

June 1, 2022

Ms. Samantha N. Lutz Pennsylvania Department of Environmental Protection Office of Oil & Gas Management 400 Waterfront Drive Pittsburgh, Pennsylvania 15222 *Uploaded via OnBase*

Dear Ms. Lutz:

Subject: Response to Administrative Comments B50 Temporary Aboveground Waterline JPA Application No. E0407222-001 Economy Borough, Beaver County, Pennsylvania CEC Project 317-457

On behalf of PennEnergy Resources (PER), Civil & Environmental Consultants, Inc. (CEC) is providing the following response to the comments presented in your May 23, 2022 email to Mr. Richard Watson of PER.

The following documents are provided as attachments to this letter:

- Attachment A Copy of the Pennsylvania Department of Environmental Protection (PADEP) email dated May 23, 2022;
- Attachment B Revised Documents; and
- Attachment C Revised Drawings.

To expedite review, the PADEP's comments are provided in **bold** type followed by PER's response.

1. The Environmental Assessment Rev. 3/2022 form that was submitted as a response to Comment 1 was not signed or dated. Please submit a fully signed and dated form with this application.

RESPONSE: A signed and dated Environmental Assessment form is included in Attachment B.

2. The narrative associated with Module S4: Mitigation Plan of the newly submitted EA form was not updated to reflect the results of the Pennsylvania Function-Based Aquatic Resource Compensation Protocol. Module S4 needs to state that all aquatic resources

Ms. Samantha N. Lutz CEC Project 317-457 Page 2 June 1, 2022

associated with this project are only subjected to temporal direct and/or indirect impacts and will be repaired, rehabilitated, or restored within one year from initiation.

RESPONSE: Module S4 has been updated as requested and is included in Attachment B.

3. In response to Comment #3 and Comment #10, the E&S Control Plan was updated to include a construction detail of the proposed Dolphin Floating Suction Strainer, but the plan view (JP01:Detail 1) of the proposed intake was not updated to depict the intake placement within Big Sewickley Creek. As mentioned all plans need to depict the final construction plan. Please update Drawing JP01 Detail 1, or provide an additional plan view drawing, to show all (7) proposed strainers and associated piping within Big Sewickley Creek. 105.13 (e)

RESPONSE: Drawing JP01 has been revised as requested and is included in Attachment C.

We trust the above responses sufficiently address your comments. However, should you have questions regarding these responses, please do not hesitate to contact us at (724) 327-5200.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Vincent J. Scicchitano, P.E. Project Manager

Paul A. Kanouff, PWS Principal

VJS:PAK/jg Attachments

L-317457.Jun1/P

ATTACHMENT A

COPY OF PADEP EMAIL DATED MAY 23, 2022

From:	Lutz, Samantha
То:	Richard M. Watson
Cc:	Stephan, Michael; Milcic, Kareen; Scott, Kenneth; Reidenbaugh, Jeffrey; Bailey, Brian (P.E.); Fraley, Lauren; Kanouff, Paul; Scicchitano, Vincent; Scott M. Sweder; Helbling, Emily
Subject:	B50 Temporary Aboveground Waterline JPA E0407222-001
Date:	Monday, May 23, 2022 11:01:13 AM
Attachments:	image003.png

Good Morning Mr. Watson,

The Department has reviewed the April 28, 2022 response to administrative comments for the B50 Temporary Aboveground Waterline JPA and has found the following outstanding deficiencies.

- 1. The Environmental Assessment Rev. 3/2022 form that was submitted as a response to Comment 1 was not signed or dated. Please submit a fully signed and dated form with this application.
- 2. The narrative associated with Module S4: Mitigation Plan of the newly submitted EA form was not updated to reflect the results of the Pennsylvania Function-Based Aquatic Resource Compensation Protocol. Module S4 needs to state that all aquatic resources associated with this project are only subjected to temporal direct and/or indirect impacts and will be repaired, rehabilitated, or restored within one year from initiation.
- 3. In response to Comment #3 and Comment #10, the E&S Control Plan was updated to include a construction detail of the proposed Dolphin Floating Suction Strainer, but the plan view (JP01:Detail 1) of the proposed intake was not updated to depict the intake placement within Big Sewickley Creek. As mentioned all plans need to depict the final construction plan. Please update Drawing JP01 Detail 1, or provide an additional plan view drawing, to show all (7) proposed strainers and associated piping within Big Sewickley Creek. 105.13 (e)

Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before May 29, 2022, or DEP will consider the registration withdrawn.

