp stated that EPA requires nothing beyond what would be required for a Corps permit application in terms of NEPA evaluation. However, EPA will require a spill response plan.

Sugar House Casino (and Public Greenway)

26. Mr. Toth announced that he would have to recuse himself from the meeting because he was asked to do so by the Commonwealth.

27. Mr. Musil gave an overview of the Sugar House Casino project. The project site is located at the end of Frankford Ave. and is approx. 22 acres. The site used to be all finger piers, but over the years many of the spaces between the finger piers have been filled. Remnants of the old finger piers can still be seen projecting into the river beyond the area that is currently filled. The project aims to remove these structures, as well as Pier 41, in exchange for permission to fill in the interpier area between Piers 43 and 44. The project also calls for relocating existing CSOs. The project is being done in multiple phases to conform with casino guidelines established by the state.

28. Mr. Jenkins asked, "What is the depth at the ends of the remnant piers?" Mr. Musil replied, "mean low water is approx. 40 feet from the shoreline and mean high water extends to the toe of the bank." The depth at the end of the remnant piers is approx. 8 feet.

29. Mr. Musil stated that there would be a 30 foot right-of-way along the shoreline. Mr. Jenkins asked, "How much of the fill at the site was placed after 1970?" Mr. Musil replied that certain areas, such as Pier 43, were filled in the 1980s and that these activities were not permitted. Mr. Musil said he wanted guidance from the agencies about how deep or how

shallow to make the areas where they will be removing the old pier remnants/fill. The total fill/pier removal area will be about 1 acre and the fill placement area will be about ¾ acre.

30. The FEMA flood elevation is one foot below the top of the current bank. The casino facilities would be pile constructed with a 30-foot setback from the top of bank. Mr. Musil stated there are four potential options for the treatment of the public greenway along the shoreline, and provided some description of each treatment. Current depths within the project area will not be known definitively until soundings are completed. The soundings will also reveal how much of the old piers are still in place.

31. The project area shoreline, according to Mr. Musil, is a mixture of concrete and rubble that is clogged with sediments. The area could be restored with plantings.

32. Mr. Jenkins asked if the existing fill that composes a large portion of the site goes all the way down to the historic bed of the river or if there are any low deck structures buried in the fill. Mr. Musil replied that there are crib and low-deck structures buried in the filled-in areas. He speculated, however, that these structures have collapsed. Mr. Jenkins conjectured that there may be water pockets underneath what appear to be fast land. Mr. Musil replied that this was unlikely – some "voids" may exist but there is probably no habitat.

33. Mr. Slenkamp asked if dredging would be needed for water access. Mr. Musil responded yes, but that this activity would probably not occur for another 3 or 4 years.

34. Mr. Muir recommended that Urban Engineers work with PWD to relocate the CSOs and at the same time upgrade the CSO system.

35. Ms. Belanger stated that she thought the City's set-back/public access requirement was 50 feet from the waterfront.

36. Mr. Linn asked if the public greenway would link seamlessly to the street, because it did not appear to do so on the project drawings. Mr. Musil said that the greenway would link up with the sidewalk on Delaware Ave, even though this connection was not shown on the drawing.

37. Mr. Musil said they were concerned with individuals jumping off the promenade because the water is so shallow. People who think they are jumping into 10 feet of water will be surprised (and likely injured) when they land in the mud below the walkway. Therefore, the project coordinators thought that perhaps the water should be deepened.

38. Mr. Cianfrani asked what kind of reception the project was getting from the community. Mr. Mattioni replied that they were in the process of having community meetings and from an overall standpoint the communities are receptive to the idea. They have some concerns, such as traffic, that the site developers are trying to address. Mr. Cianfrani remarked that the Corps process is a public process, and the public's concerns are very important to them.

39. Mr. Jenkins requested that the applicant do a more detailed investigation of what is under the low decks.

40. Ms. Belanger asked the applicant to work with PWD to make the CSOs uncombined.

41. A notice of violation was issued at one point for Pier 43. Mr. Musil asked how they should handle this issue. Mr. Cianfrani told the applicant to recognize the violation in their permit application, point out that they are not responsible for the violation, and propose a possible solution to the violation. Mr. Cianfrani also advised Mr. Musil to send him an email with his proposed solution to the violation.

42. Mr. Jenkins asked where boats would be docking at the casino. Mr. Musil pointed out the potential dock locations and added that some deepening would be required to allow boats to dock. Right now, at mean low water, the area next to the promenade would be dry land. Mr. Musil stated they would enhance and stabilize the shoreline with plantings and riparian vegetation.

43. Ms. Belanger wondered what sorts of contamination were present on the site. Mr. McKenna replied that there are petroleum hydrocarbons and heavy metals on the site. The current owner has Act 2 liability protection.

44. Mr. Linn asked if the promenade would abut the parking garage which will be directly below the casino. Mr. Musil replied yes, but there are numerous options which would place the promenade higher up and closer to the first floor level of the casino.

45. Mr. Cianfrani asked if navigational servitude issues had been addressed. Mr. Mattioni replied, “we are in the process of working our way through it.” However, they are waiting to find out if they will receive one of the gaming licenses before fully committing themselves to all aspects of the project.

46. The meeting adjourned at 12:05.