



August 24, 2022

VIA EMAIL

Mr. Richard Watson
Project Manager
PennEnergy Resources, LLC
600 Cranberry Woods Drive, Suite 250
Cranberry Township, PA 16066

RE: PennEnergy Resources, LLC
B50 Temporary Aboveground Waterline Joint Permit Application
E0407222-001; APS # 1058722
Technical Deficiency Notice

Dear Mr. Watson,

The Department has completed the technical review of this application. During the review of this application, the following technical deficiencies have been identified. Please address the below items in the resubmittal of your application and/or the submission of additional information.

- 1) The Joint Permit Application form (3150-PM-BWEW0036a) provided with the April 28, 2022 Response to Completeness Comments is not witnessed in Section I (Certification and Signature). Please ensure that Section I of the Joint Permit Application Form is witnessed as indicated in the Joint Permit Application Instructions. §105.13(e)
- 2) The proposed temporary waterline is contiguous with the active B50 Well Pad ESCGP (ESX17-007-0014), and the proposed earth disturbance associated with the temporary waterline, intake, access roads and staging areas is substantially connected to ESX17-007-0014. Therefore, please submit an ESCGP-3 amendment application for the proposed B50 Temporary Aboveground Waterline and ensure that any deficiencies in this notice that pertain to erosion and sediment control or stormwater management are considered when preparing the ESCGP-3 application package. §105.13(g)

Since the Joint Permit Application contained an Erosion and Sediment Control Plan, the Department is providing the following comments on the Erosion and Sediment Control Plan that should be addressed in the ESCGP Application:

- a. Within the April 28, 2022 response to comment letter (Comment 13), Penn Energy states that “Although future rounds of well development at the PER B50 Well Pad

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will require use of the staging area, the uncertainty of the timeframe for that development and lack of space for Post-Construction Stormwater Management Best Management Practices (PCSM BMPs) to be constructed for a permanent facility, the impervious area will be removed, and the area restored to meadow after each round of well development.” Please be aware that PCSM BMPs need to be incorporated into the design of the staging area. Lack of space is not a sufficient reason to not fulfill the regulatory requirement to install PCSM BMPs.

Furthermore, the proposed Erosion and Sediment Control Plan did not provide enough detail to evaluate temporary restoration of the staging area and subsequent redevelopment of the staging area. Penn Energy did not provide details on how many rounds of well development Penn Energy plans for the B50 Well Pad, how long the staging area will remain impervious during any given period, how long it will take to restore the staging area to meadow after each use, and how often the staging area would be necessary. If Penn Energy continues to pursue temporary restoration of the staging area, please demonstrate that future rounds of re-construction and restoration of the staging area will be consistent with 25 Pa. Code §102.4(b)(4) and §102.8(b) (i.e. minimize the extent and duration of the earth disturbance, minimize soil compaction, maximize the protection of existing drainage features and existing vegetation, minimize land clearing and grading, prevent an increase in the rate of stormwater runoff, minimize any increase in stormwater runoff volume, utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff, etc.). §105.13(g), §102.4(b)(4) and §102.8(b)

- b. Section 9.0 (Naturally Occurring Geologic Formations and Soil Conditions) of the E&S Plan narrative indicates that a subsurface investigation was performed, and a Geotechnical Report prepared with specific recommendations for earthwork measures. Please provide the referenced report and ensure that any geotechnical recommendations are clearly referenced in the E&S Plan drawings. Please also include this information in the ESCGP-3 amendment application as noted in comment number 2. §105.13(g), §102.4(b)(5)(xii), §102.8(f)(12)
- c. In the calculations provided to determine the water surface elevation for the 25-year/24-hour storm, a drainage area of 299.2 acres was evaluated, but the drainage area indicated for Coony Hollow on Figure 3 (Drainage Area Map) was 331 acres. Please address this inconsistency and revise the application as necessary. §105.161(c)
- d. Please verify if there are roadside ditches at the proposed open cut road crossings at Cooney Hollow Road near Stations 1+00 and 36+00 of the temporary waterline and

