

**CASE NO. 14-2216-GA-BLN
LETTER OF NOTIFICATION
TPL 2 ILI (2015) PROJECT
EXISTING PIPELINE REPLACEMENT**

ATTACHMENT S

OHIO EPA 401 WATER QUALITY CERTIFICATION



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

JUN 27 2014

ENTERED EMPLOYER'S JOURNAL

Certified Mail

June 27, 2014

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Michael Reed
East Ohio Gas Company
320 Springside Drive, Suite 320
Akron, Ohio 44333

By: Zonad Clements Date: June 27, 14

Re: Summit and Stark Counties
Grant of a Section 401 Water Quality Certification, Minimal Degradation Alternative
East Ohio Gas TPL2 ILI
ACOE Public Notice No. LRH-2014-25-TUS
Ohio EPA ID No. 144349

Dear Stakeholders:

I hereby authorize the above referenced project under one or both of the following authorities and it is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, I hereby certify that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

This authorization is specifically limited to a Section 401 Water Quality Certification (here after referred to as "permit") with respect to water pollution and does not relieve the Permittee of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Tuscarawas River (HUC 05040001) as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the technical, social, and economic considerations concerning this application and its impact on waters of the state.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The Tuscarawas River is a warmwater habitat (WWH) stream and primary contact recreation class "B" water. The upper portion of the watershed has significant urban, commercial and industrial development. The southern and eastern portions are less populated with far fewer industries in a largely forested landscape that has steeper

topography. Pastureland and cattle operations are interspersed throughout the hills and forests as are some abandoned mine lands. The distribution of land covers for the entire Tuscarawas River watershed is 34% forest, 31% pasture/hay, 19% cropland, 12% urban, and 4% open water.

B. Project Description

The project involves replacing and installing various station valves and 9 sections of natural gas pipeline within the existing East Ohio Gas (EOG) right-of-way.

C. Impacts

Under the Minimal Degradation Alternative, impacts to waters of the state are as follows:

1. Streams

Stream impacts will be limited to nine linear feet.

Stream ID	Designated Use	Type* E, I, or P	QHEI Score*	Impact Type	Total Length on Site (LF)	Total Length Impacted (LF)	Percent Avoided
S-1b	WWH	I	43	Open cut	4	4	0
S-2	N/A	I	47	Open cut	3	3	0
S-3	N/A	I	16	Open cut	2	2	0
Totals					9	9	0

* As provided by Permittee

2. Wetlands

The Minimal Degradation Alternative will involve construction activities within the existing EOG 60 ft construction corridor, reduced to 50 ft. wide through wetlands and streams. Replacement of the pipeline will impact 1.99 acres of Category 1 and 2 wetlands.

Wetland ID	Isolated or Non-isolated?	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
W-1	Non-isolated	Non-forested	2	0.115	0.096	16.5
W-2	Non-isolated	Non-forested	1	0.267	0.226	15.3
W-3	Non-isolated	Non-forested	1	0.050	0.037	26
W-4	Non-isolated	Non-forested	1	0.093	0.083	10.7
W-5	Non-isolated	Non-forested	1	0.014	0.012	14.2
W-6	Non-isolated	Non-forested	1	0.534	0.459	14.0
W-7	Non-isolated	Non-forested	1	0.008	0.003	62.5
W-8	Non-isolated	Non-forested	2	0.552	0.469	15.0
W-9	Non-isolated	Non-forested	1	0.041	0.035	14.6
W-10	Non-isolated	Non-forested	2	0.685	0.574	16.2
Totals				2.357	1.99	15.5

3. Lakes

Impacts to lakes are not authorized under this permit.

PART II TERMS & CONDITIONS

- A. Terms and conditions outlined in this section apply to project and mitigation construction as described in this permit.
- B. This permit shall be valid for a period of five years from the date of issuance.
- C. The Permittee shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this permit, upon the start and completion of site development and mitigation construction.
- D. A copy of this permit shall remain on-site for the duration of the project and mitigation construction activities.
- E. In the event of an inadvertent spill, the Permittee must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401/IWP Manager (614-644-2872).