Thanks,

Samantha N. Lutz | Aquatic Biologist 2 Department of Environmental Protection | District Oil & Gas Operations Southwest Regional Office 400 Waterfront Dr.| Pittsburgh, PA 15222 Phone: 412.442.4043 | Fax: 412.442.4328 www.dep.pa.gov

DEP has launched an Online Electronic permitting (ePermit) for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits. **Before Registering, It is strongly recommended to view the Walkthrough Videos and guides found on our website:** <u>https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx</u>

From: Kanouff, Paul <pkanouff@cccinc.com>
Sent: Thursday, April 28, 2022 4:02 PM
To: Lutz, Samantha <samlutz@pa.gov>
Cc: Stephan, Michael <mstephan@pa.gov>; Milcic, Kareen <kmilcic@pa.gov>; Scott, Kenneth
<kscott@pa.gov>; Reidenbaugh, Jeffrey <jreidenbau@pa.gov>; Bailey, Brian (P.E.)

<bribailey@pa.gov>; Fraley, Lauren <lfraley@pa.gov>; Richard M. Watson <RMWatson@pennenergyresources.com>; Scicchitano, Vincent <vscicchitano@cecinc.com>; Scott M. Sweder <smsweder@pennenergyresources.com>; Helbling, Emily <ehelbling@cecinc.com> Subject: [External] RE: B50 Temporary Aboveground Waterline JPA E0407222-001

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to <u>CWOPA SPAM@pa.gov</u>.

Hi. Samantha.

We submitted the comment response package through OnBase, and a check for an additional review fee is being mailed (for an increase in the limit of disturbance at the withdrawal). If you need the PDF provided a different way or need anything else, please let me know.

Thanks. Paul

Paul A. Kanouff, PWS | Principal Civil & Environmental Consultants, Inc. 4350 Northern Pike, Suite 141, Monroeville, PA 15146

direct 724.387.6308 office 724.327.5200 mobile 724.255.1186 www.cecinc.com



Senior Leadership • Integrated Services

From: Lutz, Samantha <<u>samlutz@pa.gov</u>> Sent: Wednesday, March 30, 2022 8:57 AM **To:** Richard M. Watson <<u>RMWatson@pennenergyresources.com</u>>; Kanouff, Paul <pkanouff@cecinc.com> **Cc:** Stephan, Michael <<u>mstephan@pa.gov</u>>; Milcic, Kareen <<u>kmilcic@pa.gov</u>>; Scott, Kenneth

<<u>kscott@pa.gov</u>; Reidenbaugh, Jeffrey <<u>ireidenbau@pa.gov</u>; Bailey, Brian (P.E.) <<u>bribailey@pa.gov</u>>; Fraley, Lauren <<u>lfraley@pa.gov</u>> Subject: B50 Temporary Aboveground Waterline JPA E0407222-001

March 30, 2022

B50 Temporary Aboveground Waterline

E0407222-001; APS#: 1058722

Completeness Deficiency Notice

Good Afternoon Mr. Watson,

PennEnergy Resources, LLC submitted the subject Joint Permit Application (JPA) on March 14, 2022. During the administrative review, NWRO engineer, Jeff Reidenbaugh, and I identified the following deficiencies. The following list specifies the items which must be included in the resubmittal of your registration and/or the submission of additional information.

