



May 1, 2025

National Fuel Gas Supply Corporation
c/o Lauren McMillan
1100 State Street
Erie, PA 16501

Re: Technical Deficiency Notification
Water Obstruction & Encroachment Permit
Tioga Pathway Project
DEP Application No. E5983224-013
APS ID No. 1125745; AUTH ID No. 1506547
Brookfield Township, Westfield Township, Deerfield Township, Chatham Township &
Middlebury Township; Tioga County
DEP Application No. E5383224-006
APS ID No. 1125735; AUTH ID No. 1506536
Harrison Township & Allegany Township; Potter County

Dear Ms. McMillan:

The Department of Environmental Protection (DEP) has reviewed the above referenced application and has identified the following technical deficiencies. 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.

Technical Deficiencies

General (Potter & Tioga Counties)

1. The project proponent should identify all properties within 450-feet of the HDD centerline to inquire as to whether a private well or other water supply (e.g. spring) is present on the property and notify them of the proposed drilling. [25 Pa. Code § 105.14(a)]
2. The Inadvertent Return Plan should be revised to include the following key information:
 - a. When an IR or *loss of circulation* is discovered, the IR or loss of circulation should be immediately reported to DEP required under 25 Pa. Code § 78a.68a(i) and § 91.33

- b. When an IR is discovered (*regardless of whether the IR is to uplands or waters of the Commonwealth*), it should be immediately reported to DEP required under *25 Pa. Code § 78a.68a(i)* and *§ 91.33*

An example Inadvertent Return PPC Plan is provided on the Department's Trenchless Technologies Resource Page which can be found here: <https://www.dep.pa.gov/About/Regional/RPCO/Pages/Trenchless.aspx>

3. Please show the locations of the HDD entry pit and the HDD exit pit on the E&S Plans and Site Plans. This location should show specific details of the proposed HDD locations, sizes, depths, etc. [*25 Pa. Code § 105.261*]
4. In addition to the deficiencies noted above DEP recommends the following:
 - a. Prior to HDD advancement, surface casing should be installed within the granular unconsolidated overburden, as detailed within the HDD Feasibility Report, to isolate the problematic overburden material and reduce the risk of an inadvertent return. [*25 Pa Code §105.14(a)*]
5. Please show the proposed grading with the proposed gravel pads for the valve settings, access roads, etc., on the Site Plans. The proposed grading should show the extents of the proposed fill and/or excavation within any floodway or wetland. [*25 Pa. Code § 105.261*]
6. On the Chapter 105 Impact Drawings, please indicate the stream crossing and wetland crossing methods for construction. [*25 Pa. Code §§ 105.13(e) and 105.21(a)(1)*]
7. Please provide the stream bank stabilization method on the E&S Plans. The stream bank stabilization method should be included for each stream that will be crossed by the pipeline and/or access roadway. Please revise accordingly. [*25 Pa. Code § 105.13(g)*]
8. Discuss how sensitive resources will be protected and/or proper vegetation establishment will be assured before agriculture land is handed over to landowner for use. [*25 Pa. Code § 105.21(a)(1)*]
9. Within the Temporary Bridge Stream Crossing detail and the Stream Mat for Single Span Crossing, consider additional language stating the siderails will be wrapped in geotextile to deter sediment from entering the stream. [*25 Pa. Code §§ 105.21(a)(1) and 105.13(g)*]
10. In the project narrative of Module S1 in the EA, please specify the width of the overall ROW and portion to be maintained after the completion of the construction. [*25 Pa. Code §105.15(a)(1)*]

11. Within the EA Module S3H, please provide a detailed cumulative impact analysis specific to the wetlands within the existing ROW that will incur additional impacts due to the new construction activities. Please expand discussion and further discuss why those impacts are not anticipated to produce a major impairment of the wetland resources. [25 Pa. Code §§105.14(b)(14) and 105.15(a)(1)]
12. In Module S4.B, Streams, it states a detailed planting plan will be developed and provided to DEP for review and approval prior to implementation. Please provide a planting plan for the 50-foot riparian areas referred to in the application and illustrated in Appendix C, Figures S4.B, Riparian Planting Areas. Please include but not limited to proposed tree/shrub species, sizes, amounts, planting schedule and spacing, and indicator status. [25 Pa. Code §105.15(a)(1)]
13. As of April 29, 2025, the Department has not received comments from the Pennsylvania Fish and Boat Commission (PFBC) review of the project. Please be aware that additional comments from the PFBC may follow this technical deficiency letter. [25 Pa. Code §105.24]

