

# APPLICATION FOR OHIO EPA SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996  
Revised August, 1998

This application must be completed whenever a proposed activity requires an individual Clean Water Act Section 401 Water Quality Certification (Section 401 certification) from Ohio EPA. A Section 401 certification from the State is required to obtain a federal Clean Water Act Section 404 permit from the U.S. Army Corps Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material to any waters of the State. To determine whether you need to submit this application to Ohio EPA, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your project, or other federal agencies reviewing your application for a federal permit to discharge dredged or fill material to waters of the State, or an Ohio EPA Section 401 Coordinator at (614) 644-2001.

The Ohio EPA Section 401 Water Quality Certification Program is authorized by Section 401 of the Clean Water Act (33 U.S.C. 1251) and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the application process and criteria for decision by the Director of Ohio EPA. In order for Ohio EPA to issue a Section 401 certification, the project must comply with Ohio's Water Quality Standards (OAC 3745-1) and not potentially result in an adverse long-term or short-term impact on water quality. Included in the Water Quality Standards is the Antidegradation Rule (OAC Rule 3745-1-05), effective October 1, 1996, revised October, 1997 and May, 1998. The Rule includes additional application requirements and public participation procedures. **Because there is a lowering of water quality associated with every project being reviewed for Section 401 certification, every Section 401 certification applicant must provide the information required in Part 10 (pages 3 and 4) of this application.** In addition, applications for projects that will result in discharges of dredged or fill material to wetlands must include a wetland delineation report approved by the Corps of Engineers, a wetland assessment with a proposed assignment of wetland category (ies), official documentation on evaluation of the wetland for threatened or endangered species, and appropriate avoidance, minimization, and mitigation as prescribed in OAC 3745-1-50 to 3745-1-54. Ohio EPA will evaluate the applicant's proposed wetland category assignment and make the final assignment.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Director determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in OAC Rule 3745-32-05(A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until the application is considered complete by the Section 401 Coordinator. An Ohio EPA Section 401 Coordinator will inform you in writing when your application is determined to be complete.

Please submit the following to "Section 401 Supervisor, Ohio EPA/DSW, P.O. Box 1049, Columbus, Ohio 43216-1049:

- Four (4) sets of the completed application form, including the location of the project (preferably on a USGS quadrangle) and 8-1/2 x 11" scaled plan drawings and sections.
- One (1) set of original scaled plan drawings and cross-sections (or good reproducible copies).

**(See Application Primer for detailed instructions)**

1. The federal permitting agency has determined this project: (check appropriate box and fill in blanks)

- a. \_\_\_ requires an individual 404 permit/401 certification- Public Notice # (if known) \_\_\_\_\_
- b.  requires a Section 401 certification to be authorized by Nationwide Permit # 12
- c. \_\_\_ requires a modified 404 permit/401 certification for original Public Notice # \_\_\_\_\_
- d.  requires a federal permit under the FERC jurisdiction identified by # Section 7(c)
- e. \_\_\_ requires a modified federal permit under \_\_\_\_\_ jurisdiction identified by # \_\_\_\_\_

Click to clear all entered information (on all 4 pages of this form) **CLEAR**

2. Application number (to be assigned by Ohio EPA):

3. Name and address of applicant:

William B. Brett  
Texas Eastern Transmission, LP  
890 Winter Street, Suit 300  
Waltham, MA 02451

Telephone number during business hours:

( ) (Residence)

( 617 ) 560-1371 (Office)

3a. Signature of Applicant:



Date: 3/24/14

4. Name, address and title of authorized agent:

Michael Lychwala  
TRC Environmental  
6 Ashley Drive  
Scarborough, ME 04074

Telephone number during business hours:

( ) (Residence)

( 207 ) 232-1739 (Office)

4a. Statement of Authorization: I hereby designate and authorize the above-named agent to act in my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant:

Date:

5. Location on land where activity exists or is proposed. Indicate coordinates of a fixed reference point at the impact site (if known) and the coordinate system and datum used.

Address:

The Project location is described in Section 2.3 of the enclosed 401 application narrative.

Street, Road, Route, and Coordinates, or other descriptive location

Watershed	County	Township	City	State	Zip Code
13 and 15	See Section 2.3			Ohio	

6. Is any portion of the activity for which authorization is sought complete?  Yes  No  
If answer is "yes," give reasons, month and year activity was completed. Indicate the existing work on the drawings.

7. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharge or other activities described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
FERC	Section 7(c) Cert.	CP14-68-000	01/31/2014	Pending	Pending
USACE Pitts.	PDJ	2012-589	02/28/2014	Pending	Pending
USACE Pitts.	NWP 12	2012-589	03/04/2014	Pending	Pending

8. DESCRIPTION OF THE ACTIVITY (fill in information in the following four blocks - 8a, 8b, 8c & 9)

8a. Activity: Describe the Overall Activity:

The Ohio Pipeline Energy Network Project ("OPEN Project" of Project") will include 75.8 miles of new 30-inch diameter mainline pipeline and associated aboveground facilities, including a new compressor station in Ohio. See Section 2.0 of this application narrative for a detailed description of the proposed Project facilities and activities.

8b. Purpose: Describe the purpose, need and intended use of the activity:

The Project is designed to provide pipeline transportation capacity to transport new incremental production from the emerging Utica Shale and Marcellus Shale plays to growing and diverse markets in the Gulf Coast and facilitate further transportation to the Southeast region. See Section 2.1 of the enclosed application narrative for a full description of the Project's purpose and need.

8c. Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards).

Installation of the Project pipeline facilities and use of temporary access roads will require temporary impacts to wetlands and waterbodies. The Project activities are temporary in nature and will not result in any loss or adverse impacts to wetlands or waterbodies. See Section 4.0 of the enclosed application narrative for a description of the Project's temporary impacts.

9. Waterbody and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.

USGS quadrangle and natural resource (aerial photography) mapping located in Appendix 1 of this application depict the Project wetlands and waterbodies. Table 3-1 and 3-2 in Appendix 3 provide the names of the receiving waters as well as latitude and longitude coordinates for each Project wetland and waterbody.

**10. To address the requirements of the Antidegradation Rule, your application must include a report evaluating the:**

- Preferred Design (your project) and Mitigative Techniques
- Minimal Degradation Alternative(s) (scaled-down version(s) of your project) and Mitigative Techniques
- Non-Degradation Alternative(s) (project resulting in avoidance of all waters of the state)

At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific instructions).

10a) Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water.

10b) Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation.

- 10c) Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.)
- 10d) For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents.
- 10e) To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exist or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource.
- 10f) Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project.
- 10g) Describe any impacts on human health and the overall quality and value of the water resource.
- 10h) Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenues generated and a brief discussion on the condition of the local economy.
- 10i) Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans.
- 10j) Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species.
- 10k) Describe mitigation techniques proposed (except for the Non-Degradation Alternative):
  - o Describe proposed Wetland Mitigation (see OAC 3745-1-54 and Primer)
  - o Describe proposed Stream, Lake, Pond Mitigation (see Primer)

11. Application is hereby made for a Section 401 Water Quality Certification. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

  
 \_\_\_\_\_  
 Signature of Applicant

3/24/14  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Agent

*The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.*