- 1. As of March 14, 2022, the Department's Function Based Aquatic Resource Compensation Protocol technical guidance is now required under all Joint Permit Applications. Update the JPA application to include the 3/2022 JPA Form and EA Form.
- 2. Provide a photo location and orientation map for the Site Photographs in Module S1.A. *105.13 (e) (1) (iv)*
- 3. All plans submitted to the Department must be the "final construction plan". The current WMP proposes (3) options for an intake structure, and states that they will be utilized independently and or in combination. Please update Module S3.D.2 to state what intake, not potential intake options, that PennEnergy plans on utilizing. 105.13 (e)
- 4. Update Module S3.D.4: Habitat Attributes to account for the 3.5% habitat loss this withdrawal will have on Big Sewickley Creek, in accordance with the SRBC 191 A.
- 5. The project state that the temporary waterline and intake will be removed and fully restored after this round of well development. Provide a timeline for the planned use of the intake for the well development of the B50 Well Pad. Does PennEnergy have any plans on utilizing the Big Sewickley Creek for future well developments? 105.13
- 6. Provide the response letter from Ambridge Water Authority regarding the January 12, 2022 water request. *105.13 (e) (1) (viii)*
- 7. Verify the bank limits of both Big Sewickley Creek and North Fork Big Sewickley Creek (NF) on E&S Control Plan Drawing No. 3 and Drawing JP01. The banks of NF do not line up with the existing bridge on Cooney Hollow Road; and the banks of Big Sewickley are shown to be outside the FEMA delineated floodway. Please confirm if they are shown correctly for Big Sewickley and if you believe the discrepancy is due to the eroded banks limits along the withdrawal site differing from the bank limits that existed when the FEMA study was conducted. *105.1, 105.13 (e) (1) (i) (A)*
- 8. Update the LOD to include all intake structures at the withdrawal site.
- 9. Update the E&S Control Plan Construction Details to include a detail for the temporary super truss stream crossing.
- 10. Update E&S Control Plan Drawing JP01: Detail 1 to include the proposed fencing and to callout the type and size of the waterline that connects the pump to the floating intake structure. Also, if personnel trailers will be set up at the withdrawal site, they also need shown on this plan drawing. *105.13 (e) (1) (i) (C)*

- 11. Update E&S Control Plan Drawing JP01: Detail 2 to show the location of all stockpiles and BMPs associated with the road crossing of Cooney Hollow Road. *105.13 (e) (1) (i) (C)*
- 12. If equipment will travel within the limits of UNT 2 to Cooney Hollow (Temporary Road Crossing 2), BMPs should be placed along the LOD to protect the adjacent stream channel from sedimentation.
- 13. Provide justification on why a 100' x 100' temporary gravel pad is needed for the installation of a 0.9-mile-long temporary above ground waterline. Can the amount of earth moving, specifically tree clearing and grubbing, be avoided in this area since the proposed project is temporary in nature?
- 14. Please reevaluate the response to question 6.0 in the "Coordination Information" section of the General Information Form or provide further explanation.

Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before May 29, 2022, or DEP will consider the registration withdrawn.

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 registration, DEP's Permit Decision Guarantee is no longer applicable to your registration.

As stipulated in 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations (regarding Complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before May 29, 2022, or DEP will consider the registration to be withdrawn by the applicant and no further action will be taken on the registration. Fees are not refunded when a registration is considered to be withdrawn.

If you have questions about your registration, please contact me at 412-442-4043 and refer to Application No. E0407222-001; APS No. 1058722.

Thanks,

Samantha N. Lutz | Aquatic Biologist 2 Department of Environmental Protection | District Oil & Gas Operations Southwest Regional Office 400 Waterfront Dr. | Pittsburgh, PA 15222 Phone: 412.442.4043 | Fax: 412.442.4328 www.dep.pa.gov

DEP has launched an Online Electronic permitting (ePermit) for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits. **Before Registering, It is strongly recommended to view the Walkthrough Videos and guides found on our**

