

Transmittal Letter



TO
 Maryland Department of the Environment
 Waterways Construction Division
ATTN: Paul Busam
 1800 Washington Blvd, Suite 430
 Baltimore, MD 21230

COPIES TO
 Heather Nelson, MDE
 Amanda Sigillito, MDE
 Bill Seiger, MDE
 Sue Flaman, TC Energy
 Clayton Forswall, TC Energy
 Daniel Ley, Arcadis

FROM
 Columbia Gas Transmission, LLC
 Jennifer Cannon
 Environmental Advisor
 jennifer_cannon@tcenergy.com
 304.357.2040

DATE
 August 13, 2021

SUBJECT
 Permit Extension Request – Permit No.
 17-NT-3089/201760592

We are sending you:

Copies	Date	Drawing No.	Rev.	Description	Action*
1	08/13/21			Original Signed Joint Application Form – Extension Request	FA
6	08/13/21			Copies of Signed Joint Application Form – Extension Request	FA

Action*

- | | | |
|---|---|---|
| <input type="checkbox"/> A Approved | <input type="checkbox"/> CR Correct and Resubmit | <input type="checkbox"/> Resubmit ____ Copies |
| <input type="checkbox"/> AN Approved as Noted | <input type="checkbox"/> F File | <input type="checkbox"/> Return ____ Copies |
| <input type="checkbox"/> AS As Requested | <input checked="" type="checkbox"/> FA For Approval | <input type="checkbox"/> Review and Comment |
| <input type="checkbox"/> Other: _____ | | |

Mailing Method

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> U.S. Postal Service 1 st Class | <input checked="" type="checkbox"/> Courier/Hand Delivery | <input type="checkbox"/> FedEx Priority Overnight | <input type="checkbox"/> FedEx 2-Day Delivery |
| <input type="checkbox"/> Certified/Registered Mail | <input type="checkbox"/> United Parcel Service (UPS) | <input type="checkbox"/> FedEx Standard Overnight | <input type="checkbox"/> FedEx Economy |
| <input type="checkbox"/> Other: _____ | | | |

Comments:

PROOF OF DELIVERY: MDE to Sign and Date one Copy:

JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

FOR AGENCY USE ONLY

Application Number _____ Date Determined Complete _____
Date Received by State _____ Date(s) Returned _____
Date Received by Corps _____
Type of State permit needed _____ Date of Field Review _____
Type of Corps permit needed _____ Agency Performed Field Review _____

- +++++
- Please submit 1 original and 6 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
 - Any application that is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a time delay to the applicant.

Please check one of the following:

RESUBMITTAL: _____ APPLICATION AMENDMENT: _____ MODIFICATION TO AN EXISTING PERMIT: X
JURISDICTIONAL DETERMINATION ONLY: _____ APPLYING FOR AUTHORIZATION _____
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) 17-NT-3089/201760592

DATE August 12, 2021

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: Jennifer Cannon B. Daytime Telephone: (304) 357-2040
C. Company: Columbia Gas Transmission, LLC D. Email Address: Jennifer_Cannon@tcenergy.com
E. Address: 1700 MacCorkle Ave SE
F. City: Charleston State: WV Zip: 25314

AGENT/ENGINEER INFORMATION:

A. Name: Allen Long, PE B. Daytime Telephone: (724) 742-9180
C. Company: Arcadis U.S., Inc. D. Email Address: allen.long@arcadis.com
E. Address: 6041 Wallace Road Extension, Suite 300
F. City: Wexford State: PA Zip: 15090

ENVIRONMENTAL CONSULTANT:

A. Name: Dan Ley B. Daytime Telephone: (724) 934-9537
C. Company: Arcadis U.S., Inc. D. Email Address: daniel.ley@arcadis.com
E. Address: 6041 Wallace Road Extension, Suite 300
F. City: Wexford State: PA Zip: 15090

