November 4, 2022

Ms. Samantha Lutz
Aquatic Biologist, District Oil and Gas Operations
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
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Dear Ms. Lutz:

Subject: Response to Technical Deficiency Comments
Joint Permit Application
DEP File No. E0407222-001; APS # 1058722
B50 Temporary Aboveground Waterline
Economy Borough, Beaver County, Pennsylvania
CEC Project 317-457

Civil & Environmental Consultants, Inc. (CEC), on behalf of PennEnergy Resources, LLC (PennEnergy), has prepared the following responses to comments on the Joint Permit Application for the proposed B50 Temporary Aboveground Waterline Project located in Economy Borough, Beaver County, Pennsylvania. The comments were provided via email from the Pennsylvania Department of Environmental Protection (PADEP) dated September 15, 2022.

Revised information and documents have been included in the revised permit package as indicated in the responses below.

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

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)**

   RESPONSE: The Joint Permit Application (JPA) form has been witnessed and is included in Section 2 of the revised permit package.

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 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)

RESPONSE: The construction methods for the project have been reconsidered and the project will now be built without a larger impervious gravel staging area. Construction will take place in the right-of-way (ROW). Materials and equipment will be staged at designated areas along the ROW as shown on the provided plans. The only impervious gravel area that will remain is that placed to repair the abandoned gas well access road, which will vary in width from 10 feet to 16 feet, for a length of about 200 feet. Improving the continuous grade and cross-slope of this

access road will mitigate future deterioration and ensure permanent stabilization is achieved in this area. Other incidental gravel areas, such as rock construction entrances, will be removed and restored to the pre-construction condition during the restoration timeline required by Chapter 78a. The appropriate sections of the application package have been revised.

It is expected the surface intake and waterline construction, operation and removal, and project restoration will take place in a period of about six months.

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)

RESPONSE: This was an error in the Erosion and Sediment Control (E&S) narrative report. A geotechnical subsurface investigation was not completed, nor was a geotechnical report prepared for this project. Due to the limited earthmoving associated with this project, a desktop geohazard assessment was completed based on publicly available information to determine whether there were any areas of geohazard concern associated with the project. The report in Appendix B of the application package has been updated to remove references to a subsurface investigation and geotechnical report.

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)

RESPONSE: The drainage area used in the water surface elevation calculations was partially derived from U.S. Geological Survey (USGS) mapping to estimate the drainage area boundary. The drainage area shown on the Drainage Area Map (Figure 3) was developed using Light Detection and Ranging (LiDAR) topography. The drainage area used in the calculations has been revised to be consistent with the drainage area shown on Figure 3. The revised calculations are in Appendix B of the application package.

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 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)

RESPONSE: There are no roadside ditches present at the proposed open cut road crossings at Cooney Hollow Road near Stations 1+00 and 36+00.

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)**

RESPONSE: The proposed trench spoil stockpile on the eastern crossing of Cooney Hollow Road has been relocated to the eastern shoulder out of the assumed floodway. However, the trench spoil stockpile for the western crossing of Cooney Hollow Road has not been relocated. The trench spoil stockpile will not be located in a floodway in this area and placing the trench spoils immediately adjacent to the trench will help to minimize the duration of work associated with the open cut crossing. Based on existing topography, runoff from this area will flow south off Cooney Hollow Road and will be captured in the filter sock proposed adjacent to Big Sewickley Creek. A note has been added to Drawing RC-01 indicating that any sediment deposited on Cooney Hollow Road as a result of the open cut road crossing should be cleaned immediately following completion of the open cut or at the end of each work day if work is not completed in one day. The revised drawing is in Appendix B of the application package.

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)**

RESPONSE: The requested change to Note 1 has been made. The revised drawing is in Appendix B of the application package.

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)**

RESPONSE: As a result of design changes made during this response to comments, there are no longer any vegetated channels proposed. As such, the detail has been revised to remove the vegetated channel option. The revised detail is in Appendix B of the application package.

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)

RESPONSE: As a result of design changes made during this response to comments, the only gravel surface that will be added during construction, other than the rock construction entrances, is the existing abandoned gas well access road on the northern side of Cooney Hollow Road, north of the water withdrawal. The existing access in this location consists largely of cobbles and exposed rock. The gravel surface that will be added will not change the land cover in this area and will solely be added to provide a more level, safe driving surface. Site restoration drawings have been added to the plan set to further clarify how the site is to be restored. The drawings are in Appendix B of the application package.

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.

RESPONSE: The ARIT, Tables S1-2 and S3-1, and Modules S1 and S3 have been updated to include permanent impacts for the section of buried waterline below Cooney Hollow Road that falls within the assumed floodway of Coony Hollow. The revised documents are in Section 3 of the application package.

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, 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)

RESPONSE: While the methods of construction have changed and will require tree clearing, grubbing, and stripping of topsoil in some areas, it is minimized to be only in areas that require it for construction or E&S BMP installation. No tree clearing will occur within floodways, and the areas around Cooney Hollow and its UNTs are still to remain as areas not to be cleared. These areas have been shown clearly on the provided plans in Appendix B of the application package.

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)**

RESPONSE: Site restoration drawings have been added to the E&S Plan set which shows the final state of the project once the waterline is no longer needed. The drawings are in Appendix B of the application package.

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.**

RESPONSE: Module S3 has been updated to reflect the updates to the Water Management Plan (WMP). The revised module is included in Section 3 of the application package.

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)**

RESPONSE: Figure 6 has been prepared to show the reviewed alternative waterline routes.

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)**

RESPONSE: Section S3.F.2.2 Public Water Sources in Module S3 has been updated as requested. The revised module is included in Section 3 of the application package.

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.

RESPONSE: Section S3.F.3.3 B15 to B50 Temporary Waterline in Module S3 was revised as requested. The revised module is included in Section 3 of the application package.

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.

RESPONSE: Section S3.F.3.3 B15 to B50 Temporary Waterline in Module S3 was revised as requested. The revised module is included in Section 3 of the application package.

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.

RESPONSE: A fully revised permit package has been submitted as part of this comment response. If additional changes are required, an updated permit package will be provided.

We trust the above responses sufficiently address your comments. However, should you have questions regarding these responses, please contact Paul Kanouff at (724) 327-5200 or pkanouff@cecinc.com.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

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SVP:PAK/jg

cc: Richard Watson, PER (PDF)

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