website: https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx

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ATTACHMENT B

REVISED DOCUMENTS

3150-PM-BWEW0017A Rev. 3/2022



COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

CHAPTER 105 ENVIRONMENTAL ASSESSMENT FORM

	Includes	Item Location	
Note: The Department may waive a specific information requirement in writing, at the request	t of the		Location
Applicant, during the pre-application review process if the Department determines the information			
necessary to complete the review.			
Module S1: Project Summary			
This module is intended to organize information in order to present an overall summary of the project s	соре, се	rtain key	information
requirements and when applicable, a comprehensive view of the overall project and related projects. A. Provide an overall project description and If the answer to the question below is YES , address			
requirements; otherwise proceed to S1.B Comprehensive Environmental Assessment (CEA) when a			
Answer the following question:	piloabic.	\boxtimes	S1.A
Does the "overall" project require more than one Ch. 105 permit in more than one county			
or will the project be completed in more than one phase?	🛛 No		
B. Provide information related to the project purpose, need, water dependency and summarize the am type of resources present and the temporary and permanent impacts proposed to those resources.	ount and	\boxtimes	S1.B
Module S2: Resource Identification and Characterization			
This module is intended to organize information related to the identification of the resources present on the	project sit	te and to c	haracterize
those resources that may be affected by the proposed project.	-		
A. Provide the standard resource identification information, location map, wetland determination or de			
reports; watercourse reports; identification and qualifications of preparers; location map, and answer th	e related		G2 A
questions.			S2.A
Is the site located within or adjacent to any of the following; or within 100 feet of items vii or vi			
i. National, state or local park, forest or recreation area			
	=		S2 A
v. Areas identified as prime farmland			S2.A
vi. Source for a public water supply			
vii. A National Wild or Scenic River or the Commonwealth's Scenic Rivers System	_		
viii. Designated Federal wilderness area	_		
B. Identify all aquatic resources present on the project site and provide an identifier, the resource type; s resource(s); fishery designations, Ch. 93 uses and special protection status; and Exceptional Value (EV)			
analysis.	wotana	\square	S2.B
C. Provide the following information related to habitat for Federal threatened and endangered (T&E) p	lant and		
animal species or State T&E species or species of special concern - copies of search forms or search			
identification of avoidance and minimization efforts taken to resolve identified conflicts.	- -		S2.C
Did the PNDI search or agency coordination identify any potential conflicts?	🛛 No		
If the above is answered YES ; answer the following two questions related to PNDI Coordination:			
	□ No		
b. Is the applicant utilizing a concurrent review of the PNDI coordination?			
D. Characterize the aquatic resources: riverine, wetland and lacustrine present on the project site that are p			
to be directly or indirectly affected by the project. Including but not limited to the following, resource clas information, Level 2 rapid condition assessment results, discussion of resource functions, characteri			
riparian properties and any other relevant information or studies conducted.		\square	S2.D
Module S3: Identification and Description of Potential Project Impacts			
This module is intended to organize and present information concerning the potential impacts or effects of	f the pro	nosed pro	viect in this
application. Impacts related to the "over all" project that are proposed under related but separate applicati			
part of the CEA Policy response under S1.A .	- (-/		
A. Provide a summary table of the proposed temporary and permanent direct and indirect impacts for each			
resource category (e.g. riverine, wetlands and lacustrine resources).	\square	S3.A	
B. If any questions from S2.A Standard Information Response questions were answered YES, discuss	in detail		
any potential impacts to those resource(s).			S3.B
IMPORTANT NOTE: If either item vii or viii from S2.A is answered YES, the project is not eligible as			
Project Application" type. Complete all applicable sections of the EA form for the standard apply type unless an item was otherwise waived by the Department in writing (see previous Note on was			
information requirements).			

