

## ATTACHMENT A

### Special Conditions of West Virginia's 401 Water Quality Certification Applicable to the Individual 2017 Nationwide Permits

#### 12. Utility Line Activities.

##### Current Special Condition A

Individual State Water Quality Certification is required for

- i. Pipelines equal to or greater than 36 inches in diameter;
- ii. Pipelines crossing a Section 10 river (unless the bore is greater than 100 feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all other Section 10 waters);
- iii. Pipelines transporting hazardous materials/substances as defined by the Toxic Substances Control Act;
- iv. Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance;
- v. Cumulative permanent impacts totaling greater than 200 linear feet, on one side, of any stream identified in WQC Standard Condition 18 A, B, and C herein;
- vi. Cumulative permanent impacts on any one perennial or intermittent stream totaling greater than 300 linear feet;
- vii. Pipelines carrying separated natural gas liquids, unless installed with an automated system which will indicate a sudden loss of pressure.

##### Modified Special Condition A

**The Secretary of the West Virginia Department of Environmental Protection, in the Secretary's sole discretion, reserves the right to require an individual water quality certification for any of the following facilities or impacts:**

- i. Pipelines equal to or greater than 36 inches in diameter;
- ii. Pipelines crossing a Section 10 river (unless the bore is greater than 100 feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all other Section 10 waters);
- iii. Pipelines transporting hazardous materials/substances as defined by the Toxic Substances Control Act;
- iv. Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance;
- v. Cumulative permanent impacts totaling greater than 200 linear feet, on one side, of any stream identified in WQC Standard Condition 18 A, B, and C herein;
- vi. Cumulative permanent impacts on any one perennial or intermittent stream totaling greater than 300 linear feet;
- vii. Pipelines carrying separated natural gas liquids, unless installed with an automated system which will indicate a sudden loss of pressure.

### **Current Special Condition C**

Individual stream crossings must be completed in a continuous, progressive manner and within 72 hours during seasonal normal or below normal stream flow conditions. Crossings on the Ohio River, Kanawha River, New River, Monongahela River, and the Little Kanawha River, below the confluence with Hughes Rivers, are exempt from the 72-hour requirements. All stream activities shall be completed as rapidly as possible.

### **Modified Special Condition C**

Individual stream crossings **using wet or open-cut methods that do not isolate the excavation area** must be completed in a continuous, progressive manner and within 72 hours during seasonal normal or below normal stream flow conditions. **Stream crossings using the dry ditch method are exempt from the 72-hour requirement. Construction and access bridges and** crossings on, Section 10 rivers are also exempt from the 72-hour requirements. Whatever crossing method is chosen by the permittee, the crossing should be completed as rapidly as practicable.

### **Current Special Condition L**

No structure authorized by this permit shall impede or prevent fish movement upstream or downstream.

### **Modified Special Condition L**

No **permanent** structure authorized by this permit shall impede or prevent fish movement upstream or downstream.