



September 4, 2025

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

Re: State Water Quality Certification Notification
Tioga Pathways Project
DEP Application No. WQ0083224-001
APS ID No. 1126580; AUTH ID No. 1508019
Brookfield Township, Westfield Township, Deerfield Township, Chatham Township,
and Middlebury Township; Tioga County
Harrison Township & Allegany Township; Potter County
Liberty Township; McKean County

Dear Ms. McMillan:

This is in reference to your request for Water Quality Certification under Section 401 of the Federal Clean Water Act, received by our office on November 19, 2024. The request relates to the Tioga Pathway Project's proposed replacement of approximately 3.84 miles of the Z20 Pipeline from a 12-inch diameter pipeline to a 20-inch diameter pipeline to transport natural gas to the new YM59 Mainline Pipeline traversing 19.48 miles over Potter and Tioga Counties. The project also proposes the new McCutcheon Hill Over-pressure Protection Station, upgrades at the Midstream's Lee Hill Interconnect, upgrades at the Ellisburg Compressor Station and the installation of cathodic protection ground bed along the YM59 pipeline. In addition, three (3) previously used staging areas including the Port Allegany Pipe Yard, Harrison Valley Contractor Yard, and Middlebury Contractor Yard will be used to store materials and equipment. The overall project takes place in Harrison Township and Allegany Township, Potter County; Brookfield Township, Westfield Township, Deerfield Township, Chatham Township, and Middlebury Township, Tioga County; Liberty Township, McKean County, all within the Commonwealth of Pennsylvania.

The Department of Environmental Protection (Department) has reviewed your request for 401 Water Quality Certification and hereby grants the 401 Water Quality Certification for the Tioga Pathway project. The approved certification is attached.

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and federal courts have held that an aggrieved person may challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C. § 717 *et seq.* by filing an appeal with the Pennsylvania Environmental Hearing Board. *See Transcontinental Gas Pipeline Co. v. Env't Hrg. Bd.* 108 F.4th 144, 163 (3d Cir. 2024); *Cole v. Dep't of Env't Prot.*, ___ A.3d ___ (Dkt Nos. 21 & 22 EAP 2023, 77 & 78 MAP 2023) (Issued January 22, 2025). Additionally, the U.S. Court of Appeals for the Third Circuit (Third Circuit)

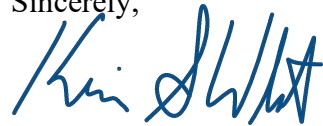
has held that an aggrieved person may challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act by commencing a civil action in the Third Circuit. *See Transcontinental Gas Pipeline Co.*

You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE.

If you have questions, please contact Mr. Kevin S. White, P.E., Director, at 570.826.2015 or by email at kevwhite@pa.gov, and refer to Tioga Pathway, WQ0083224-001, to discuss your concerns or to schedule a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin S. White", is written over the typed name.

Kevin S. White, P.E.

Director

Regional Permit Coordination Office

Enclosure: State Water Quality Certification

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)
McKean County Conservation District (by email)
Middlebury Township (by email)
Liberty Township (by email)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WATER QUALITY CERTIFICATION
Tioga Pathway Project
FERC DOCKET NO. CP24-514-000**

**WQ0083224-001: National Fuel Gas Supply Corporation
1100 State Street
Erie, PA 16501**

**McKean, Potter, and Tioga Counties
Baltimore District**

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE WATER QUALITY CERTIFICATION (SWQC)
Tioga Pathway Project
FERC DOCKET NO. CP24-514-000

WQ0083224-001—DEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301-303, 306 and 307 of the Federal Clean Water Act (33 U.S.C. 1311-1313, 1316 and 1317). The DEP further certifies that the construction, operation and maintenance of the Project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the Project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following DEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge of Hydrostatic Test Water* –Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania’s Clean Streams Law (35 P.S. §§ 691.1 – 691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.
2. *Erosion and Sediment Control and Stormwater Management* –All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania’s Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and Storm Water Management Act (32 P.S. §§ 680.1 – 680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.
3. *Water Obstruction and Encroachment Permits* – Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania’s Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27), and Flood Plain Management Act (32 P.S. §§ 679.101-679.601.), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management), and all other applicable regulations.
4. *Other Water Quality Requirements* – Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.
5. *Water Quality Monitoring* – DEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation* – At all times, Applicant shall properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection* – The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects* – If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate DEP Office of such intent. Notice to DEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to DEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence* – All correspondence with and submittals to DEP concerning this SWQC shall be addressed to:

Department of Environmental Protection
Regional Permit Coordination Office:
Kevin S. White, P.E., Director
400 Market Street, Harrisburg, PA 17101
RA-EPREGIONALPERMIT@pa.gov

10. *Reservation of Rights* – DEP may modify, suspend or revoke this SWQC if (i) DEP becomes aware of new facts about the Project that warrant such action; or (ii) DEP determines that the Applicant has not complied with the terms and conditions of this SWQC. DEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws* – Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability* – The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

A handwritten signature in blue ink, appearing to read 'Kevin S. White', is positioned above a horizontal line.

09/04/2025

Kevin S. White, P.E.

Date

Director

Regional Permit Coordination Office