



December 6, 2023

VIA EMAIL

Mr. Andrew Kinter
Senior Project Manager-Infrastructure Permitting
CNX Midstream Operating Company, LLC
1000 Horizon Vue Drive; Suite 1200
Canonsburg, PA 15317

RE: CNX Midstream Operating Company, LLC
Slickville Trunkline Pipeline Joint Permit Application
E6507223-004; APS # 1087124
Technical Deficiency Notice

Dear Mr. Kinter,

The Department reviewed September 15, 2023 revised JPA application and has identified the following technical deficiencies. The following list specifies the items which should be included in the resubmittal of your application and/or the submission of additional information.

- 1) Update the application to include USFWS clearance for the Potential Impact outlined in PNDI Receipt 740053.
- 2) Per § 105.17 (1) (iii) and § 105.17 (1) (iv), exceptional value wetlands are present on site due to the project being located along an existing public drinking water supply (Beaver Run Reservoir) and within the floodplain of the reach of a wild trout stream (Beaver Run, below the reservoir). The Wetland Report states under 3.0 Regulatory Considerations that “CEC performed an evaluation of the EV status of the delineated wetlands. The evaluation assessed the connectivity of the wetlands to downstream wild trout streams. The evaluation was based on field data collected by CEC and U.S. Geological Survey mapping.” The EV status of all wetlands needs to be reevaluated.
 - a. Update Section 1.1: Methodology of the Wetland Report to include a statement on how EV status was evaluated.
 - b. Update Section 3.0: Regulatory Consideration of the Wetland Report to address the potential EV status of wetlands that are located along the existing public water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.
 - c. Per 105.17(1)(iii), wetlands that are located in or along the floodplain of the reach of a wild trout stream and the floodplain of streams tributary thereto are Exceptional Value (EV). According to Table 4 the assumed 50’ floodway appears

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to have been used in lieu of a floodplain. Floodway and floodplain have different definitions in Chapter 105. Please reevaluate the status of all wetlands on the floodplains of the tributaries to the wild trout stream and update the entire Joint Permit Application as applicable. Or, assume that all nearby wetlands to said tributaries are EV and update the JPA as applicable. If floodplain calculations are utilized, a stamped report will need to be included within the JPA application.

- 3) Update Module S3.F: Alternative Analysis to be follow the recommendations outlined in the August 5, 2023 technical guidance document: Guidance for Developing a Chapter 105 Alternatives Analysis (Document Number: 310-2100-002). The alternative analysis must demonstrate that alternatives to the proposed project which avoid or minimize adverse environmental impacts to all EV wetlands and HQ streams are not capable of being used. The alternative analysis should include summary tables and maps outlining all alternative locations, routings, or designs that were considered for the project. §105.1; §105.2(4), §105.13(e)(1)(iii), §105.13(e)(1)(viii); §105.14 (b) (7), §105.14 (b) (11), §105.15, 105.16(a), §105.18a(a)
- 4) Re-evaluate further reducing and or shifting the proposed LOD at the following wetland crossings to avoid and or minimize the overall environmental impact associated with the project. §105.1, §105.13(e)(1)(viii), §105.14 (b) (7), §105.14 (b) (11), §105.16(a), §105.18a
 - a. Temporary Road Crossing (TRC) 23, 25, 26, 31, 33, 39, 41, 49, 50, and TRC 56.
- 5) Permanent conversion is an adverse impact to the ecology of a wetland. § 105.18(a), 105.14(b), and 105.15. Conversion of a Palustrine Scrub-Shrub (PSS) wetland and a Palustrine Forested (PFO) wetland into a Palustrine Emergent (PEM) wetland is considered a permanent impact by the Department. Please update the application to show avoidance per § 105.1 and 105.13(e)(viii) and no practicable alternative to the proposed project that would have less effect on the wetland, and not have other significant adverse effects on the environment for the proposed conversion of Wetland W31B and Wetland W7C.
- 6) Update Module S2.A Table S2-1 to list yes for presence of source for a public water supply to account for the project being located along the Beaver Run Reservoir.
- 7) Provide drawing 4.1 through 4.7 of the PA Wetland Condition Level 2 Rapid Assessment Protocol Maps.

