



DISTRICT OIL AND GAS OPERATIONS

January 12, 2024

Robert Kuntz
Pennsylvania General Energy Company, LLC
120 Market Street
Warren, PA 16365

Re: Technical Deficiency
Phase IV Pipeline
DEP Joint Permit File No. E4129223-006
APS No. ID No. 1096604
Cummings & McHenry Township, Lycoming County

Dear Mr. Kuntz:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and has identified the following significant technical deficiencies. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's preferred means of satisfying the applicable regulatory requirements.

Technical Deficiencies

1. Provide a more detailed analysis of alternatives to the proposed project including alternative locations, routing, or designs to avoid or minimize adverse environmental impacts. The alternative analysis should include all impacts of the overall project in the evaluation, permanent and temporary, direct, indirect, secondary, and cumulative. As part of the analysis the applicant shall consider present conditions and the effects of reasonably foreseeable future development. §105.13(e)(1)(viii)
 - a. When locations are evaluated the applicant should consider areas and alignments located not only on land parcels currently owned by the applicant but also on parcels that could be reasonable obtained, utilized, expanded or managed to fulfill the basic purpose of the project. Please provide a more detailed analysis of routing the pipeline along Silver Springs Road, Truman Road, Schoolhouse Road and/or other local roadways to the west of the proposed pipeline. The alternative analysis states *proximity to camps* as one reason for eliminating certain routes from consideration. Please provide a map showing all of the private landowner parcels evaluated, areas of failed landowner negotiations as well as areas where landowner negotiations were successful. Additionally, discuss the possibility of boring in the more populated cabin areas, private landowner areas, and/or in areas of less steep terrain along these routes.
 - b. The alternative analysis should evaluate the constructability and feasibility of a project with respect to existing utilities, easements and rights-of-way and

previously disturbed areas. Consideration should be given to co-location of the proposed lines in existing rights-of-way and previously disturbed areas as an alternative to using undisturbed areas. It appears that there is an existing utility line to the west of the proposed route (shown in yellow on the alternative analysis mapping). Provide additional detail as to why the proposed lines cannot be co-located in or along this previously disturbed corridor.

- c. Discuss the estimated need for future development potential, additional pipelines, larger lines and/or upgrades with respect to secondary and cumulative impacts within the watershed upstream and downstream of the proposed project
2. Provide a detailed discussion and explain how the project will not result in adverse impacts to EV wetlands, as determined in accordance with Sections 105.14(b) and 105.15. §105.18a(a)(1)
3. Provide a site plan that depicts the following: State Game Land 75 property boundary; Tiadaghton State Forest property boundary; Bark Cabin Natural area boundary; Wolf Run Wild area; The Mid-state Trail; pipeline permanent and temporary right-of-way widths and pipeline centerline. §105.13(e)(1)(i)
4. Provide a potential secondary impact evaluation and assessment of the proposed project. The purpose of this evaluation is to describe the direct and indirect environmental impacts on other adjacent land and water resources associated with the construction and operation and maintenance of the project and areas adjacent thereto. Provide an analysis of the impacts of the proposed project on the following areas:
 - a. Bark Cabin Natural area
 - b. The Mid-State Trail and recreational use (In some instances the proposed route parallels closely The Mid-State Trail and crosses the trail either by the pipelines and/or access road.)
5. Provide additional details in Module S3.D. Resource Function Effects in the Environmental Assessment. Specifically, discuss the types of impacts associated with the subfacility and the effect they have on the resource functions as described in Module S2.
6. Provide more detailed assessment of the functions of the resources as described in Module S2.D. Specifically, discuss the wetland and stream condition(s) as they relate to the inherent functions including, but not limited to, those associated with hydrologic, biogeochemical and habitat attributes include any recreational uses when applicable.
7. Plan notes state in part that *Silver Branch and Bark Cabin and their tributaries are listed as native wild trout streams. Therefore, no construction or future repair work shall take place in or along the stream channels between October 1 and December 31.* Please note that the PFBC manages Bark Cabin Run and Silver Branch as **Class A** wild trout streams from their headwaters to mouths. Therefore, no construction or future repair work shall take place in or along the stream channels between October 1 through **April 1**.

Additionally, the summary table (Table S2.B.1-5) in the EA Module does not list any of the streams as being Class A wild trout waters. Revise accordingly.

8. The provided mitigation plan calculates compensation for wetlands only. Since the PIECES in-lieu fee program is selected for use, calculations should also be provided for stream compensation requirements.

Further, the Summary Table of Proposed Impacts in EA Module S3.A lists permanent direct impacts occurring to Wetland 7 and the floodways of the streams. Permanent Direct impacts consist of the permanent loss of resources or conversion from one resource type to another (i.e. impounding a stream). Since the proposed impacts do not constitute a permanent loss of resources they should be listed as Permanent Indirect. Permanent Indirect impacts consist of the permanently maintained right-of-way through resources, conversion of PFO or PSS wetlands to PEM, and the trench or pipe width.

9. Provide a monitoring plan for the on-site wetland and riparian plantings as outlined in EA Module S.4.D Monitoring Plan.
10. Provide corrected E&S plans and site plans (§105.13(e)(1)(i), §105.13(e)(1)(ix), §105.14(b)(4))
 - a. Add Bark Cabin Natural area and the Mid-State Trail to plan sets and site plans
 - b. Sht 2 of 9 Detail A. please clarify “existing Phase III pipeline”
11. Provide a more detailed analysis of alternatives to the proposed project including alternative locations, routing, or designs to avoid or minimize adverse environmental impacts. (§105.13(e)(1)(viii))
 - a. Provide further discussion and supporting information as to why boring methods are not practicable for the proposed crossings as boring could potentially eliminate the permanent aquatic resources impacts.
 - i. Detail B Channel 3 – Station 32+25
 - ii. Detail C Wetland 7 – Station 39+50
 - iii. Detail D Channel 4, 5 & 12
 - iv. Detail E Channel 6 – Station 96+25
 - v. Detail F Channel 9 – Station 130+00
12. Provide additional information detailing the pipeline corridor in relation to the Bark Cabin Natural area and Mid-State Trail on the potential secondary impacts to this natural area. (§105.14(b)(5), §105.14(b)(12))

You may request a time extension, in writing, before March 12, 2024 to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by 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).

DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, provided applicants submit complete, technically adequate applications/registrations that address all applicable regulatory and statutory requirements, in the first submission. Since you did not submit a complete and/or technically adequate application, DEP's Permit Decision Guarantee is no longer applicable to your application. 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 significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter, or DEP may consider the application to be withdrawn by the applicant.

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 me at (570) 327-3760, and refer to Application No. E4129223-006 to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60-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,



Chris Mileto
Senior Civil Engineer
Oil & Gas Operations

cc: Eric Dougherty, Beran Environmental Services, Inc. – Boyers, PA
File