CONTRACTOR (If known): _____

A. Name: Danny Vincent B. Daytime Telephone: (724) 249-2065
C. Company: Michels Corporation D. Email Address: dvincent@michels.us
E. Address: 2155 Park Avenue, Suite 105
F. City: Washington State: PA Zip: 15301

PRINCIPAL CONTACT:

A. Name: Dan Ley B. Daytime Telephone: (724) 934-9537
C. Company: Arcadis U.S., Inc. D. Email Address: daniel.ley@arcadis.com
E. Address: 6041 Wallace Road Extension, Suite 300
F. City: Wexford State: PA Zip: 15090

2. PROJECT DESCRIPTION

a. GIVE WRITTEN DESCRIPTION OF PROJECT:

There have been no design changes to the Eastern Panhandle Expansion Project. Columbia Gas Transmission, LLC requests that MDE extend (i) the period to initiate work until August 15, 2023, and (ii) the expiration date until March 16, 2025 for MDE Permit No. 17-NT-3089/201760592. See Attachment 1 for a detailed extension request and Attachment 2 for the original MDE permit authorization.

Has any portion of the project been completed? Yes No If Yes, explain:

Is this a residential subdivision or commercial development? Yes No _____ acres
 If yes, yes, total number of acres on property _____

Will there be temporary or permanent tree clearing occurring on the overall project site (i.e., uplands and wetlands), including but not limited to, tree clearing for site development, road/highways, utilities, mining, stormwater management, restoration, energy production and transmission, etc.)? Yes No

If yes, total estimated acres of tree clearing for the overall project site: _____ acres

b. ACTIVITY: Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

- A. filling
- B. dredging
- C. excavating
- D. flooding or impounding water
- E. draining
- F. grading
- G. removing or destroying vegetation
- H. building structures

Area for item(s) checked: Wetland _____ (sq. ft.) Buffer (Nontidal Wetland Only) _____ (sq. ft.)
 Expanded Buffer (Nontidal Wetland Only) _____ (sq. ft.)

Area of stream impact _____ (sq. ft.)
 Length of stream affected _____ (linear feet)

c. TYPE OF PROJECTS: Project Dimensions

For each activity, give overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

	Length (Ft.) 1	Width (Ft.) 2	Area (Sq. Ft.) 3	Maximum/Average Channelward Encroachment 4	Pond Depth 5	Volume of fill/dredge material (cubic yards) below MHW or OHW 6
A. <input type="checkbox"/> Bulkhead	_____	_____	_____	_____	_____	_____
B. <input type="checkbox"/> Revetment	_____	_____	_____	_____	_____	_____
C. <input type="checkbox"/> Vegetative Stabilization	_____	_____	_____	_____	_____	_____
D. <input type="checkbox"/> Gabions	_____	_____	_____	_____	_____	_____
E. <input type="checkbox"/> Groins	_____	_____	_____	_____	_____	_____
F. <input type="checkbox"/> Jetties	_____	_____	_____	_____	_____	_____
G. <input type="checkbox"/> Boat Ramp	_____	_____	_____	_____	_____	_____
H. <input type="checkbox"/> Pier	_____	_____	_____	_____	_____	_____
I. <input type="checkbox"/> Breakwater	_____	_____	_____	_____	_____	_____
J. <input type="checkbox"/> Repair & Maintenance	_____	_____	_____	_____	_____	_____
K. <input type="checkbox"/> Road Crossing	_____	_____	_____	_____	_____	_____
L. <input type="checkbox"/> Utility Line	_____	_____	_____	_____	_____	_____
M. <input type="checkbox"/> Outfall Construction	_____	_____	_____	_____	_____	_____
N. <input type="checkbox"/> Small Pond	_____	_____	_____	_____	_____	_____
O. <input type="checkbox"/> Dam	_____	_____	_____	_____	_____	_____
P. <input type="checkbox"/> Lot Fill	_____	_____	_____	_____	_____	_____
Q. <input type="checkbox"/> Building Structures	_____	_____	_____	_____	_____	_____
R. <input type="checkbox"/> Culvert	_____	_____	_____	_____	_____	_____
S. <input type="checkbox"/> Bridge	_____	_____	_____	_____	_____	_____
T. <input type="checkbox"/> Stream Channelization	_____	_____	_____	_____	_____	_____
U. <input type="checkbox"/> Parking Area	_____	_____	_____	_____	_____	_____
V. <input type="checkbox"/> Dredging	_____	_____	_____	_____	_____	_____

