



March 25, 2021

Texas Eastern Transmission, LP
c/o William Brett, Supervisor – Environmental Construction Permitting
890 Winter Street, Suite 300
Waltham, MA 02451

Re: State Water Quality Certification Notification
Conemaugh River Crossing Project
FERC Docket No. N/A
DEP Application No. WQ6583220-001
APS ID No. 1017991; AUTH ID No. 1317321
Derry Township, Westmoreland County
Blacklick Township, Indiana County

Dear Mr. Brett:

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 June 11, 2020. The request relates to the Conemaugh River Crossing Project involving the abandonment and replacement of a section of the 24-inch Line 12 natural gas pipeline that will take place in Derry Township, Westmoreland County and Blacklick Township, Indiana 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 Conemaugh River Crossing project. The approved certification is attached.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Natural Gas Act, 15 U.S.C. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within the time prescribed in the law. Important legal rights are at stake, so you should show this document to a lawyer at once.

If you have questions, please contact Mr. Kevin S. White, P.E., Environmental Group Manager, at 570.826.2015 or by email at kevwhite@pa.gov, and refer to Conemaugh River Crossing, WQ6583220-001, to discuss your concerns or to schedule a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Domenic Rocco". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

Attachment: State Water Quality Certification

cc: AECOM (by email)
U.S. Army Corps of Engineers, Pittsburgh District (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Northwest Regional ARD (by email)
Southwest Regional ARD (by email)
Northwest Regional Waterways and Wetlands PM (by email)
Southwest Regional Waterways and Wetlands PM (by email)
Westmoreland County Conservation District (by email)
Indiana County Conservation District (by email)
Derry Township (by email)
Blacklick Township (by email)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WATER QUALITY CERTIFICATION
CONEMAUGH RIVER CROSSING PROJECT**

**WQ6583220-001: Texas Eastern Transmission, LP
c/o Mr. William Brett, Supervisor – Environmental Construction Permitting
890 Winter Street
Suite 300
Waltham, MA 02451**

**Indiana & Westmoreland Counties
ACOE Pittsburgh District**

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE WATER QUALITY CERTIFICATION (SWQC)
CONEMAUGH RIVER CROSSING PROJECT**

WQ6583220-001 — PADEP 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 PADEP 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 PADEP 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* – PADEP 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 PADEP 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 PADEP Office of such intent. Notice to PADEP 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 PADEP 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 PADEP concerning this SWQC shall be addressed to:

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

10. *Reservation of Rights* – PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this SWQC. PADEP 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.



C3/25/2021

Domenic Rocco, P.E.

Date

Director

Regional Permit Coordination Office