Potter County

14. In the photo provided for Wetland W03-PEM, it appears to have a vernal pool area within the delineated boundary. Please describe the impact to this wetland habitat and the restoration activities for this area. [25 Pa. Code §105.14(b)(4)]
15. In the EA, Page 7 (Wetlands) states that the proposed project will impact fourteen wetlands whereas other parts of the EA states that only ten will be impacted. Please revise and be consistent throughout the application. [25 Pa. Code §105.21(a)(1)]
16. In the EA, Section S1.B, impacts to floodplains are referenced. Please review the definitions of floodway and floodplain in §105.1 and clarify which of the proposed impacts will affect floodways. Please revise and resubmit associated information as necessary. [25 Pa. Code §§105.15(a)(1) and 105.21(a)(1)]
17. The project summary of the EA (S1.A) states that: “The existing Z20 Pipeline generally will be replaced by removal or may be abandoned in place where conditions preclude effective removal.” Please provide a contingency plan that discuss the method of abandonments, the depth of the pipe under streambeds, and/or other resources prior to approval for review of potential impacts. Note that Department notification is required prior to abandonment and update the plans accordingly. [25 Pa. Code §§105.15(a)(1) and 105.21(a)(1)]
18. Sheet ES 1.24 of the E&S Plan illustrates a ditch within the LOD draining to Wetland W55 and Stream S62. Please describe the activities in this area and provide E&S BMPs to protect the ditch and/or the release of sediment to the aquatic resources situated downslope. [25 Pa. Code §§102.4(b)(5)(ix) and 105.21(a)(1)]

19. Please verify on Sheet ES-0.09 of the E&S Plan that no soil augmentations should be applied to wetlands. [25 Pa. Code §§105.21(a)(1) and 102.4(b)(5)(ix)]
20. Please review all resource crossings and verify trench plug placement. [25 Pa. Code §§105.14(b)(4) and 102.4(b)(5)(ix)]

Tioga County

21. On the Site Specifics Plan, Wetland W14 (Figure 16) shows a temporary impact to the PSS portion of the wetland that is not identified on the ARIT. Please address. [25 Pa. Code §105.21(a)(1)]
22. Please verify on Sheet ES-0.09 of the E&S Plan that no soil augmentations should be applied to wetlands. Please address. [25 Pa. Code §§ 102.4(b)(5)(ix) and 105.14(b)(4)]
23. Please review all resource crossings and verify trench plug placement. [25 Pa. Code §§ 102.4(b)(5)(ix) and 105.14(b)(4)]
24. The ARIT identifies the proposed work for Wetlands 57-58 as HDD but are not displayed as such in the site specifics plan. Please verify the impacts to these resources and update the application accordingly. [25 Pa. Code §§ 105.21(a)(1) and 105.13(e)(1)(i)(G)]
25. Please provide the proposed HDD profile to the E&S plan drawings between STA ±518 and STA±523. [25 Pa. Code §§ 105.21(a)(1) and 105.13(e)(1)(i)(G)]
26. In Module S3.D, it states that the limit of the construction ROW will be limited to a width of 75 feet or less in wetland areas. In the Site-Specific Plan and E&S Plan, it appears the limit of disturbance at wetlands W58 and W23 exceed 75 feet. Please address. [25 Pa. Code § 105.21(a)(1)]
27. In Module S4.A, Avoidance and Minimization measures, please discuss the potential to further minimize the LOD from 75 feet in resource areas. [25 Pa. Code § 105.14(b)(7)]
28. In Module S4.B, Streams, it states a detailed planting plan will be developed and provided to DEP for review and approval prior to implementation. Please include in the Plan drawings a planting plan for the riparian areas referred to in the application and illustrated in Appendix C, Figures S4.B, Riparian Planting Areas. Please include but not limited to proposed tree/shrub species and sizes, amount, planting schedule and spacing, and indicator status. [25 Pa. Code §§ 105.21(a)(1) and 105.15(a)(1)]
29. In Module S4.B, Wetlands, it indicates that National Fuel proposes to plant trees/shrubs in wetland areas located within and contiguous to the riparian buffers: specifically, 0.538 acre of PEM, 0.792 acre of PSS and 0.466 acre of PFO will be planted within the non-maintained pipeline corridor to supplement the revegetation of these areas and to