- 8) Module S1.A states that “CNXM maintains valves at every pumping location and well pad. The CNXM Water Control Desk remotely monitors flow rates, pressures, and leak detection systems of waterlines in active use. The Water Control Desk can remotely shut off a waterline such as this if there were to be a potential issue.” Please update all drawings to show the location of these valves and provide a statement that justifies that the shut-off provisions are adequate in protecting and minimizing overall impact to all resource crossings in the event of a break or rupture. §105.13(e)(1) (i) (C); § 105.14 (b) (4); § 105.14 (b) (11); § 105.16 (d); § 105.21, § 105.302

- 9) The existing bank conditions of the following streams show evidence of erosion. If the banks at the crossing location of these stream are highly eroded and will be trenched, provide details on how the banks will be protected and or stabilized after construction to prevent further stability issues. § 105.13 (e); § 105.46
 - a. UNT 2 to Trib. 42946 to Beaver Run (ULC 2)
 - b. UNT 4 to Trib. 42946 to Beaver Run (ULC 4)
 - c. Trib. 42951 to Beaver Run (ULC 6)
 - d. Trib. 43099 to Wolford Run (ULC 12)
 - e. Trib. 43101 to Wolford Run (ULC 14)
 - f. Trib. 43013 to Beaver Run (ULC 23)
 - g. Trib. 43034 to Beaver Run (ULC 39)
 - h. UNT 1 to Trib. 43031 to Beaver Run (ULC 37)

- 10) To avoid excavation within the floodway of UNT 1 to Trib. 42946 (ULC 1) and Trib. 43089 to Wolford Run (ULC 10), please reevaluate moving the bore pit outside of the floodway. Also, please depict the Pumped Water Filter Bag (PWFB) for the bore pits on all site-specific drawings. § 105.13(e) (1) (i) (C).

- 11) Update the Plan View on all site-specific drawings to state “Option 1D” under the Rock Construction Entrance (RCE) callout for all RCE’s that will be placed within an assumed floodway. Please also ensure that all downslope BMPs are in place and installed prior to the construction of the entrance. §105.13(e)

- 12) Stockpiles should not be placed within the floodway of a stream. Please remove the stockpile from the associated floodway at each of these crossings. §105.13(e)

- a. ULC 19 (Station 366+00)
 - b. ULC 28 (Station 614+00)
 - c. Permanent Road Crossing 2
- 13) Provide additional plan and cross-section drawings, that clearly show the installation of the proposed Flex MSE wall at Utility Line Crossing 23 and 38. The drawings should clearly show that the FlexMSE wall will extend into the banks both upstream and downstream at a 1:1 ratio to height to protect against scour and that the wall will be embedded into the streambed in accordance with Detail G20. §105.13(e)
- 14) Update the cross-section for TRC 55 to clearly show the proposed culvert and fill associated with the temporary crossing. The drawing should depict the banks, channel width, culvert size, and total amount of clean fill being placed. All temporary culverts should be placed directly on the stream bed and not excavated. §105.13(e)
- 15) Provide an additional cross-section for Permanent Road Crossing 1 that depicts the outfall of the culvert. The drawing should depict the banks, channel width, culvert size, culvert invert, and total amount of clean fill being placed. §105.13(e)
- 16) Provide justification that the culvert replacement associated with Permanent Road Crossing 1 (UNT 1 to Trib. 43030 to Beaver Run) will be in accordance with § 105.161:
- a. The structure will not so increase velocity or direct flow in a manner which results in erosion of stream beds and banks. If outlet protection is necessary, please update all drawings and impacts accordingly.
 - b. The structure will not significantly increase water surface elevations.
- 17) Update the cross-section for Permanent Road Crossing 2 to depict the final road elevation within the floodway of UNT 1 to Trib. 43030 to Beaver Run. If applicable, also update the site-specific drawings to show all proposed outlet protection.
- 18) Provide justification that the culvert and fill associated with Permanent Road Crossing 2 (UNT 1 to Trib. 43030 to Beaver Run) will be in accordance with § 105.161.
- a. The outfall of the proposed culvert into the UNT will not materially alter the natural regimen of the stream.

