

May 11, 2021

National Fuel Gas Supply Corporation
c/o Mr. Daniel Young
1100 State Street
Erie, PA 16501

Re: Technical Deficiency Letter
Erosion and Sediment Control (E&S) Permit
2021 FM120 Insertion Project
DEP Application No. ESG830021001-00
APS No. 1030859; AUTH ID No. 1340381
Shippen Township, City of St. Mary's, Jones Township, and Sergeant Township
Cameron, Elk, and McKean County

Dear Mr. Young:

The Department of Environmental Protection (DEP) has reviewed the above-referenced application/NOI and has identified the following technical deficiencies. The Pennsylvania Erosion and Sediment Pollution Control Program Manual and the Pennsylvania Stormwater Best Management Practices Manual include information that will aid you in responding to some of the deficiencies listed below. 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

Erosion and Sediment (E&S) Control Plan - All Counties

1. The NOI Section F E&S Control Plan and the E&S Report Section 7 states that wetland crossings with no standing water or saturated soils will not require the use of timber mats. To minimize resource impact, mats should be used at all crossings, regardless of the initial saturation. Please revise and ensure consistency with the 105 application materials. [25 PA Code § 102.4(b)(4)(ii)]
2. The NOI Section E Project Information and the E&S Report Section 1.2 states that the entire right of way (ROW) is being permitted in case additional insertion locations are needed and that National Fuel intends to install proper best management practices (BMPs) to minimize erosion. If additional disturbance and BMPs are needed, the District and Department need to be contacted to determine if a redline or amendment is required. Please revise to reflect this process. [25 PA Code § 102.6(a)(1)]

3. Riparian forest buffers need to be identified on the Erosion and Sedimentation Control Plan Drawings. Please revise. [25 PA Code § 102.4(b)(5)(xv)]
4. Please include the following items in the E&S Plan Drawings:
 - a. All existing and proposed waterbars within and tributary to the limits of disturbance. [25 PA Code § 102.4(b)(5)(ix)]
 - b. Utility lines and poles that are within or adjacent to the limit of disturbance. Those missed include, but are not limited to, lines for E&S Drawing Sheets #24/25, #26, #28, and poles at the south side of SR 120 (2), the north side of SR 120 (1) on Sheet #26, and the pole within the LOD south of Beechwood Road on Sheet 25. [25 PA Code § 102.4(b)(5)(ix)]
5. The rock stockpiles for several of the rock construction entrances (RCEs) are in the middle of the access road and would block travel. Please revise the plans, locating the rock stockpiles in locations where they will accommodate the construction vehicle traffic. Examples include but are not limited to E&S Drawing Sheets #25/26 at the Truman Road and SR 120. [25 PA Code § 102.4(b)(5)(ix)]
6. Several areas show an Erosion Control Blanket (ECB) proposed in work areas that do not have an RCE access or an indication of the nature of the disturbance. An example is the southern side of Shawmut Grade Rd. Please clarify the plan for these areas and revise as necessary. [25 PA Code § 102.4(b)(5)(ix)]
7. Please clarify the direction of travel within the travel lanes. Some lanes indicate both directions, while some indicate only one direction and do not provide for an exit route. Please revise. [25 PA Code § 102.4(b)(5)(ix)]
8. Compost filter socks are proposed across travel lanes. Please clarify how these will be maintained – to ensure they are put back in place after being moved for travel or that they will not be driven over. [25 PA Code § 102.4(b)(5)(ix)]
9. In the E&S Report Section 3.2, soil use resolutions to limitations are vague using general phrases such as: “appropriate precautions,” “suitable precautions,” and “precautions should be taken” but do not specifically state what these precautions should be. Resolutions were not provided in Table 1 Soil Series and Limitations. Please revise to clarify how the limitations will be addressed. [25 PA Code § 102.4(b)(5)(vi)]
10. E&S Report Section 3.2 also mentions that the segregation of topsoil will be done in residential and agricultural areas. Topsoil in wetlands also needs to be segregated, please revise, and indicate how excavated wetlands will be restored. [25 PA Code § 102.4(b)(5)(ix)]

11. E&S Report section 8.2 mentions that a Topsoil Segregation Detail is included in the Detail Sheets; however, this is not included. Please revise. [25 PA Code §102.4(b)(5)(ix)]
12. Please consolidate the wetland crossing details in the E&S Plans. The primary section for Wetland Crossings is on Sheet #31; however, the timber mat detail Figure 3.7 for wetland crossings is on the previous Sheet. Also, the associated E&S BMP Phasing Detail is in a separate section on Sheet #30 and it is not clearly labeled to indicate it is for the phasing of resource crossings. [25 PA Code §102.4(b)(5)(ix)]
13. In the review of the E&S details, it appears that a detail depicting wetland excavation to construct a Bell Hole is missing. Please provide a construction detail for this activity to include required soil segregation for wetland excavation and where the excavated soil will be stockpiled. [25 PA Code §102.4(b)(5)(ix)]
14. The maintenance instructions should specify that inspections are to be logged onto DEP form 3800-FMBCW0271d (dated 5/2018) and are kept on-site at all times. [25 PA Code §102.11(a)(1)]
15. The federally listed invasive species Goatsrue was discovered within the project limit of disturbance (LOD) and notifications have been made. Please specify how this, and any other invasive species discovered will be addressed. [25 PA Code §102.4(b)(4)(ii)]