- F. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project must be reported within 24 hours of occurrence to Ohio EPA, Division of Surface Water, Section 401/IWP Manager (614-644-2872), for further evaluation.
- G. Pesticide application(s) for the control of plants and animals shall be applied in accordance with rule 3745-1-01 of the Ohio Administrative Code, and may require a site specific application permit from Ohio EPA. Such a permit may be obtained by calling 614-644-2001 and speaking with the Toxicology Specialist.
- H. Blasting shall not be done within or near waters of the state (including wetlands) without prior consultation with the Ohio Department of Natural Resources, Division of Wildlife, to determine what protective measures should be taken to minimize damage to wildlife.
- I. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
- J. In the event that there is a conflict between the permit application, including the mitigation plan, and the conditions within this permit, the condition shall prevail unless Ohio EPA agrees, in writing, that the permit application or other provision prevails.
- K. The Permittee shall provide electronic maps of the development area and the mitigation area to Ohio EPA 401 WQC and Isolated Wetland Permitting Section within 30 days of the date of this certification. JPEG, TIFF, PDF or BMP files are acceptable. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc). The electronic files shall be sent to the following e-mail address: EPA.401Webmail@epa.ohio.gov

If the files are too large to send by e-mail, a disk containing the electronic files shall be mailed to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
Attn: 401 WQC/IWP/Mitigation Section Manager
50 West Town Street, Suite 700, PO Box 1049
Columbus, OH 43216-1049

- L. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
330-963-1200

Additional information regarding environmental permitting assistance at Ohio EPA can be found at http://www.epa.ohio.gov/dir/permit_assistance.aspx

M. Best Management Practices (BMPs)

1. All water resources and their buffers, which are to be avoided, shall be clearly indicated on site drawings, demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
2. All BMPs for storm water management shall be designed and implemented in accordance with the most current edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual, unless otherwise required by the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:
<http://soilwater.ohiodnr.gov/water-conservation/stormwater-management>

A copy of the NPDES construction general permit is available at:
http://www.epa.ohio.gov/dsw/storm/construction_index.aspx#Construction%20General%20Permit

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Concrete rubble used for fill or bank stabilization shall be in accordance with ODOT specifications; free of exposed re-bar; and, free of all debris, soil and fines.
7. Chemically treated lumber which may include, but is not limited to, cadmium chromium arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
8. Trees removed to facilitate construction that are located outside of the maintained ROW from areas within wetlands or areas adjacent to wetlands shall be replaced with appropriate tree species native to Ohio.
9. Culverts
 - a. Stream culverts shall be installed and designed at the streambed slope to allow for the natural movement of aquatic organisms and bedload to form a stable bed inside the culvert.
 - b. The culvert base or invert with the substrate shall be installed below the sediment to allow natural channel bottom to develop and to be retained.
 - c. The channel bottom substrate shall be similar to and contiguous with the immediate upstream and downstream reaches of the stream. The culvert shall be designed and sized to accommodate bankfull discharge and match the existing depth of flow to facilitate the passage of aquatic organisms.
 - d. Where culverts are installed for temporary crossings, the bottom elevations of the stream shall be restored as nearly as possible to pre-project conditions.

N. Wildlife Protection

1. If native mussels and/or mussel beds, not previously identified, are encountered at any time during construction or dredging activities, work must cease immediately and the Ohio Department of Natural Resources' Division of Wildlife must be contacted for further evaluation.