		included	Location		
C. Provide a table(s) of all proposed water obstruction(s), encroachment activities and dams (e.g. subfa and provide an identifier, the subfacility code and description, resource identifier from S2.B , longitude, the proposed temporary and permanent direct and indirect impacts and subfacility details	atitude and	\boxtimes	S3.C		
D. Provide a discussion of how the proposed subfacility(ies) individually and in combination directly and impact the identified resource(s) and the effects on the applicable resource functions: biogeochemical, habitat, recreation, any other environmental impacts and the effects on the propert	or indirectly/ hydrologic,				
rights of owners upstream, downstream or adjacent to the project.		\boxtimes	S3.D		
E. Antidegradation Analysis - The applicant should demonstrate consistency with State anti requirements as described in the Water Quality Antidegradation Implementation Guidance Policy Number 391-0300-002. Project application information provided below in S3.F, G and	/ Document		03 F		
cross-referenced.	o and agana	\boxtimes	S3.E		
F. Alternatives Analysis - The scope and extent of this analysis should be commensurate with the size of the proposed project impacts <u>in this</u> application, information provided in S4.A below, related to ave minimization efforts, may be cross-referenced.		\boxtimes	S3.F		
G. Potential Secondary Impact Evaluation - Identify and describe environmental impacts on adjace water resources associated with but not that direct result of the project.	ent land and	\boxtimes	S3.G		
H. Identify and evaluate the potential cumulative environmental impacts of this project and other potential projects like it, and the impacts that may result through numerous piecemeal changes to the wetland		\boxtimes	S3.H		
Module S4: Mitigation Plan					
This module is intended to organize and present information concerning actions undertaken in accordance with the definition of <u>Mitigation</u> in Title 25 Pa. Code Chapter 105 - §105.1, 105.16, 105.18a(a)(3), 105.18a(b)(7), 105.20a, and 105.21 as related to the potential impacts or effects of the proposed project <u>in this</u> application.					
A. Identify and discuss any measures taken that resulted in avoiding or minimizing unavoidable resou provide detailed responses for individual proposed impact area(s) <u>and</u> the project as a whole.	rce impacts,	\boxtimes	S4.A		
B. Identify and discuss any repair, rehabilitation or restorative actions taken to rectify an impacted resound detailed responses for individual proposed impact area(s) and the project as a whole. Identify and proposed preservation and maintenance operations that will be taken to reduce or eliminate an in the life of the project.	discuss any		S4.B		
C. Provide the results from application of the Pennsylvania Function-Based Aquatic Resource Con Protocol. Identify and discuss any actions undertaken to provide compensatory mitigation, a detailed of the proposed compensation actions and how they will offset the lost resource functions, include a of the results from Section 6.0 of the Pennsylvania Function-Based Aquatic Resource Compensative with the results from Section 5.0. When applicable provide detailed plans including performance star success criteria.	d discussion comparison ion Protocol		S4		
Answer the following question. If the answer to the question is YES , provide the information remitigation credit provider; otherwise provide a detailed mitigation plan. If the application proposes to mitigation bank or in lieu fee credits <u>and</u> conduct permittee responsible mitigation; both the credit pritigation plan information shall be submitted.	utilize both				
Does the applicant propose to utilize an approved mitigation bank or PA's in lieu fee program to provide all or a portion of the compensation?	∕es □ No				
 D. When applicable, provide a plan to monitor the identified actions proposed in S4.B and/or S4.C comitigation area. Applicants should utilize the Department's Design Criteria and the US/08-03 -(http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgI08_03.pdf) to develop monifor compensatory mitigation proposals. The plan should include performance standards/succ duration and timeframes of monitoring, monitoring report template, and template remedial action 	mpensatory ACE's RGL toring plans ess criteria,				
management plan.					
Note: All or portions of this Module likely apply to "Small Project" type applications and waiver of this section should					
discussed during any pre-application meetings or prior to application submittal. CERTIFICATION					
I certify that the above statements, attachments including those labeled and identified as Enclosures, and all conclusions are true, correct,					
and based upon current environmental principles and science, to the best of my knowledge and belief.			,		
Talaky 4/28/	2022				
Signature					

MODULE S4 – MITIGATION PLAN

In accordance with the definition of mitigation in 25 Pa. Code § 105.1, mitigation for this project includes compensating for stream impacts by avoiding and minimizing impacts, restoring the impacted environment, and reducing the impact over time through maintenance. Direct compensation for the proposed stream impacts are not proposed as the impacts are temporary in nature. The project will not impact wetlands.

S4.A AVOIDANCE AND MINIMIZATION

The project was designed to avoid and minimize wetland, stream, and floodway impacts to the greatest extent practicable while still meeting the project requirements listed in Module S3. The waterline alignment was specifically modified to avoid wetland impacts. Stream and floodway impacts are temporary and minimal, and no instream disturbance is proposed. Impacts to the southern redbelly dace have been minimized by following the Pennsylvania Fish & Boat Commission's (PFBC) project recommendations and by using a surface intake.