PNDI

16. The project as proposed will take place in State Game Lands 14 and 293 and State Forest Lands within Elk State Forest District. Per the response from DCNR (BOF) concerning PNDI receipt 709549 (Final_1), it was requested that an invasive species survey be conducted pre-project in an email dated November 9, 2020. Please provide the DCNR clearance letter. [25 PA Code §102.6(a)(ii)]

E&S Plan - Cameron County

17. Please verify the plan for the Big Run crossing. It appears the forested riparian buffer will be cut down to accommodate the expanded workspace, which would require reforestation with native tree species upon restoration. Please verify if alternative crossings were considered. A site visit revealed evidence of a legacy crossing and access road approximately 10-20 feet west of the current crossing. This crossing location will minimize wetland impact, provide more space between the crossing and the high gradient slope, allowing additional space for installation of the crossing and Bell Hole #27A and their E&S controls. [25 PA Code § 102.4(c)]
18. It does not appear that there is sufficient room within the LOD at the rock construction entrance (RCE) off SR 120 on E&S Sheet #26 for the appropriate-

sized sediment trap for treating the water from the wash rack as per Standard Detail 3-2 on E&S Sheet #30. Please revise or clarify how this will be implemented. [25 PA Code § 102.4(b)(5)(ix)]

19. The drawing details on Sheet #26 are crowded. Please include a separate sheet with a larger scale that focuses on Big Run Crossing, Bell Hole #27a, and the RCE on the east side of SR 120. Include the Existing Riparian Forest Buffer and the portion of this buffer that is planned to be cleared. [25 PA Code § 102.4(b)(5)(ix)]
20. The following discrepancies were noted on the plan drawings. Please revise. [25 PA Code § 102.4(b)(5)(ix)]
 - a. The E&S Manual, page 273, and the Standard Note 31 in the Plan Drawings call for Erosion Control Mat to be used for restoration on slopes exceeding 3:1. Approximately 1000 feet of disturbed slope on the north side of Big Run has a gradient greater than 50% (2:1) and would require Erosion Control Fabric to be installed.
 - b. Compost filter sock (CFS) #80 is insufficiently sized for the length and gradient of the earth disturbance upslope from the CFS (1,050 feet long earth disturbance with >50% gradient) See Figure 4.2 on Sheet #29 for the appropriate size of CFS.
 - c. The Filter Sock on the SR120 South Bell Hole is insufficiently sized for the length of slope and gradient (230 feet long earth disturbance with 32% gradient) See Figure 4.2 on Sheet #29 for the appropriate size of CFS.
21. The Cameron CCD has concerns over the expanded LOD for the workspace at Bell Hole #25. The LOD for the workspace extends onto an approximately 50% gradient slope where grubbing and clearing of trees would need to occur to accommodate the expanded workspace. This location is situated on Hartelton Channery Silt Loam 25%-60% slopes soils. This soil type has characteristics of low strength and is prone to landslide. It is presumed that excavated materials from Bell Hole #25 are planned to be stockpiled and/or equipment mobilized to work from the expanded workspace on this approximately 50% gradient slope. Please clarify the intent and if the slope and soil type will support the construction activities. [25 PA Code § 102.4(b)(5)(ix)]
22. During a field visit on April 19, 2021, indicators of wetlands at the following unmapped locations within and adjacent to the LOD were observed. Please verify these locations. [25 PA Code § 102.4(b)(5)]
 - a. On the SR 120 South Access on the western edge of the LOD, E&S Sheet # 26.

- b. On the Southside of Beechwood Road in the center of the Pipeline ROW located at approximately 571+00 on E&S Sheet #25.
 - c. Wetland indicators were found at the below locations on E&S Sheet #23. These wetland indicators were located adjacent to the FM 120 pipeline to the west where depressions were formed as a result of deep ruts from timber harvesting equipment. It appears that this timber harvest activity occurred shortly after the wetland delineation was conducted in 2016.
 - i. Within the expanded LOD for the workspace to the west of Bell Hole #23.
 - ii. On the western edge of the pipeline LOD, located to the north of Bell Hole #23 between the temporary logging road woodchip crossing of the pipeline and Bell Hole #23.
 - iii. Within the western limits of the expanded LOD at the infiltration berm.
23. In the review of all drawings, it appears the Stream SPA-JJP-003 is depicted to begin directly outside of the LOD. A field visit revealed that this stream begins within the LOD. Please verify and update all Plans and Drawings.
24. In Section 10 Wetland Delineation & Stream Identification Report, Ditch 01 is listed in Table 4.2-2: Field Delineated Wetlands within the PSA and shown on Wetland & Waterbody Delineation Sheet 14 as a UNT to Big Run; however, this ditch is not on the E&S/PCSM Plan Drawings or Table 2 Summary of Waterbodies and Wetlands Crossed by the Project. Please update all documents to reflect the presence of Ditch 01 south of State Route 120 to the connection with Big Run and demonstrate that it will have appropriate protection. [25 PA Code §102.4(b)(4)(ii)]

