



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

March 16, 2018

Re: Notice of Permit Decision
Nontidal Wetlands and Waterways Permit Application
Tracking Number 17-NT-3089/201760592

Dear Property Owner, Public Official, or Interested Person:

After a thorough and exhaustive examination and consideration of the documents received as well as the evidence in the application file, including a thorough review and consideration of the record for **Columbia Gas Transmission, Eastern Panhandle Expansion Project**, the Water and Science Administration has determined that the application meets the statutory and regulatory criteria necessary for issuance of a Nontidal Wetlands and Waterway Permit (Permit). Copies of the Permit and the Summary of the Basis for Decision are enclosed with this permit decision. The Maryland Department of the Environment's (MDE) decision is based on Maryland nontidal wetlands and waterways statutes and regulations as discussed in the enclosed Summary of the Basis for Decision document.

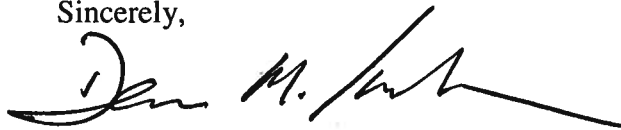
The Permit contains 23 special conditions, including: (1) a requirement for Columbia Gas Transmission to provide an Independent Environmental Monitor (to be selected in consultation with MDE) at all times during construction activities; (2) a prohibition against additives in the drilling fluid without prior approval of MDE; (3) a requirement for pre-construction and post construction testing of all wells within 500 feet of workspaces for well yield and water quality and corrective actions in the event of damage or degradation; (4) immediate notification of downstream public drinking water intake facilities from the project to the mouth of the Potomac River and Chesapeake Bay in the event of an inadvertent release; (5) implementation of a Horizontal Directional Drilling Contingency Plan and immediate notification of MDE of detected inadvertent releases, including those which occur outside of Maryland but which could impact any water of the State of Maryland; and (6) a requirement to report to MDE within one business day, any citizen complaint reporting gas leaks or other releases from construction or operation of the pipeline.

This is a final agency determination; there is no further opportunity for administrative review. Any person with standing, who is either the applicant or who participated in the public participation process through the submission of written or oral comments, may petition for judicial review in the Circuit Court in the County where the permitted activity is to occur. The petition for judicial review must be filed within 30 days of the publication of the permit decision. Please see the

attached Fact Sheet for additional information about the judicial review process.

If you have any questions or need any additional information, please do not hesitate to contact William Seiger, Chief, Waterway Construction Division at 410-537-3821.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise M. Keehner", with a long horizontal flourish extending to the right.

Denise M. Keehner, Program Manager
Wetlands and Waterways Program

Enclosures

Notice of Decision
Summary of the Basis for MDE's Decision
Nontidal Wetlands and Waterways Permit

FACT SHEET JUDICIAL REVIEW PROCESS

Permits can be challenged through a request for direct judicial review in the Circuit Court for the county where the activity authorized by the permit will occur. Applicants, and persons who meet standing requirements under federal law and who participated in a public comment process by submitting written or oral comments (where an opportunity for public comment was provided), may seek judicial review. Judicial review will be based on the administrative record for the permit compiled by the Department and limited to issues raised in the public comment process (unless no public comment process was provided, in which case the review will be limited to issues that are germane to the permit).

Who Has Standing?

Anyone who meets the threshold standing requirements under federal law and is either the applicant or someone who participated in the public participation process through the submission of written or oral comments, as provided in Environment Article § 5-204, Annotated Code of Maryland. The three traditional criteria for establishing standing under federal law are injury, causation, and redress ability, although how each criterion is applied is highly fact-specific and varies from case to case. Further, an association has standing under federal law to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

What is the Procedure for Seeking Judicial Review?

Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with § 1-605 of the Environment Article no later than 30 days following publication by the Department of a notice of final determination or final permit decision and must be filed in the circuit court of the county where the permit application states that the proposed activity will occur. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure.

To review the legislation follow the link below:

http://mlis.state.md.us/2009rs/chapters_noln/Ch_650_sb1065T.pdf