



Eastern Panhandle Pipeline Project Permit Application

What You Need to Know

The Maryland Department of the Environment (MDE) is reviewing an application for a State Waterway Construction permit and a Letter of Authorization for nontidal wetland-related impacts for the Columbia Gas Transmission, LLC/Eastern Panhandle Expansion Project. This review is one of a number of environmental reviews, including review by the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission. The National Pipeline Mapping System shows that there are 23 existing pipelines crossing the Potomac and North Branch Potomac rivers. MDE's review is based on science and the law and is focused on the management of environmental risk. The public participation process includes a public hearing Dec. 19, 2017, at the Hancock Middle/High School.

The application

Projects that require work to be performed in a waterway or 100-year floodplain require a permit from MDE. This application, filed in March 2017, requests authorization for activities associated with the construction of 3.06 miles of 8-inch diameter natural gas pipeline. The location is about 1.4 miles west of Hancock. The applicant, Columbia Gas Transmission, LLC, is requesting a State Waterway Construction permit for horizontal directional drilling 114 feet under the Potomac River. The clay that would be used in drilling is documented to be non-toxic. The applicant is also requesting a Letter of Authorization for excavation, grading and vegetation removal in wetland, wetland buffer, stream and floodplain areas that are collectively about three-fifths of an acre in size.

Maryland law and regulations establish criteria for the Department of the Environment to consider when evaluating waterway construction projects. In making its determination on the application, MDE will consider all criteria required by law, including protection and use of waters of the State and preservation of public safety and welfare.

MDE intends to issue its decision after the issuance of the Federal Energy Regulatory Commission (FERC) Environmental Assessment (EA), expected to be issued in January 2018. If the EA is not issued as expected, MDE may make its decision but include in any prospective permit a provision that would allow MDE to rescind or modify any permit issued based on the results of the EA.

401 Water Quality Certification

This project must also be permitted by the U.S. Army Corps of Engineers (the Corps). A Water Quality Certification under Section 401 of the Clean Water Act is required from MDE for this project. The Corps issued Maryland State Programmatic General Permit (MDSPGP-5), for which MDE issued a Water Quality Certification in 2016. MDE understands that the Corps is presently processing this permit application under Programmatic General Permit MDSPGP-5. Generally, projects covered by MDSPGP-5 do not require a project-specific 401 Water Quality Certification. However, ongoing review continues.



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Drilling operations and contingency response plans

The drilling fluid used to cool and lubricate the drill during a hydraulic directional drilling operation is composed primarily of bentonite clay, water and small quantities of crystalline silica. Material Safety Data Sheets indicate that the drilling fluid does not include any toxic compounds. MDE-issued permits require the development of a contingency plan to address the response and reporting actions needed if an inadvertent release occurs. MDE-issued permits also include requirements to return the area to pre-release conditions mitigating adverse impacts to the environment.

Drinking water

The closest downstream public water supply intake is operated by the City of Hagerstown, about 30 miles downstream. MDE has an Emergency Response Plan and related protocols in the event of a spill in the Potomac watershed. This includes a spill notification mechanism through the Interstate Commission on the Potomac River Basin that provides information to water suppliers on both sides of the river. The nearest community groundwater supplies are the wells serving the Town of Hancock. The proposed pipeline route is outside of the wellhead protection area. MDE understands that there may be some private wells in the area of the proposed pipeline regulated by the local health department.

Geology

Geological boring information was submitted by the applicant. MDE solicited comment from the Maryland Geological Survey (MGS). MGS confirmed the appropriateness and adequacy of the applicant's geological investigations, including potential for karst topography encountered. The presence of karst geology in the area is not definite. MGS did not identify any undue environmental risk in drilling through the Wills Creek Shale and beneath the Potomac River at the proposed location. A part of the pipeline alignment crosses an outcropping of the McKenzie Formation, which has modest potential for karst. MDE will consider any additional, relevant information that becomes available.

Pipeline construction and operation

The construction of interstate pipelines is also regulated by FERC. The operation of interstate pipelines is regulated by FERC and the U.S. Department of Transportation Office of Pipeline Safety. Interested persons having concerns about this project that are unrelated to State-regulated impacts on Maryland wetlands and waterways are encouraged to direct those concerns to the appropriate federal regulatory agency.

Public participation, additional information

Written comments may be submitted by 5 p.m. Jan. 16, 2018. All correspondence related to the application should reference case number 201760592 / 17-NT-3089 and be addressed to the Water and Science Administration, Wetlands and Waterways Program, 1800 Washington Boulevard, Baltimore, Maryland 21230, or by email to paul.busam@maryland.gov. Issues raised in verbal hearing testimony and written comments will be considered and addressed in a final decision. Unless extenuating circumstances justify an extension of time, MDE is obligated to issue, modify or deny the permit within 30 days of the close of the hearing record, which is Feb. 15, 2018. Additional information is available on MDE's website at <http://bit.ly/MDEwetlands>.