E&S Plan - Elk County

25. On E&S Sheet #11, compost filter sock #42 should be aligned more on the contour. [25 PA Code §102.11(a)(1)]
26. On E&S Sheet #5, at the northern end near “Match Line 004”, there appears to be a wetland in the travel lane that does not have a crossing indicated. Please revise. [25 PA Code §102.4(b)(5)(ix)]
27. On E&S Sheet #17, Bell Hole #18 and the CFS are proposed in the middle of TAR-10A. Please confirm that this is correct and the traffic considerations. [25 PA Code §102.4(b)(5)(ix)]

28. On E&S Sheet #11, please clarify why travel is proposed on the ROW between TAR-6 and TAR-13 when both roads have minor upgrades proposed. [25 PA Code §102.4(b)(5)(ix)]
29. On E&S Sheet #18, proposed Bell Hole #19, ECB is proposed on the opposite side of the road from the Bell Hole. Please clarify why this is being done. [25 PA Code §102.4(b)(5)(ix)]

PCSM Plan

30. In the NOI Section H.f Summary Description of PCSM/SR BMPs, the entry for the infiltration berm includes VC/RC/WQ; however, only one volume is listed. Both the 100-year/24-hour and the 2-year/24-hour should be listed. [25 PA Code § 102.6(a)(1)]
31. Please clarify the approach for the waterbars and note areas where they are to be installed. The PCSM Report mentions they will be installed in accordance with the Detail Sheets; however, they are not shown on the Plan Sheets. [25 PA Code §102.8(f)(9)]
32. Please add the following items to the infiltration berm construction sequence, both the Drawings and the Report [25 PA Code §102.8(f)(7)]:
 - a. The soil for berm fill should be added in 8-inch lifts and compacted after each addition, according to design specifications. The slope and shape of the berm should be graded out as soil is added.
 - b. Protect surface ponding area at the base of the berm from compaction. If compaction does occur, scarify soil to a depth of at least 8 inches.
33. Please distinguish between the infiltration berm construction sequence and the operation and maintenance of this BMP on the PCSM Plans, including when the licensed professional will be present. [25 PA Code §102.8(f)(7)]
34. The PCSM Plans only include sequencing and maintenance items for the infiltration berm. Please include these items for the right of way and other work areas. [25 PA Code §102.8(f)(7)]
35. Please clarify how the pipeline will be evaluated for restoration to ensure proper decompaction and soil conditions for vegetation. Will an Environmental Inspector be hired to review this component? [25 PA Code §102.8(a)(7)]
36. Please clarify how the non-structural BMPs checked on Worksheet #10 will be incorporated into the project. These do not appear to have been included in the PCSM Report and are not in Section 7 Location and Type of BMPs. [25 PA Code §102.8(f)(5)]

Pursuant to 25 Pa. Code § 102.6(c) of DEP's 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 **July 10, 2021**, or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension in writing before **July 10, 2021** to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be received 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 § 102.6(c).

Please submit 1 copy of the revised E&S plans and 1 copy of the revised PCSM plan to the District at the provided address and an electronic copy of the revised information to the DEP.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that DEP make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. 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 will be considered withdrawn.

Should you have any questions regarding the identified deficiencies, please contact Nick Rossi at 717.772.5667 or nicrossi@pa.gov and refer to Application No. ESG830021001-00, to discuss your concerns or to schedule a meeting. Please attempt to request a meeting within 15 days of the date of the letter to better ensure a meeting can be scheduled, held, and allow time for you to provide a response with the response time allotted for your reply. 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,



Rebecca M. Albert, P.G.
Environmental Group Manager
Regional Permit Coordination Office

cc: GAI Consultants (by email)
Northwest Regional ARD (by email)
Northwest Regional Waterways and Wetlands PM (by email)
Northcentral Regional ARD (by email)
Northcentral Regional Waterways and Wetlands PM (by email)
Cameron County Conservation District (by email)
Elk County Conservation District (by email)

McKean County Conservation District (by email)
Jones Township (by email)
Sergeant Township (by email)
Shippen Township (by email)
City of St. Mary's (by email)