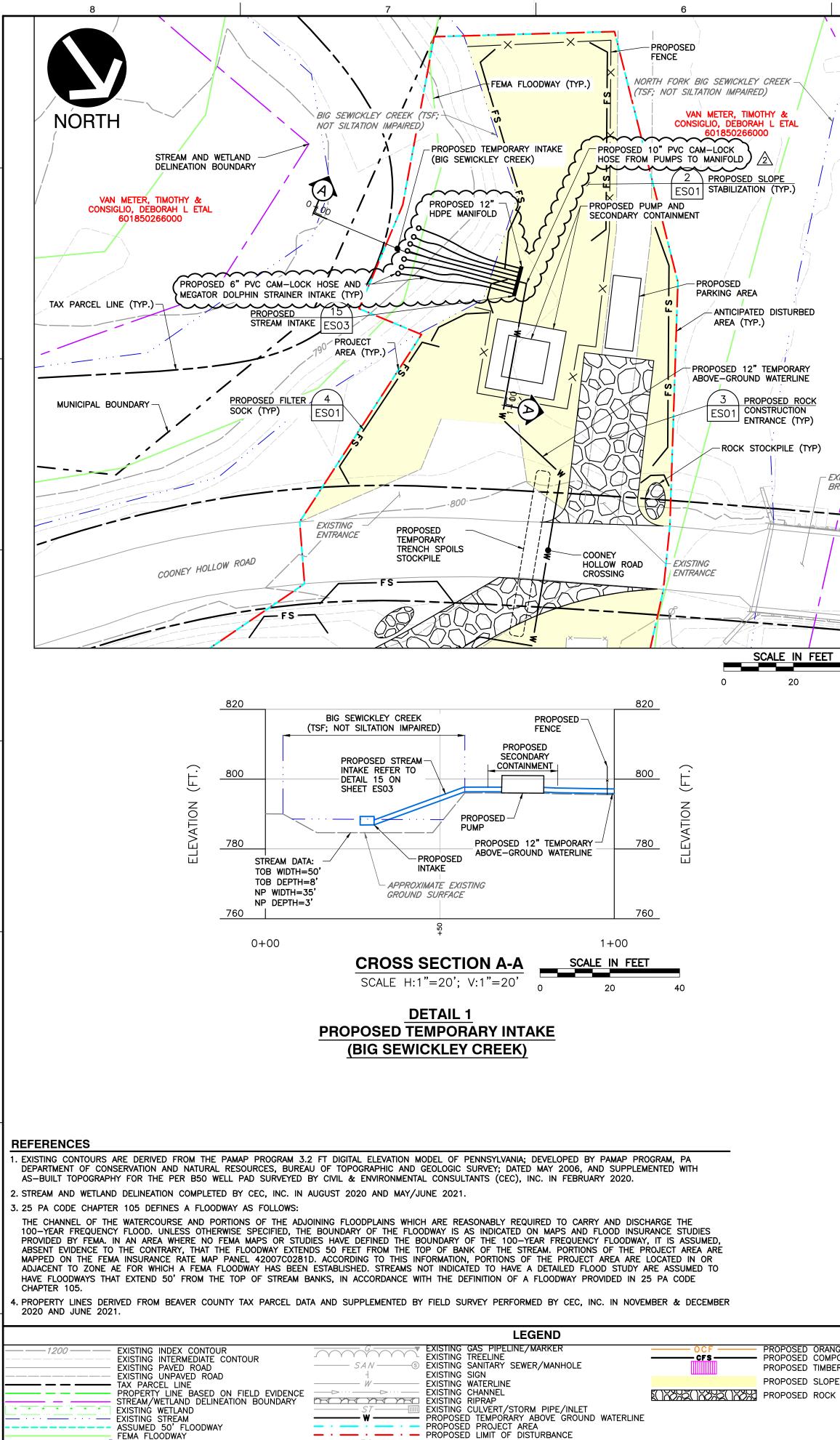
Earth disturbance was significantly reduced and instream disturbance was avoided by crossing streams and floodways aerially as opposed to burying the temporary waterline. Earth disturbance and tree clearing were also reduced by using an existing trail for the temporary waterline route.

S4.B RESTORATION AND MAINTENANCE

The streams and floodways within the project area are only subjected to temporal direct and/or indirect impacts, and disturbed areas will be restored within one year of impact. Impacted areas will be restored to original contours, where possible, and seeded and mulched as detailed in the site Erosion and Sedimentation (E&S) Control Plan. Appropriate E&S controls will be employed and maintained to protect both on-site and off-site resources.

