



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

NORTHCENTRAL REGIONAL OFFICE

Certified Mail No. 7019 0160 0000 7352 5033

Brannen McElmurray
Bradford County Real Estate Partners, LLC
111 West 19th Street, 8th Floor
New York, NY 10011

Re: Water Obstruction and Encroachment Permit (WOEP) Issuance
Natural Gas Processing Plant
DEP Joint Permit File No. E08-506
Auth ID: 1254945
Wyalusing Township, Bradford County

Dear Mr. McElmurray:

Enclosed is your copy of your State Water Obstruction and Encroachment Permit (WOEP). Please review this permit so that you are aware of the extent of authorization and the conditions that apply to that authorization. The Department will provide you with an acknowledgement letter upon receipt of the fully signed Acknowledgement of Appraisal of Permit Conditions.

This WOEP is not effective until a copy of the Acknowledgment of Appraisal of Permit Conditions, signed by you, is received by the Department. Any work conducted prior to the Department's receipt of the signed Acknowledgment of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

A copy of the Permit, Acknowledgment of Appraisal of Permit Conditions, the Erosion and Sediment Control plan, this Issuance Letter, and any other applicable State and Federal authorizations, must be maintained on site during construction and available at the work site for inspection upon request by any officer or agent of the Department or any other Federal, State, County and Municipal agency.

A Completion Report must be submitted to this office within 30 days of completion of the approved project. The Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

208 West Third Street | Suite 101 | Williamsport, PA 17701-6448

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

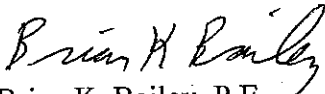
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have additional questions, please contact Kristin Brown at 570.327.3782.

Sincerely,



Brian K. Bailey, P.E.

Program Manager

Waterways and Wetlands Program

cc: Army Corps of Engineers, Baltimore District
Jefferson Byler, AECOM, Williamsport
Bradford County Conservation District
File

Commonwealth of Pennsylvania
Department of Environmental Protection
Northcentral Regional Office
Waterways and Wetlands Program - Permits Section

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

Bradford County Real Estate Partners
111 West 19th Street, 8th Floor
New York, NY 10011

giving its consent to **construct, operate, and maintain:**

1. A 96-foot-long, 28-foot-wide by 9-foot-high arch culvert impacting 1,003 square feet (0.02ac) of palustrine emergent (PEM) wetland (41.654228°N, 76.236253°W),
2. A single-span steel truss bridge having a span of 115 feet and associated fill impacting 1,818 square feet (0.04ac) of palustrine scrub-shrub (PSS) wetland (41.655265°N, 76.234796°W),
3. A single-span steel beam bridge having a span of 82 feet and an under-clearance of approximately 8.3 feet and associated fill impacting 36 linear feet of an unnamed tributary to the Susquehanna River (CWF) (41.655902°N, 76.230836°W),
4. Permanent fill impacting 8,480 square feet (0.19ac) of palustrine emergent (PEM) wetland (41.654490°N, 76.231976°W),
5. Permanent fill impacting 297 square feet (0.01ac) of palustrine scrub-shrub (PSS) wetland (41.654333°N, 76.230956°W),
6. Permanent fill impacting 12,158 square feet (0.28ac) of palustrine scrub-shrub (PSS) wetland (41.653782°N, 76.231937°W),
7. Permanent fill impacting 457 square feet (0.01ac) of palustrine emergent (PEM) wetland (41.653529°N, 76.230602°W),
8. Permanent fill impacting 1,239 square feet (0.03ac) of palustrine emergent (PEM) wetland (41.654000°N, 76.230032°W),
9. Permanent fill impacting 3,163 square feet (0.07ac) of palustrine emergent (PEM) wetland (41.654167°N, 76.230137°W),
10. Permanent fill impacting 2,708 square feet (0.06ac) of the floodway of an unnamed tributary to the Susquehanna River (CWF) (41.661100°N, 76.224800°W),
11. Excavation impacting 975 square feet (0.02ac) of palustrine emergent (PEM) wetland (41.658782°N, 76.227965°W),
12. Excavation impacting 1,452 square feet (0.03ac) of palustrine emergent (PEM) wetland (41.659323°N, 76.228608°W),

13. Excavation impacting 167ft of an unnamed tributary to the Susquehanna River (CWF)
(41.659087°N, 76.228233°W),

The project will result in 203 linear feet of permanent stream impact, 18,449 square feet (0.42ac) of permanent floodway impact, 2,427 square feet (0.06ac) of temporary wetland impact, and 28,615 square feet (0.66ac) of permanent wetland impact for the purpose of constructing a natural gas processing facility that will receive local natural gas via pipeline; process this gas to remove impurities and cool it to liquid form, making it distributable to commercial markets; and load the liquified natural gas for distribution. The project also proposes 3.15 acres of wetland mitigation.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with the Department of Environmental Protection on December 11, 2018, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on April 1, 2019 subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before the 31st day of December 2022, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void;

2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be sub served thereby;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or

encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;

10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;

13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;
15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814.359.5250;
16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;
17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northeast Regional Office, 5566 Main Road, Sweet Valley, PA 18656; telephone 570-477-5717;
18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Bradford County Conservation District at 200 Lake Rd, #E, Towanda, PA 18848; telephone 570-265-5539;
19. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
20. Prior to the beginning of work, all public water supplies or other water-related activities located downstream that may be affected by turbidity increases or other water quality changes caused by said work shall be sufficiently notified in advance to allow for preparation of any water quality changes.
21. The construction of replacement wetlands shall be started prior to placement of fill authorized by this permit. The mitigation project shall be completed within one year of the start of construction of the mitigation site unless otherwise approved in writing by the Department. Within 30 days of completing construction of the replacement wetlands, the permittee shall submit "as-built" plans of the replacement wetlands to the Department.
22. The permittee shall monitor the wetland replacement site for at least five years. Reports shall be submitted to the Department every six months for the first two years after construction and annually for three years thereafter. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of the replacement sites with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
23. If wetlands constructed on the approved sites have not achieved design objectives within the monitoring period, remedial work will be required to assure establishment of 0.82 acres of functional

wetlands. Replacement wetlands shall be considered successful when they meet the design objectives as stated in the approved wetland replacement plan.

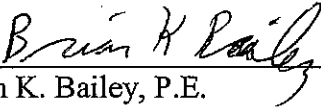
24. This permit does not relieve the permittee of the responsibility to comply with all applicable local codes and ordinances, including floodplain and storm water management.

25. Fifteen days prior of the permittee's intent to initiate ground disturbance activities of those areas associated with placement of the stormwater drain pipe located south of the railroad tracks and within the project's limit of disturbance, the permittee shall in writing notify the Pennsylvania Historical and Museum Commission at the Bureau for Historic Preservation, 400 North Street, Harrisburg, PA 17120-0093.

26. The permittee and his agents will be watchful for archaeological artifacts and will assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at the Bureau for Historic Preservation, 400 North Street, Harrisburg, PA 17120-0093, telephone (717) 783-8947.

27. During construction of those areas associated with placement of the stormwater drain pipe located south of the railroad tracks and within the project's limit of disturbance, a qualified archaeologist shall be present to help protect and document any potential historic artifacts.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Brian K. Bailey, P.E.
Program Manager
Waterways and Wetlands Program

07-03-2019

Date