1. New 2. Maintenance 3. Hydraulic 4. Mechanical
 W. Other (explain) _____

d. **PROJECT PURPOSE:** Give brief written description of the project purpose:

3. PROJECT LOCATION:

a. LOCATION INFORMATION:

- A. County: _____ B. City: _____ C. Name of waterway or closest waterway _____
D. State stream use class designation: _____
E. Site Address or Location: _____
F. Directions from nearest intersection of two state roads: _____

Is your project located in the Chesapeake Bay Critical Area (generally within 1,000 feet of tidal waters or tidal wetlands)?:

____ Yes ____ No

- H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:
Map: _____ Letter: _____ Number: _____ (to the nearest tenth)
I. FEMA Floodplain Map Panel Number (if known): _____
J. 1. _____ latitude 2. _____ longitude

b. ACTIVITY LOCATION: Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

- | | | |
|---|--|---|
| A. _____ Tidal Waters | F. _____ 100-foot buffer (nontidal wetland of special State concern) | H. _____ 100-year floodplain (outside stream channel) |
| B. _____ Tidal Wetlands | G. _____ In stream channel | I. _____ River, lake, pond |
| C. _____ Special Aquatic Site (e.g., mudflat, vegetated shallows) | 1. _____ Tidal 2. _____ Nontidal | J. _____ Other (Explain) |
| D. _____ Nontidal Wetland | | |
| E. _____ 25-foot buffer (nontidal wetlands only) | | |

c. LAND USE:

- A. Current Use of Parcel Is: 1. Agriculture: Has SCS designated project site as a prior converted cropland? ____ Yes ____ No
2. _____ Wooded 3. _____ Marsh/Swamp 4. _____ Developed
5. _____ Other: _____
- B. Present Zoning Is: 1. _____ Residential 2. _____ Commercial/Industrial 3. _____ Agriculture 4. _____ Marina 5. _____ Other
- C. Project complies with current zoning ____ Yes ____ No

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):

4. REDUCTION OF IMPACTS: Explain measures taken or considered to avoid or minimize wetland losses in F. Also check Items A-E if any of these apply to your project.

- A. _____ Reduced the area of disturbance B. _____ Reduced size/scope of project C. _____ Relocated structures
D. _____ Redesigned project
E. _____ Other _____
F. Explanation _____

Describe reasons why impacts were not avoided or reduced in Q. Also check Items G-P that apply to your project.

- | | | |
|---|--|--------------------------------------|
| G. _____ Cost | K. _____ Parcel size | N. _____ Safety/public welfare issue |
| H. _____ Extensive wetlands on site | L. _____ Other regulatory requirement | O. _____ Inadequate zoning |
| I. _____ Engineering/design constraints | M. _____ Failure to accomplish project purpose | P. _____ Other |
| J. _____ Other natural features | | |
| Q. Description | | _____ |

5. LETTER OF AUTHORIZATION: If you are applying for a letter of authorization for activities in nontidal wetlands and/or their buffers, explain why the project qualifies:

- | | |
|---|---|
| A. _____ No significant plant or wildlife value and wetland impact | B. _____ Repair existing structure/fill |
| 1. _____ Less than 5,000 square feet | C. _____ Mitigation Project |
| 2. _____ In an isolated nontidal wetland less than 1 acre in size | D. _____ Utility Line |
| E. Other (explain) | 1. _____ Overhead |
| | 2. _____ Underground |
| F. _____ Check here if you are not applying for a letter of authorization. | |

IF YOU ARE APPLYING FOR A LETTER OF AUTHORIZATION, PROCEED TO BLOCK 10

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in M. Also check any items in D-L if they apply to your project. **(If you are applying for a letter of authorization, do not complete this block.)**