PART III MITIGATION

A. Description of Required Mitigation

As compensatory mitigation for impacts to wetlands, EOG will receive 1:1 onsite credit for wetland restoration. Wetland restoration will be completed at the same locations as impacts; that is, the wetlands will be restored in place at the location of the disturbance. During the construction phase, the top 12 inches of soil will be excavated from within the wetlands and stockpiled for reuse/restoration. Following construction, the wetlands will be restored to pre-construction grade and the top 12 inches of topsoil will be replaced. Wetlands will not be seeded and the original seed bank will be allowed to naturally revegetate. The remaining mitigation will be through the purchase of 1.6 mitigation credits from the Chippewa North Mitigation Bank through the North Coast Regional Council of Park Districts. EOG has reserved credits with a 10% deposit with final payment taking place once the 401 WQC has been authorized.

As compensatory mitigation for impacts to streams, EOG proposes onsite mitigation at a 1:1 ratio. Stream crossings will be returned to pre-construction grade and conditions so as not to alter flow patterns or stream channel length within the project area. The excavated stream substraight will be replaced into the stream channel during trench backfilling so as to provide similar stream substrate composition, to the fullest extent possible. The stream banks will be stabilized with riprap or erosion control matting to prevent erosion and reseeded for herbaceous habitat.

B. Mitigation and Monitoring Plan

As mitigation for impacts described in Part I.C of this permit the Permittee shall implement the mitigation plan dated upon completion of construction, and in accordance with the conditions in this permit.

C. Timing of Mitigation Requirements

1. Mitigation restoration construction shall be initiated concurrently with the stream and wetland, impacts and shall be completed within three months of the initial impacts.
2. Within 30 days of the date of permit, a copy of the fully executed mitigation bank agreement with Chippewa North Mitigation Bank shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

D. Agency Site Visits

The applicant shall arrange on-site mitigation meetings with Ohio EPA during the growing season that follows the submittal of the second and fifth annual mitigation monitoring reports. The purpose of this inspection is to determine if the mitigation project has been constructed in accordance with the mitigation and monitoring plan approved by Ohio EPA and the terms and conditions of this permit, as well as to determine progress toward compliance with the performance goals for the site. The applicant is responsible for undertaking any modifications identified by Ohio EPA.

E. Reporting

1. Annual Update Reports

A mitigation construction and project update report shall be submitted to Ohio EPA by December 31 of each year following the date of this permit and until mitigation construction is complete and a mitigation monitoring report is ready for submittal. Each update report shall contain, at a minimum, the following information:

- a. The status of all of the mitigation required for the project as specified in the application and permit.
- b. The status of the filling activities at the development site including dates filling was started and completed, or are expected to be started and completed. If filling activities have not been completed, a drawing shall be provided, which shows the locations and acreage/feet of wetlands/streams that have not yet been filled. If filling activities have been completed, then as-built drawings shall be submitted, which show where fill was placed.
- c. Mitigation construction start date, completion date, or expected start and completion date.
- d. A discussion of the extent to which the mitigation has been completed according to the timelines specified in this permit.
- e. Current contact information for all responsible parties including phone number, e-mail, and mailing addresses.

2. Annual Mitigation Monitoring Reports

- a. The mitigation monitoring period shall commence immediately following completion of mitigation construction and shall continue through a five year monitoring period, except as provided for in the contingency plan.
- b. Annual mitigation monitoring reports shall be submitted to Ohio EPA by December 31 of the first full year following the end of the first full growing season and completion of mitigation construction. All subsequent reports shall be submitted by December 31st of each of the monitoring years.
- c. Annual mitigation monitoring reports shall be prepared in the format prescribed in the Ohio EPA Monitoring Report Guidelines document available at <http://epa.ohio.gov/portals/35/401/401MonitoringReportGuidelines.pdf> and include the Monitoring Report Checklist provided at <http://epa.ohio.gov/portals/35/401/401MonitoringReportChecklistTable.pdf>.
- d. Each annual report shall clearly identify the specific monitoring period the report is intended to represent, as well as the calendar year the monitoring occurred. The report shall also provide a summary of current mitigation status, which compares the previous years' monitoring information with the current report including graphs and tables showing trends, etc.
- e. Each annual report shall include a cover letter. The cover letter shall identify the status of the mitigation project and identify any items needing immediate attention or questions for the regulatory agencies.
- f. The first monitoring report shall contain a full copy of the final U.S. Army Corps of Engineers Nationwide Permit for the project.
- g. Each annual monitoring report shall contain a list of species planted in all mitigation areas.
- h. Each annual report shall include photographs to be collected as follows:
 - i. An adequate number of fixed observations points shall be selected, with no fewer than two fixed observation points (looking along the pipeline) per distinct mitigation area, to provide representative overviews of each distinct mitigation area.