promote re-establishment of PSS and PFO wetlands on the ROW. Please include in the Plan drawings, a planting plan for the wetland areas referred to here and illustrated in Appendix C, Figures S4.B. [25 Pa. Code §§ 105.15(a)(1) and 105.21(a)(1)]

Mitigation

30. In the PRM Plan, please provide accurate coordinates for the PRM site. [25 Pa. Code §§ 105.21(a)(1) and 105.20a]
31. Please provide a site plan for the PRM site that includes but not limited to contours, soils boundaries, stream and wetland boundaries, proposed planting scheme. [25 Pa. Code §105.20a]
32. Historical projects indicate larger diameter trees (≥ 2 inches) have an increased rate of surviving from herbivory or other natural causes. Please consider planting a larger sized diameter trees to achieve performance standards of a palustrine forested habitat. [25 Pa. Code § 105.20a]
33. In the PRM Plan, please consider utilizing protective fencing around trees and shrubs to improve survivorship from herbivory. [25 Pa. Code § 105.20a]
34. In the EA, S4.C Compensatory Mitigation, states that trees and shrubs will be planted at an approximate density of 500 stems/acre whereas in the PRM Plan (Camp Brook PRM Site) states a density of 300 stems/acre will be planted. Please address. [25 Pa. Code § 105.21(a)(1)]
35. Appendix D of the EA, please identify all streams on the Resource Location Map as indicated in the Wetland Delineation Report for the PRM site. [25 Pa. Code § 105.21(a)(1)]
36. EA Module S4.D states, “Post-Construction Wetland and Watercourse Monitoring shall occur annually for a period of 5 years following construction.” Please verify monitoring will occur in the spring and fall the first three years at mitigation area, to reflect the Department’s guidance for Wetlands Replacement/Monitoring, Department document 363-0300-001. [25 Pa. Code §§ 105.21(a)(1) and 105.20a(b)]
37. From the aerial images in the PRM Plan it appears that existing PEM and PFO habitat may be overestimated and underestimated, respectively. Please address. [25 Pa. Code §§ 105.21(a)(1) and 105.20a(b)]

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, on or before **June 30, 2025**, or DEP may consider the application to be withdrawn by the applicant.

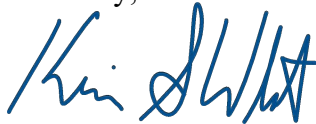
You may request a time extension, in writing, before **June 30, 2025**, to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due 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.

The PAYback program amends the former Permit Decision Guarantee program. [Executive Order 2023-07](#) requires the Department to abide by established review times for each authorization. The PAYback program became effective November 1, 2023, as required by Executive Order 2023-07. Chapter 105 applications or registrations received by the Department on or after that date are subject to this policy and are potentially eligible for Pennsylvania's PAYback program. More information is available on the [PAYback website](#).

Should you have any questions regarding the identified deficiencies, please contact Michael Luciani at 570-826-2597 or mluciani@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 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,



Kevin S. White, P.E.

Director

Regional Permit Coordination Office

cc: Robin Dingle, Tetra Tech, Inc. (by email)
U.S. Army Corps of Engineers, Baltimore District (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Northcentral Regional ARD (by email)
Northcentral Regional Waterways and Wetlands (by email)
Potter County Conservation District (by email)
Allegany Township (by email)
Harrison Township (by email)
Tioga County Conservation District (by email)

Brookfield Township (by email)
Westfield Township (by email)
Deerfield Township (by email)
Chatham Township (by email)
Middlebury Township (by email)