



February 28, 2020

Mr. Mark Valori
Vice-President
Adelphia Gateway, LLC
1415 Wyckoff Road
Wall, NJ 07719

Re: Final Approval of State Water Quality Certification
Required by Section 401 of the Clean Water Act
for Adelphia Gateway Project
Permit No. EA00012-001
APS No. 1009847, AUTH No. 1302721
FERC Docket Nos. CP18-46-000 and CP18-46-001
Chester, Concord, Lower Chichester, Thornberry Townships,
and Trainer Borough, Delaware County
East Goshen, East Whiteland, Charlestown, and
East Pikeland Townships, Chester County
Skippack and Perkiomen Townships, Montgomery County
Richlandtown Borough and West Rockhill Township, Bucks County
Lower Mount Bethel Township, Northampton County

Dear Mr. Valori:

This is in reference to your March 4, 2019, request for a State Water Quality Certification (SWQC) required under Section 401 of the Federal Clean Water Act (Docket Nos. CP18-46-000 and CP18-46-001). The certification is requested for the entire Adelphia Gateway Project (Project) located in the above-referenced counties, boroughs, and townships.

The Project as proposed, includes use of 84.2 miles of existing 18-inch pipelines and 4.4 miles of new 16-inch and 4.4 miles of new 20-inch pipeline to transport natural gas from Martins Creek, Northampton County to Marcus Hook, Delaware County. In addition, the Project proposes to construct the following new facilities along the existing mainline:

In total, the Project proposes to construct the following new and/or upgraded facilities along the 84.2 miles of existing mainline pipeline:

- Two (2) 5,625 horsepower compressor stations
- One 4.4 mile of 20-inch pipeline
- One 4.4 mile 16-inch lateral (a.k.a. Tilghman Lateral)
- One 0.3 mile 16-inch pipeline lateral (a.k.a. Parkway Lateral)

- Five (5) meter stations
- Two (2) mainline valves (MLVs)
- Seven (7) blowdown assembly valves (BAV) at existing MLVs
- Four (4) pig launcher/receiver facilities
- Two (2) tap valves
- One (1) ware yard within limits of the existing Marcus Hook Pump Station for the storage of pipe and contractors' facilities

The potential for discharges exists due to the construction activities associated with the Project from stormwater runoff, sediment, hydrostatic test water, potential spills from construction equipment, and construction in and around contaminated sites. The potential discharges will be managed, and pollution will be prevented by obtaining and abiding to Pennsylvania Department of Environmental Protection (DEP) permits, permit conditions, and contingency plans discussed below. Restoration measures will be implemented to restore and revegetate temporarily disturbed areas and impacted resources. Once the Project is constructed, the pipeline will transport natural gas and should not pose a risk of impacts to Regulated waters of this Commonwealth (Waters), provided the pipeline is properly operated and maintained.

DEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on March 16, 2019, and received three (3) sets of comment documents from the public. DEP has reviewed and considered the comments received. Several revisions to the proposed SWQC are made in response to the comments, and information regarding the Project and Project activities that became available to DEP.

DEP has reviewed your request and hereby grants the State Water Quality Certification for the Project as noted below.

DEP certifies that construction, operation, and maintenance of the Project as proposed 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). DEP further certifies that the construction, operation, and maintenance of the Project as proposed complies with Pennsylvania water quality standards and that the construction, operation, and maintenance of the projects does not violate 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 Permits**

- A. **Hydrostatic Testing Discharge:** Adelpia Gateway, LLC (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.