- ii. Photographs shall be taken from these points at the same position and angle during the growing season of each monitoring year. The fixed observations points shall be marked on the base map.
- iii. Additional photographs of areas of interest within each district mitigation area shall be marked on the base map and provided in each monitoring report.

F. Monitoring Requirements – Wetlands

1. Wetland Delineation

- a. A delineation of the wetland mitigation area(s) shall be performed during the growing season of the third and fifth year of monitoring after completion of construction of the mitigation wetlands. The wetland delineation shall be performed in accordance with the United States Army Corps of Engineers 1987 Wetland Delineation Manual and the applicable Regional Supplement to the Corps of Engineers Wetland Delineation Manual and shall include an assessment of soils, hydrology, and plants according to the manual.
- b. For wetlands mitigated adjacent to existing wetlands the entire wetland (mitigated and pre-existing) shall be delineated at the end of fifth year of monitoring. The amount of mitigated wetland can then be determined by subtracting the pre-existing wetland acreage from the new total.

G. Performance Goals - Wetlands

- 1. Within five years after completion of construction of the mitigation, the applicant shall demonstrate that all non-forested wetlands have been restored to pre-impact conditions. The ORAM scores and number of acres that existed before impacts must be maintained after impacts occur.
- 2. Restored on-site wetlands shall meet the wetland soil, hydrology, and vegetation criteria as defined in the most current U.S. Army Corps of Engineers Wetlands Delineation Manual and/or supplement.
- 3. The mitigation wetland shall contain at least 75 percent relative cover of perennial hydrophytes.

H. Performance Goals – Streams

The applicant must demonstrate that all stream crossings have been restored to pre-impact conditions. Observations of the stream mitigation channel and banks, including up and downstream, shall be made. Signs of negative effects from the stream mitigation such as excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation shall be noted in the annual report, and corrective actions shall be taken.

I. Contingency Plans

If the mitigation areas are not performing as proposed by the end of the fifth year of post construction monitoring, the monitoring period may be extended and/or the Permittee may be required to revise the existing mitigation or seek out new or additional mitigation areas.

Ohio EPA may reduce or increase the number of years for which monitoring is required to be conducted based on the effectiveness of the mitigation.

PART IV NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this permit shall reference the following information:

Permittee Name: East Ohio Gas
Project Name: TPL2 ILI
Ohio EPA ID No.: 144349

and shall be sent to:

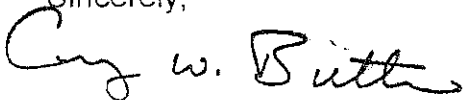
Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the

grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,



Craig W. Butler
Director

cc: Teresa Spagna, Department of the Army, Huntington District, Corps of Engineers
Peter Swenson, U.S. EPA, Region 5
Mary Knapp, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office
Todd Surrena, Ohio EPA, DSW-NEDO, Section 401/IWP
Jeff DeShon, Ohio EPA, DSW, EAS
Megan Wolf, Ohio EPA, DSW, Mitigation Coordinator
Tara Miletti, East Ohio Gas Company, Akron
Neil Munger, Secretary, North Coast Regional Council of Park Districts

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 14-2216-GA-BLN

Summary: Letter of Notification of Dominion East Ohio - Attachment S electronically filed by
Teresa Orahod on behalf of Sally Bloomfield