- b. The structure will not so increase velocity or direct flow in a manner which results in erosion of stream beds and banks of the receiving stream.
 - c. The structure will not significantly increase water surface elevations.
- 19) Update all drawings to extend the 50' assumed floodway from the following culverted sections of stream and update the floodway impacts accordingly. §105.13(e)
- a. Permanent Road Crossing 2 (UNT 1 to Trib 43034 to Beaver Run)
 - b. Temporary Road Crossing 45 (UNT 1 to Trib 43013 to Beaver Run)
 - c. Temporary Road Crossing 61 (Trib 43034 to Beaver Run)
- 20) Update ESCP drawings C917-C922 to include Station numbers.
- 21) Temporary Road Crossing 36 is stated to located along an existing roadbed and the existing culvert will be utilized, with no improvement, during construction. Provide color photographs to document the existing conditions of the culvert and the existing road bed at this location. §105.13(e)
- 22) The current LOD (Temporary Road Crossing 38) parallels the banks of Porters Run from Station #483+50 to Station #484+00. The banks along this section of Porters Run are eroded. Provide justification that the work within the LOD at this location will not further degrade the current conditions of Porter Run. As Porters Run is HQ, all existing riparian vegetation that is currently stabilizing the banks of Porters Run should be protected. Please update all drawings to show that tree clearing will be avoided along the banks of Porters Run. § 105.2 (4), § 105.13 (g), § 105.14 (b) (4), § 105.16 (d), § 105.46, § 102.8, § 102.14
- 23) Update the site-specific drawing for Utility Line Crossing 12/Temporary Road Crossing 18 to correctly callout the wetlands as Wetland 49A, 49B, and 49C. §105.13(e)
- 24) Re-evaluate the PEM classification of Wetland 49B as shrubs are present on site. §105.13(e)
- 25) Wetland 52A is stated to not be disturbed. The wetland is located directly downslope of the proposed RCE off S.R. 380. Please provide justification on how the wetland will be protected from receiving sediment laden runoff. § 105.13 (g); § 105.14 (b)(13); § 102.2, § 102.4 (b)

- 26) Provide a separate site-specific cross-section for Utility Line Crossing 39 and Temporary Road Crossing 61. The current cross-section shows the proposed RCE crossing Trib. 43034 to Beaver Run. §105.13(e)
- 27) Update the delineation to include a photograph of all existing stream culverts that are located within the proposed LOD at or near proposed crossings (i.e. TRC 36, TRC 45, TRC 61, TRC 62, PRC 1 and PRC 2). §105.13(e)
- 28) Update the delineation to include photographs of the existing roadway that is present at Station 614+00 (i.e. Ohio Lane) within the floodway of Trib. 43023 to Beaver Run. Also, provide justification on why this temporary access is needed and if the placement of fill within the floodway can be avoided. §105.13(e)
- 29) The E&S Plan shows an existing scarp location near Trib. 43089 to Beaver Run (Utility Line Crossing 11). The plan includes a callout that states slide material will be over excavated and drains will be installed and backfilled during construction. Provide a site-specific plan and cross-sectional drawing depicting all restoration work that will be conducted within the floodway of Trib. 43089. §105.13(e)
- 30) To reduce impacts and excavation within the floodway of HQ streams and surrounding EV wetlands the following temporary access points and associated RCE's should be re-evaluated. Update the application to avoid and or minimize the temporary road crossings being placed within the floodway of Trib. 42994 to Beaver Run and Trib. 43034 to Beaver Run. §105.1; §105.2(4), §105.13(e)(1)(iii), §105.13(e)(1)(viii); §105.14 (b) (7), §105.14 (b) (11), §105.15, 105.16(a), §105.18a(a),
- 31) Update the ESP site restoration planting plan to include tree/shrub plantings along the full width of the limit of disturbance within the 150' Riparian Buffer (i.e. currently unmaintained forested or scrub-shrub areas only) of streams in watersheds having an existing use designation of High Quality or Exceptional Value in accordance with DEP policy 394-5600-001, Riparian Forest Buffer Guidance and §102.14. The restoration plan should reduce the maintained corridor to the greatest extent possible (i.e. typically ~7 to 15-foot offset from pipe centerline). §105.13(e); §105.14(b)(4); §105.16; §105.21(a)
- 32) The Department recommends that Resource Buffer tree and shrub plantings (i.e. currently unmaintained forested or scrub-shrub areas only) be provided within a minimum distance

