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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

Draft State Water Quality Certification Policy for FERC Regulated Interstate Natural Gas Transmission Pipeline Projects

Water Resources Advisory Committee

May 10, 2017

Tom Wolf, Governor

Patrick McDonnell, Acting Secretary

Purpose

The purpose of this policy is to set forth the DEP review process when an applicant requests State water quality certification for a FERC regulated interstate natural gas transmission pipeline project.

Background

An applicant must obtain a State Water Quality Certification (SWQC) from the Department of Environmental Protection (DEP) before the Federal Energy Regulatory Commission (FERC) can authorize the applicant to construct an interstate natural gas pipeline project within the Commonwealth.

Background

The SWQC fits within the basic FERC review process as outlined in this policy.

Authority

Clean Streams Law, 35 P.S. §§ 691.1 – 691.1001, Dam Safety and Encroachments Act, 32 P.S. §§ 693.1 – 693.27), other State statutes and implementing regulations that protect water quality; Section 401 of the Clean Water Act, 33 U.S.C. § 1341; Section 3(d) of the Natural Gas Act, 15 U.S.C. § 717b(d).

SWQC in the FERC Review Process

- **FERC Pre-Filing Process**
- **FERC Application**
- **NEPA Environmental Review**
- **Federal, State and Local Environmental Authorizations**
- **State Water Quality Certification**
- **Certificate of Public Convenience and Necessity**

SWQC Process

1. Applicant Consultation with DEP prior to submitting its application to FERC.
2. Submission of FERC Application: When filing the FERC application, the applicant should identify the need for a SWQC, as well as State environmental permits, authorizations and approvals identified during the consultation with DEP.

SWQC Process

3. Applicant request for SWQC Certification submission.
4. Publish Draft SWQC with conditions in PAB. 30 day public comment period.
5. SWQC Issuance.
6. State Permits, Authorizations and Approvals Required in the SWQC Conditions.

Sample Public Notices

- Appendix A: Sample PAB Notice of Application and Draft SWQC with proposed conditions.
- Appendix B: Sample PAB Notice of Final SWQC with conditions.



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Ramez Ziadeh, P.E.
Director
Bureau of Waterways Engineering
and Wetlands
rziadeh@pa.gov
717-787-3411