



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

February 28, 2017

Mr. Paul Corrigan  
DTE Midstream Appalachia, LLC  
333 Technology Drive, Suite 255  
Canonsburg, PA 15317

RE: Water Quality Certification – Birdsboro Pipeline Project  
DEP Application No. WQ03-003  
FERC Docket No. CP17-409  
APS No. ID No. 938347  
Union, Oley, Rockland, Amity Townships and Birdsboro Borough, Berks County

Dear Mr. Corrigan:

This is in reference to your request for Water Quality Certification under Section 401 of the Federal Clean Water Act, submitted to our office on June 23, 2017. The request relates to the DTE Midstream Appalachia LLC – Birdsboro Pipeline natural gas pipeline project that will take place in various municipalities within the County of Berks, Pennsylvania.

The Department of Environmental Protection (DEP) has reviewed your request for Water Quality Certification and hereby grants the Water Quality Certification for the Birdsboro Pipeline project subject to the conditions therein. 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 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly.**

If you have any questions, please contact me at 717.705.4799 or by email at [scwilliams@pa.gov](mailto:scwilliams@pa.gov).

Sincerely,

Scott R. Williamson  
Program Manager  
Waterways & Wetlands Program

Enclosure

Cc: Ms. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission  
Mr. Jordan Allison, PA Fish and Boat Commission, Div. of Environmental Services (via email)  
Mr. Glenn Weitknecht, US Army Corps of Engineers, Philadelphia District (via email)  
Mr. Dean Druckenmiller, Berks County Conservation District (via email)  
Mr. Kevin Rucker, Dawood Engineering, Inc. (via email)

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Southcentral Regional Office  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200**

**WATER QUALITY CERTIFICATION**

**DTE MIDSTREAM APPALACHIA, LLC, BIRDSBORO PIPELINE NATURAL GAS  
PIPELINE PROJECT**

**DEP File No. WQ03-003**

**FERC DOCKET NO. CP17-409**

**DTE MIDSTREAM APPALACHIA, LLC,  
Mr. Paul Corrigan  
DTE Midstream Appalachia,  
333 Technology Drive, Suite 255  
Canonsburg, PA 15317**

**Berks County, Pennsylvania  
U.S. Army Corps of Engineers, Philadelphia District**

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Southcentral Regional Office**  
**Waterways and Wetlands Program**

**WATER QUALITY CERTIFICATION DEP File No. WQ03-003**

**DTE MIDSTREAM APPALACHIA, LLC, BIRDSBORO PIPELINE NATURAL GAS  
PIPELINE PROJECT  
FERC DOCKET NO. CP17-409**

**WQ03-003:** Certification Request initiated by DTE Midstream Appalachia, LLC (DTE), 333 Technology Drive, Suite 255, Canonsburg, Pennsylvania, 15317, Birdsboro Pipeline Project (Project) in Union, Oley, Rockland, Amity Townships, Birdsboro Borough, Berks County (Birdsboro and Fleetwood, PA Quadrangles, From Lat: 40° 16' 10.94"; Long: -75° 47' 59.9" to Lat: 40° 24' 39.14"; Long: -75° 45' 37.94"), U.S. Army Corps of Engineers Philadelphia District.

On May 1, 2017, DTE filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its project (FERC Docket No. CP17-409).

On June 23, 2017, DTE requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Federal Clean Water Act.

The Project consists of the installation of approximately 13.2 miles of new 12-inch diameter natural gas pipeline which will run from the receipt point on Texas Eastern Transmission Company's (TETCO) pipeline in Rockland Township, Berks County, Pennsylvania to the Birdsboro Power Facility in the Borough of Birdsboro, Berks County, Pennsylvania. The Project also includes one new pig receiver at the Birdsboro Power Facility and one new meter site at the TETCO interconnect with two new taps on the TETCO pipelines, three mainline valves and a pig launcher, and temporary access roads and staging areas. The Project will transport natural gas to fuel the proposed Birdsboro Power Facility. The Project will impact 29 streams and 21 wetlands.

The Project will require approximately 128 acres of earth disturbance, and permanent impacts to 493 linear feet and temporary impacts to 649 linear feet of streams including the Schuylkill River (WWF) and two Unnamed Tributaries (UNT's) to the Schuylkill River (WWF); Monocacy Creek (WWF) and nineteen UNT's to Monocacy Creek (WWF); four UNT's to Manatawny Creek (CWF); Little Manatawny Creek (CWF) and one UNT to Little Manatawny Creek (CWF), 0.2

acres of permanent impacts to floodway, 2.0 acres of temporary impacts floodway, 1.09 acres of temporary wetland impacts, and 1.22 acres of permanent wetland impacts that are associated with permanent right-of-way maintenance.

PADEP published notice of its proposed state water quality certification for the Project in the *Pennsylvania Bulletin* on August 12, 2017, (47 Pa. B. 32). PADEP conducted a public hearing on November 2, 2017 to collect public comments on the request for state water quality certification. PADEP has reviewed the comments received and has created a comment response document for the overall Birdsboro Power Project.

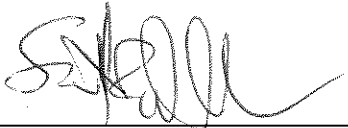
PADEP hereby issues Section 401 Water Quality Certification to DTE for the Project and certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301-303, 306 and 307 of the Federal Clean Water Act (33 U.S.C. §§ 1311-1313, 1316 and 1317). PADEP further certifies that DTE's construction, operation and maintenance of the Project will not violate applicable State water quality standards, provided that DTE complies with applicable statutes and regulations, permitting programs, criteria and conditions established pursuant to State law and as part of the Water Quality Certification as follows:

1. Discharge Permit – DTE shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.
2. Erosion and Sediment Control Permit – DTE shall comply with PADEP Chapter 102 Erosion and Sediment Control General Permit No. ESG00-011-17-0001 for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1-680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).
3. Water Obstruction and Encroachment Permits: - DTE shall comply with PADEP Chapter 105 Water Obstruction and Encroachment Permit No. E06-717 for the construction, operation and maintenance of all water obstructions and encroachments associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27), and all applicable implementing regulations (25 Pa. Code Chapters 105).
4. Submerged Lands License Agreement – DTE shall comply with Pennsylvania Submerged Lands License Agreement, No. E06-717, pursuant to the Pennsylvania Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27) and all applicable implementing regulations (25 Pa. Code Chapter 105).

5. Delaware River Basis Commission – DTE shall comply with the Delaware River Basin Commission’s (DRBC) approval of Docket No. D-2016-008-1 which was granted for the Project on September 13, 2017, and any other approvals that may be necessary from the DRBC for the Project.
6. Water Quality Monitoring - PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any construction, operational and maintenance processes associated with the Project that may be employed by DTE.
7. Operation – DTE shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification 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 DTE.
8. Inspection - The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP, or an authorized representative thereof, during such inspections of the Project.
9. Transfer of Projects – If DTE intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, DTE shall serve a copy of this certification 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 PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.
10. Correspondence - All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, Pa, 17110.
11. Reservation of Rights – PADEP may suspend or revoke this State Water Quality Certification if it determines that DTE has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to DTE’s applicable procedural and substantive rights.

12. Other Laws - Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve DTE from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.
13. Severability - The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

**PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**



2/28/18

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Scott Williamson  
Program Manager  
Waterways and Wetlands Program

Date