of 100 lineal feet from non-wetland non-Special Protection resources and provide for the minimum width of maintained corridor (i.e. typically ~15-foot offset from pipe centerline) in a manner which maximizes vegetative restoration and provides for 70% survivability after 5 years with appropriate planting density, per PCSM BMP Manual Chapter 7.6.1; or, further minimize impacts to existing forested/scrub - shrub areas within resource buffer areas. Revise plan drawings as appropriate. §105.13(e); §105.14(b)(4); §105.16; §105.21(a) §102.8(b)(1), (5), and (8); §102.8(f)(9); §102.14(b)(2) and (c)

33) Update the JPA application to be consistent with all changes that occur in result of this deficiency notice. All impacts and fees will need to be re-evaluated.

Additional Comments:

The Pennsylvania Fish and Boat Commission manages Beaver Run (below the reservoir) and its tributaries as waterways supporting the natural reproduction of trout. The Department coordinated with PFBC during the review of this JPA and PFBC provided the following recommendations:

“During the construction and restoration of these crossings, the aquatic communities may be subject to increased sediment loads which have been shown to impact habitat quality, including the prevalence of gravel substrates which are important for maintaining aquatic macroinvertebrate communities and serves as critical spawning habitat for salmonids. To minimize the potential for the impacts described above and to promote stream bank stability which reduces the risk of pipeline exposure, the PFBC recommends the following:

- a. Implement an instream restriction from October 1st through December 31st to protect spawning and egg deposition behavior of these wild trout populations.
- b. Develop a restoration planting plan which includes tree/shrub plantings along the full width of the limit of disturbance within Riparian Buffer Zone 1 of perennial streams in watersheds having an existing use designation of High Quality or Exceptional Value in accordance with DEP policy 394-5600-001, Riparian Forest Buffer Guidance.
- c. The PFBC understands that deeply rooted trees planted directly over water and natural gas pipelines may compromise its integrity due to root intrusion. However, given the typical bedding depth of pipelines at stream crossing, we feel that planting shrubs and shallow rooted trees directly over the alignment possess minimal risk. Therefore, we recommend that shallow rooted trees and/or shrubs be planted within 7 feet of the pipeline centerline to improve stream shading, bank stabilization, nutrient cycling, etc.
- d. The PFBC recommends that potted tree and shrub stock of native species occurring on site be used in Zone 1 to restore the area. Potted stock generally has a larger DBH than bare root stock and will promote restoration of these sensitive areas in an expedited time frame.

- e. The PFBC recommends that annual maintenance occur at these restoration sites for the first five years to ensure they are achieving their intended purpose. Maintenance should include replacement of dead stock, mechanical or chemical control of noxious weeds and removal of invasive species.”

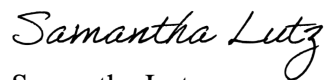
Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before February 04, 2024, or DEP will consider the registration withdrawn.

DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, provided applicants submit complete, technically adequate applications/registrations that address all applicable regulatory and statutory requirements, in the first submission. Since you did not submit a complete and/or technically adequate registration, DEP's Permit Decision Guarantee is no longer applicable to your registration.

As stipulated in 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations (regarding Complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before February 04, 2024, or DEP will consider the registration to be withdrawn by the applicant and no further action will be taken on the registration. Fees are not refunded when a registration is considered to be withdrawn.

If you have questions about your registration, please contact me at 412-442-4043 and refer to Application No. E6507223-004; APS No. 1087124.

Thanks,
Sincerely,



Samantha Lutz
Aquatic Biologist, PA DEP

cc: K. Scott
D. Zimmerman
M. Stephan
C. Kane (CEC)