- B. **Industrial Wastewater Discharge Permits:** Applicant shall obtain and comply with the NPDES Industrial Wastewater Permit(s) for the discharge of industrial wastewater, stormwater, and/ or contaminated groundwater in compliance with the provisions of the Clean Water Act, 33 U.S.C. §§ 1251 et seq. and Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 et seq. and all other applicable regulations. An NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of an NPDES permit(s). A Water Quality Management Permit must be obtained prior to construction or make modifications to wastewater treatment facilities.
- C. **Municipal Stormwater Management Discharges:** The Applicant shall submit approvable, administratively, and technically complete, stormwater management plans, and other submittals related to stormwater, to NPDES Municipal Separate Storm Sewer System (MS4) municipalities that require such submittals, to comply with stormwater management ordinances that a municipality is required to adopt and implement under the terms of its NPDES MS4 permit, and any other applicable legal authorities, including the Stormwater Management Act, in order to regulate water quality impacts of specified activities conducted, or proposed to be conducted, by the Applicant, that may contribute stormwater to the regulated MS4.
2. **Erosion and Sediment Control Permit** – Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project issued pursuant to Pennsylvania's Clean Streams Law and Stormwater 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.
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 water obstructions and encroachments, including 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 and Pollution Prevention 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 Regulated waters of this Commonwealth, including wetlands. This shall include:
- A. **Contamination Prevention Plan:** Applicant shall prepare and submit, subject to review and approval by DEP, a Contamination Prevention Plan (CPP) specifying measures the Applicant will develop and implement to prevent the contamination of Regulated waters of this Commonwealth due to the discharge, transport, release, or disposal, whether intentional or nonintentional, of regulated substances, hazardous substances, or contaminated media, including stormwater run-off, groundwater, or soils. The measures to be developed and implemented by the Applicant pursuant to the CPP shall contain, treat, address, and/or dispose of contaminated media in a manner that satisfies water quality standards and other applicable laws and regulations, including water quality protection requirements. The CPP shall require the Applicant to contact federal, state, and local regulatory agencies to identify the locations of hazardous sites, contaminants, or releases of hazardous substances and planned, on-going, or completed remedial measures within, and within 50 feet of, the limit of disturbance (LOD). The sites to be identified in the CPP include CERCLA sites, HSCA sites, RCRA Corrective Action sites, storage tank facilities and sites, waste disposal sites, remedial soil caps, other containment measures, Pennsylvania Act 2 sites, and active industrial sites. The CPP shall require the Applicant to conduct sampling and analyses of the proposed LOD to confirm the agency data and develop and implement actions to prevent the migration of contaminants, hazardous substances, or pollutants due to, but not limited to, project activities such as, trenching, Horizontal Directional Drilling (HDD) boring, conventional boring, groundwater dewatering, groundwater flowback, creation of preferential contaminant migration paths, and soil excavation and disposal. Applicant shall coordinate any excavation where contaminated soils or groundwater are encountered with DEP and U.S Environmental Protection Agency (USEPA).
- B. **Preparedness, Prevention, and Contingency (PPC) Plans:** Applicant shall develop and implement PPC Plans, subject to review and approval by DEP, to prevent impacts to Regulated waters of this Commonwealth, including: (1) a Base PPC Plan; (2) an Inadvertent Return Assessment, Preparedness, Prevention, and Contingency Plan (IR PPC Plan) associated with HDD; (3) a Water Supply Assessment, Preparedness, Prevention, and Contingency Plan (WS PPC Plan); and, where necessary, (4) a Void Mitigation Plan for (Voids PPC Plan). Applicant shall investigate for drinking water intakes or reservoirs

for public and private water supplies within five (5) miles downstream (and upstream in tidal areas) of each crossing. For portions of the project proposing HDD, the applicant shall also investigate public and private water supply wells within 450 feet of the pipeline centerline to obtain baseline information to be used to prevent pollution, including diminution, to such waters. Applicant shall supply a list detailing each intake and water supply well to DEP. The permittee shall immediately notify DEP at 484.250.5900 in the event of an IR occurring, and immediately activate and implement the aforementioned Pollution Prevention Control Plans (PPC Plans) to prevent any impacts to Regulated waters of this Commonwealth and other natural resources.

5. **Water Quality Monitoring** – DEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.
6. **Operation** – Applicant shall properly operate and maintain at all times 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 required permits, authorizations, or approvals required by this SWQC. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project upon request.
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.

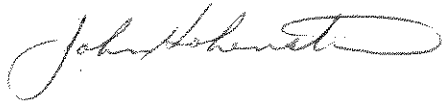
9. **Correspondence** – All correspondence with and submittals to DEP concerning this SWQC shall be addressed to:

Environmental Program Manager
Pennsylvania Department of Environmental Protection
Southeast Regional Office
Waterways and Wetlands Program
2 East Main Street
Norristown, PA 19401

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 certification. 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 this SWQC shall not be affected thereby.

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.

Sincerely,



John Hohenstein, P.E.
Environmental Program Manager
Waterways and Wetlands

cc: Federal Energy Regulatory Commission
U.S. Army Corps of Engineers - Philadelphia District
Delaware River Basin Commission
Chester Township
Concord Township
Lower Chichester Township
Thornberry Township
Trainer Borough
East Goshen Township
East Whiteland Township
Charlestown Township
East Pikeland Township
Skeppack Township
Perkiomen Township
Richlandtown Borough
West Rockhill Township
Lower Mount Bethel Township
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