



February 8, 2022

National Fuel Gas Supply Corporation
c/o Daniel Young
1100 State Street
Erie, PA 16501

Re: Third Technical Deficiency Notification
Water Obstruction & Encroachment Permits
FM120 Insertion Project

DEP Application No. GP114283221-002
APS ID No. 1030893; AUTH ID No. 1340439
Sergeant Township, McKean County

DEP Application No. GP112483221-002
APS ID No. 1030876; AUTH ID No. 1340415
City of Mary's & Jones Township, Elk County

DEP Application No. GP111283221-002
APS ID No. 1030888, AUTH ID No. 1340433
Shippen Township, Cameron County

Dear Mr. Young:

The Department of Environmental Protection (DEP) has reviewed the above referenced registration package and has identified the following eligibility deficiencies. The General Permit and instructions include information that will aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth the DEP's established means of satisfying the applicable regulatory and statutory requirements.

Eligibility Deficiencies

All Counties:

1. Please update the Site Plan trench plugs to be consistent with Standard Construction Detail #13-2 Typical Utility Line Stream Crossing With Pump Bypass, showing trench plugs at both the stream bank and floodway. Trench plugs should be placed at 10 and 50 feet from the stream bank. If trench plugs are in the floodway for a wetland or additional streams, that is sufficient. Open-cut streams that need trench plugs at the floodway boundary include: [25 Pa. Code §105.449]

- a. North Fork Straight Creek – trench plugs are needed on both floodway boundaries. Please also update the Site Plan stream designation to be perennial for this stream.
 - b. West Creek – a trench plug is needed on the north floodway boundary.
2. Please verify why Dam and Pump Drawing Number 21 was added to E&SC Plan Sheet 34A. This detail is different and missing several key notes from the Standard Construction Detail #13-2 Typical Utility Line Stream Crossing With Pump Bypass on Sheet 33. It appears this detail could create confusion. [25 Pa. Code §105.449]

Pursuant to 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the eligibility deficiencies set forth above. Please note that this information must be received within ten (10) calendar days from the date of this letter, on or before **February 18, 2022** or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before **February 18, 2022** to respond to deficiencies beyond the ten (10) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code §105.13a(b).

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be withdrawn or denied.

Should you have any questions regarding the identified deficiencies, please contact Nicholas Rossi at 717-772-5667 or nicrossi@pa.gov and refer to the Application Number referenced above to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 10-day period allotted for your reply, unless otherwise extended by DEP. You may also follow your application through the review process via *eFACTS on the Web* at: <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,



Kevin S. White, P.E.
Environmental Group Manager
Regional Permit Coordination Office

cc: GAI Consultants, Inc. (by email)

U.S. Army Corps of Engineers, Baltimore and Pittsburgh Districts (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Cameron County Conservation District (by email)
Elk County Conservation District (by email)
McKean County Conservation District (by email)
Northcentral Regional ARD (by email)
Northcentral Regional Waterways and Wetlands (by email)
Northwest Regional ARD (by email)
Northwest Regional Waterways and Wetlands (by email)
Shippen Township (by email)
City of St. Mary's (by email)
Jones Township (by email)
Sergeant Township (by email)