ATTACHMENT C

REVISED DRAWINGS

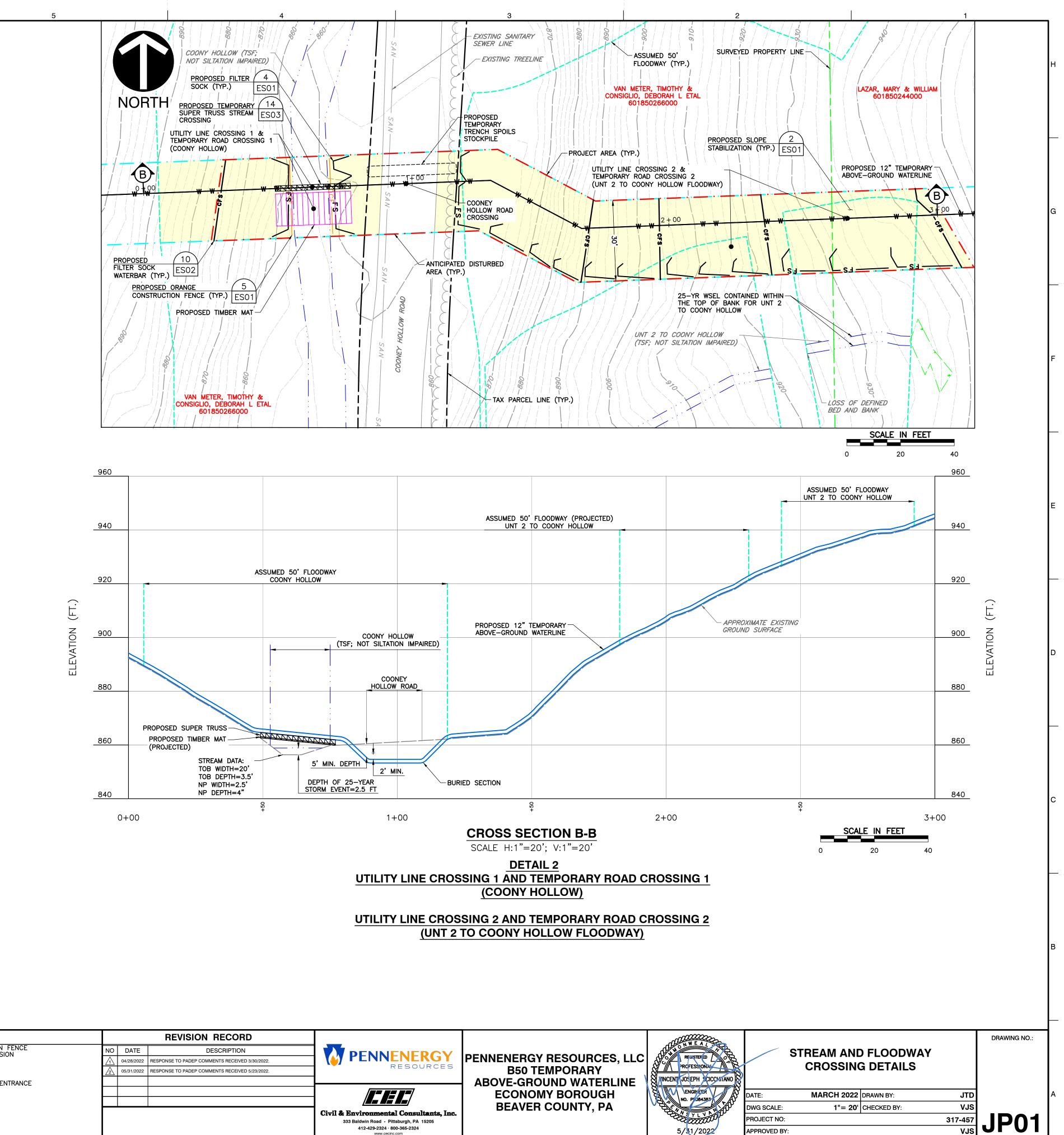


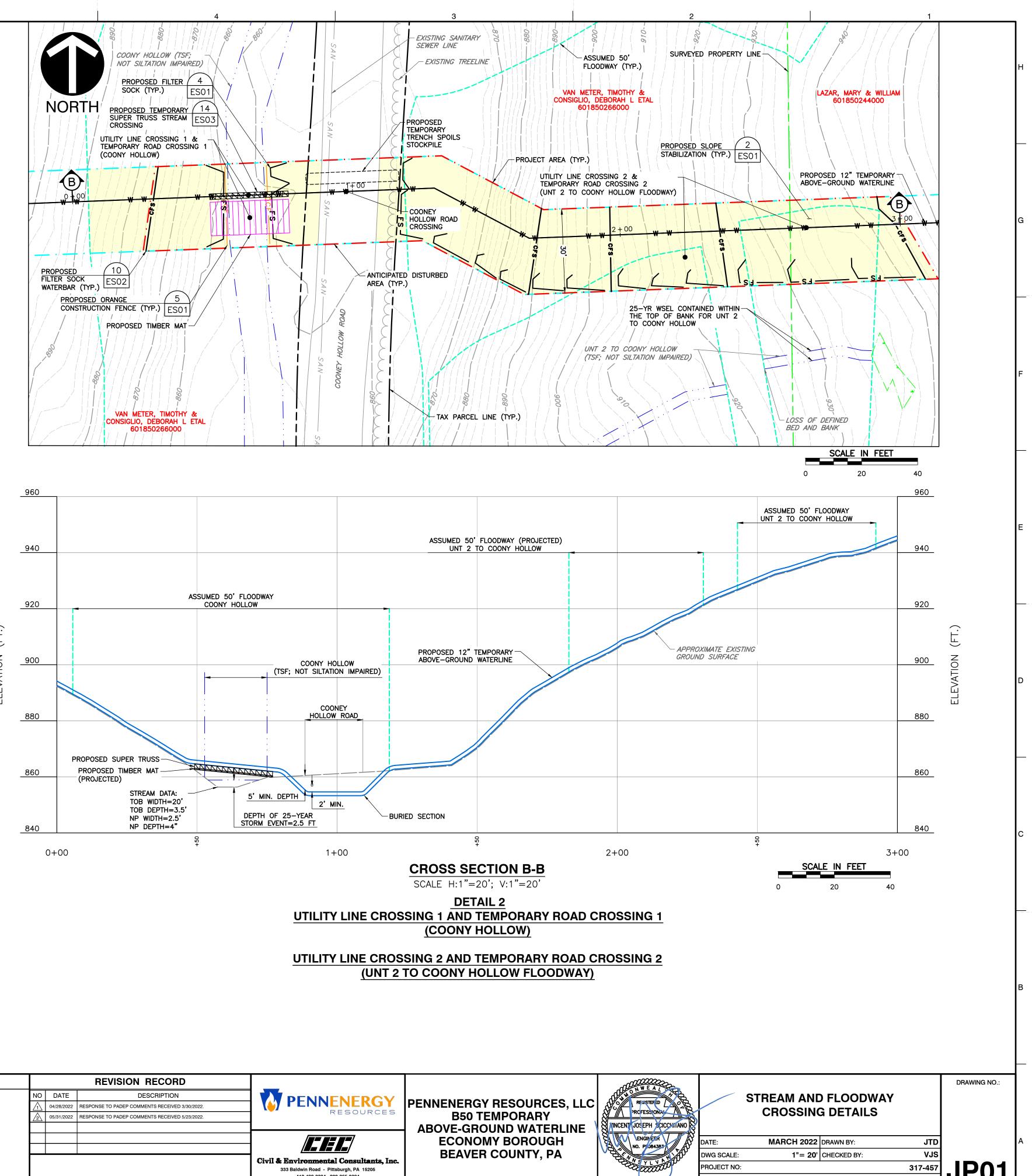
- EXISTING

BRIDGE

• OH-W-

EXISTING OVERHEAD WIRE/UTILITY POLE





			REVISION RECORD					
ORANGE CONSTRUCTION FENCE COMPOST SOCK DIVERSION	NO	DATE	DESCRIPTION					
TIMBER MAT		4/28/2022			PENNENERGY RESOURCE			
SLOPE STABILIZATION	2 0	5/31/2022	RESPONSE TO PADEP COMMENTS RECEIVED 5/23/2022.		RESOURCES	B50 TEMPORARY ABOVE-GROUND WATER		
ROCK CONSTRUCTION ENTRANCE								
					= /	ECONOMY BOROUG		
						BEAVER COUNTY, P		
				Civil & Environment	•			
				333 Baldwin Road - F 412-429-2324 ·	•			
				www.cec	inc.com			
5			4			3		