



October 13, 2021

**Certified Mail No. 7018 0360 0002 2942 1102**

PennEnergy Resources, LLC  
Attn: Richard Watson  
1000 Commerce Drive  
Park Place One Suite 400  
Pittsburgh, PA 15275

Re: B15 to B46 Temporary Waterline  
DEP File No.: GP050407121-005 and GP080407121-004  
APS ID No.: 1046645  
Economy Borough, Beaver County

Dear Mr. Watson:

PennEnergy Resources, LLC ("PennEnergy") submitted an application for General Permit approval to the Department of Environmental Protection ("DEP"), Southwest Oil and Gas District for a proposed B15 to B46 Pipeline project. In its application, PennEnergy proposes to withdraw water from the North Fork of Big Sewickley Creek (water source).

The Department identified several issues with this application for a general permit, including the following:

1. The application does not address the impacts associated with the intake structure as required under 25 Pa. Code § 105.3(a)(4) which requires a permit be obtained for temporary water obstruction and encroachments which are located in, along or across, or projecting into a watercourse, floodway or body of water. The application fails to address the proposed intake structure associated with the temporary water line.
2. The application did not address the project as a single project or facility. All water obstructions and encroachments which are part of this proposed project need to be identified in a single application (i.e. utility line, temporary road, intake, etc.). This cannot be accomplished with the submission of registrations under the Department's general permits. It could, however, be addressed in the submission of an individual permit application. 25 Pa. Code §105.13(d).
3. Under Section 2 (DENIAL OF AUTHORIZATION) of the General Permit application, the application must provide enough information to determine if the proposed project has a substantial risk to the environment. To date, PennEnergy has not satisfied this application requirement. Currently, PennEnergy proposes to withdraw 1.0 million gallon of water a day from the North Fork of Big Sewickley Creek, and 2.0 million gallons of water a day from Big Sewickley Creek for a total of 3.0 million gallons of water a day from the Big Sewickley Creek watershed. PennEnergy failed to discuss how this reduction in stream volume will impact the Southern Redbelly Dace, a threatened and endangered species present in this watershed. As this impact will require a more detailed technical review of the application,

the Department has determined an Individual Permit is the more appropriate permit to cover this proposed project.

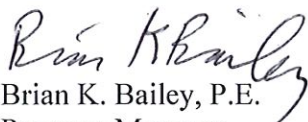
4. The application did not include an alternatives analysis that includes a detailed analysis of alternatives to the proposed action, including alternative locations, routings or designs to avoid or minimize adverse environmental impacts. 25 Pa. Code § 105.13(e)(1)(viii). A general permit application is not the appropriate vehicle for the submission and review of an alternatives analysis in this case. The alternatives analysis will require a more detailed technical review of the application. The Department has determined an Individual Permit is the more appropriate permit to cover this proposed project.
5. An impacts analysis is required to address the potential impacts that the proposed withdrawal would have on water quality, stream flow, fish and wildlife (specifically known populations of Southern Redbelly Dace), and aquatic habitat. This cannot be accomplished with the submission of registrations under the Department's general permits. This impact analysis is required in the Individual Permit Application. §§ 105.13(e)(1)(x) and 105.14(b)(4).
6. PennEnergy's application did not demonstrate that the withdrawal would have no material impact on the wetlands identified on site in the applications. 25 Pa. Code §§ 78a.69(c)(4) and 105.18a(b).
7. PennEnergy has not provided calculations showing that screen intake velocities would not exceed 0.5 feet per second at the proposed 694 gpm in accordance with the request made in the August 23, 2021 PA Fish and Boat Commissions letter.

In accordance with Section 2 (DENIAL OF AUTHORIZATION) of the General Permit applications, the Department is denying the application for authorization of use for a general permit as a general permit is not the appropriate vehicle for the proposed activity.

Accordingly, DEP hereby recommends you submit an Individual Water Obstruction and Encroachment Permit application for the proposed activities.

If you have any questions, you may contact Michael Stephan at 412.442.4164 or at the address 400 Waterfront Drive, Pittsburgh, PA 15222.

Sincerely,



Brian K. Bailey, P.E.  
Program Manager  
Bureau of District Oil and Gas Operations

CC: File  
Pennsylvania Fish and Boat Commission  
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