



March 1, 2018

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

Re: Permit Authorization Cover Letter for Erosion and Sediment Control General Permit (ESCGP) for Stormwater Discharges Associated with Oil and Gas Activities
Birdsboro Pipeline Project
ESG 00 011 17 0001
Birdsboro Borough; Union, Amity, Oley, & Rockland Townships
Berks County, PA

Dear Mr. Corrigan:

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq* (the Act”) and Pennsylvania’s Clean Streams Law, as amended, 35 P.S. §§ 691.1 *et seq.*, the Pennsylvania Department of Environmental Protection (Department) hereby authorizes the notice of intent for the ESCGP permit for oil and gas activities that involve 5 acres (2 hectares) or more of earth disturbance over the life of the Birdsboro Pipeline Project, including Stormwater Discharges, in the below named watersheds(s): Hay Creek (CWF, MF), Schuylkill River (WWF, MF), Unnamed Tributary to Schuylkill River (WWF, MF), Unnamed Tributary to Monocacy Creek (WWF, MF), Monocacy Creek (WWF, MF), Unnamed Tributary to Limekiln Creek (WWF, MF), Unnamed Tributary to Manatawny Creek (CWF, MF), Little Manatawny Creek (CWF, MF), Furnace Creek (CWF, MF), Unnamed Tributary to Little Manatawny Creek (CWF, MF), and Unnamed Tributary to Bieber Creek (EV, MF), and including all associated other and EV wetlands located within the above-named watersheds.

ESG 00 011 17 0001 is effective on March 1, 2018 and will expire on February 28, 2023. All dischargers are required by Sections 402 and 611 of The Clean Streams Law, 35 P.S. §§691.402 and 691.611 to comply with the terms and conditions of their permit.

In addition to the ESCGP permit authorization, the permittee and any subsequent co-permittees have additional responsibilities related to this authorization. ESCGP permit requirements and state regulations require “when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.” (see permit condition 13 for transfer of ownership or control requirements.) Please be advised that once an operator/contractor has been selected for the project, the ESCGP permit must either be transferred to the operator/contractor or the operator/contractor must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed

Transferee/Co-Permittee Application form to transfer the permit or to add a co-permittee. This form must be received by this office at least 30 days prior to the co-permittee/transferee action taking place.

A pre-construction conference is required as specified in 25 Pa. Code § 102.5(e). The purpose of this conference is to review all aspects of the permit with the permittee, co-permittees, operators, consultants, the Department inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM plan.

It is a condition of ESCGP permit that as part of the maintenance program for the operation and maintenance of Best Management Practices (BMPs) the permittee or co-permittee must conduct inspections of the BMPs on a weekly basis and after each stormwater event (including the repair or replacement of BMPs) to ensure effective and efficient operation (see permit condition 8 Monitoring, Inspection, and Reporting Requirements). The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.

For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operations and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. Unless a later date is approved by the Department in writing, the permittee shall record an instrument as required under 25 Pa. Code § 102.8(m)(2) and condition 20b of this permit within 45 days from the date of issuance of this permit or authorization. The permittee shall provide the conservation district and the Department with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.

The Notice of Termination (NOT) form is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved as a condition of this permit as specified in permit condition 23 of the permit regarding Termination of Coverage. The NOT is a ESCGP permit requirement, as well as a regulatory requirement under 25 Pa. Code § 102.7. The NOT must identify the responsible person(s) for the long term operation and maintenance of the Post Construction Stormwater Management (PCSM) BMPs (see permit condition 20 Long-term Operation and Maintenance). Please be advised that the permittee and any co-permittees remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the federal 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. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

If you have additional questions, please contact Eric Hout of the Berks County Conservation District at 610-372-4657 extension 205.

Sincerely,



Scott R. Williamson
Program Manager
Waterways & Wetlands Program

cc: Eric Hout, Berks County Conservation District
Dean Auchenbach / DEP Central Office (NOI)
John Pisula / Dawood Engineering, Inc.
Brian Boyer / Boyer Engineering
Tom Unger / Systems Design Engineering
John Weber / LTL Consultants
Norm Ulrich / LTL Consultants
Linda Cluck / LTL Consultants
Birdsboro Borough
Union Township
Amity Township
Oley Township
Rockland Township

Attachments: ESCGP Permit
E&S Plan
PCSM Plan
Visual Site Inspection Report Form
Transferee/Co-permittee Application Form
Notice of Termination Form
PCSM Instrument Filing Notice