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- revise the E&S Plan drawings and details to reflect the presence of any roadside ditches. Also, if the proposed open cuts for the road crossings will cross roadside ditches then please specify if the open cuts will be done in dry conditions or otherwise indicate how flows in the roadside ditches will be handled. §105.13(g), §102.4(b)(5)(vi), §102.4(b)(5)(vii)
- e. Please evaluate whether the placement of proposed trench spoil stockpiles on Cooney Hollow Road, on rock construction entrances, and on roadside ditches can be avoided, and revise the plan drawings (i.e. Sheet RC01 - Road Crossing Details and Sheet JP01 - Stream and Floodway Crossing Details) as appropriate. Please also ensure that BMPs are installed and maintained to prevent sediment from accumulating on roadways and draining into roadside ditches and waters of the Commonwealth. §105.13(g), §102.4(b)(5)(vi), §102.4(b)(5)(vii)
 - f. In note #1 of the Erosion and Sediment Control Notes on Sheet 1 of the E&S Plan drawings, please indicate that changes to the E&S Control Plan shall be approved by the Department. §105.13(g)
 - g. In Detail 11 (Channel) of the Erosion and Sediment Control plan drawings, please indicate that the temporary linings for vegetated channels will have longitudinal anchor trenches, as well as anchor trenches at the beginning and end of the channel, in order to ensure that the temporary linings will be at least as protective as Standard Construction Detail #6-1 of the E&S Manual. §105.13(g), §102.11(a)
 - h. In the April 28, 2022 Response to Completeness Comments, the response to comment #13 indicated that new gravel placed during construction will be removed and the area restored to meadow along with the removal of the waterline and restoration of the waterline right-of-way. On the plan drawings, please clearly indicate all temporary gravel areas that will be removed and restored and provide notes regarding the restoration of these areas. §105.13(g), §102.11(a)
- 3) Update the Aquatic Resource Impact Table (ARIT) and Table S3-1 to address the buried section of waterline within the floodway of Coony Hollow.
- 4) Module S1.A. states that “bigger trees will be avoided and smaller trees will be cut at the base and removed...No grubbing, stump removal, or stripping of topsoil will take place in ROW, except for a few area where line will be buried.” The riparian area of both Coony Hollow and UNT 2 to Coony Hollow are both documented in Module S2.D1. to be wooded. Please update all drawings to show the areas that grubbing, stump removal,

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and or stripping of topsoil will occur, specifically, within any Chapter 105 areas (i.e. Coony Hollow floodway). If tree-clearing will occur within the floodway of Coony Hollow or UNT 2 to Coony Hollow, PennEnergy will need to account for restoration and or riparian growth time in their impact analysis and update the riparian vegetation impact statement within Module S3D4: Habitat Attributes accordingly. §105.13 (e) (1) (i)

- 5) Provide a site restoration plan for the proposed project. A riparian seed mix should be utilized when restoring any impacted floodway area. Also, address the restoration of all road crossings by indicating whether the waterline be removed or if it will be cut and capped. If it will be left in place after completion of well development, all impacts associated with the buried portion should be considered permanent. §78a.65; § 78a.68b (l); §105.13 (e)
- 6) Update Modules S3A, S3D, S3D1, S3D2, S3E1, and Module S3H to reflect any updates made to the WMP plan. Specifically, address the Pennsylvania Fish and Boat Commission's (PFBC) recommendations outlined in PFBC'S August 05, 2022 Species Impact Review (SIR #56633) in these modules.
- 7) Provide a preliminary drawing of all potential waterline alignments outlined in the final alternatives in Module S3.F3. §105.13 (e); §105.13 (e) (1) (viii)
- 8) Update the Alternative Analysis to document if a response has been received from Ambridge Water Authority (AWA) regarding the potential agreement for 300,000 gallons a day to supplement water needs for the B50 Well Pad and potential lower the withdrawal amount of Big Sewickley Creek. §105.13 (e) (1) (viii)
- 9) Update the Alternative Analysis (Module S3.F33) to explain why the "B15 Impoundment to B50 Well Pad" alternative option cannot avoid the withdrawal on Big Sewickley Creek entirely. §105.13 (e) (1) (viii)
 - a. Address why the water capacity and existing water sources utilized to fill the B15 Impoundment cannot facilitate the development of B50 well pad, when the impoundment has been utilized to facilitate the development of other wells in the area.
 - b. Address why an aboveground and or buried waterline cannot be placed within the permitted ROW of the B50 Pipeline (GP050407121-008) to minimize overall disturbance within the watershed.

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- 10) Submit a fully revised application package that encompasses all updates outlined in the March 28, 2022 and June 01, 2022 administrative response documents and any future responses to this technical deficiency notice.

Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before October 23, 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 October 23, 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.

Thank you.

Sincerely,



Samantha Lutz
Aquatic Biologist, PA DEP

cc: B. Bailey
K. Scott
J. Reidenbaugh
K. Milcic
M. Stephan

S. Sweder (PennEnergy)
P. Kanouff (CEC)