- | | | |
|-----------------|----------------------|--------------------------|
| A. _____ 1 site | B. _____ 2 - 4 sites | C. _____ 5 or more sites |
|-----------------|----------------------|--------------------------|

Alternative sites were rejected/not considered for the following reason(s):

- | | | |
|--|---|----------------|
| D. _____ Cost | H. _____ Greater wetlands impact | L. _____ Other |
| E. _____ Lack of availability | I. _____ Water dependency | _____ |
| F. _____ Failure to meet project purpose | J. _____ Inadequate zoning | |
| G. _____ Located outside general/market area | K. _____ Engineering/design constraints | |
| M. Explanation: | | |

7. PUBLIC NEED: Describe the public need or benefits that the project will provide in F. Also check Items in A-E that apply to your project. **(If you are applying for a letter of exemption, do not complete this block.)**

- | | | |
|-------------------|---|----------------------|
| A. _____ Economic | C. _____ Health/welfare | E. _____ Other _____ |
| B. _____ Safety | D. _____ Does not provide public benefits | _____ |
| F. Description | | |

8. MITIGATION PLAN: Please provide the following information. **(If you are applying for a letter of authorization outside of the Critical Area, do not complete this block.)**

9. Description of a monetary compensation proposal, if applicable (for **state requirements** only). Attach another sheet if necessary.

b. Give a brief description of the proposed mitigation project.

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected.

d. Describe how the mitigation site will be protected in the future.

9. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED? A. _____ Yes B. _____ No

Provide names and mailing addresses below (Use separate sheet, if necessary). **(If you are applying for a letter of exemption, do not complete this block.)**

a. _____ b. _____ c. _____

10. OTHER APPROVALS NEEDED/GRANTED:

A. a. Agency	b. Date Sought	c. Decision		d. Decision Date	e. Other Status
		1. Granted	2. Denied		
_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	

B. FEDERALLY AUTHORIZED CIVIL WORKS PROJECTS: Does the project require permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers' federally authorized civil works project, structure, property, or easement (e.g., federal navigation channel, flood control levees, dams and reservoirs, lake property, etc.)?

_____ Yes _____ No

If yes, have you submitted a written request for Section 408 permission from the Corps district having jurisdiction over that project (i.e., Baltimore district in Maryland or Philadelphia district in C & D canal)? _____ Yes _____ No

If yes, please provide the date your request was submitted to the Corps district: _____

11. HISTORIC PROPERTIES: Is your project located in the vicinity of historic properties? (For example: structures over 50 years old, archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 12.

A. _____ Yes B. _____ No C. _____ Unknown

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary:

Check box if data is enclosed for any one or more of the following (see checklist for required information):

- | | | | | | |
|----------|---------------------|----------|-------------------------|----------|-----------------------|
| A. _____ | Soil borings | D. _____ | Field surveys | G. _____ | Site plan |
| B. _____ | Wetland data sheets | E. _____ | Alternate site analysis | H. _____ | Avoidance and |
| C. _____ | Photographs | F. _____ | Market analysis | | minimization analysis |
| I. _____ | Other (explain) | | | | |

CERTIFICATION:

Application is hereby made for a permit or permits to authorize the work described in this application. I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this application form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and all streams have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and appropriate regional supplement(s). I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of all permit(s) or license(s) if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. All information, including permit applications and related materials, submitted to MDE may be subject to public disclosure consistent with the Maryland Public Information Act, §4-101 et seq., General Provisions Article of the Maryland Code and the Freedom of Information Act, 5 USC Section 552 et seq. Pursuant to Clean Water Act Section 404(o), 33 USC 1344 (o), permit applications and permits will be available to the public. I understand that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN: Sue Flaman DATE: Aug 12/21
PRINTED NAME OF LANDOWNER: SUE FLAMAN

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, 33 CFR 320-332. **Principal Purpose:** Information provided on this JPA will be used in evaluating the application for a permit. **Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

State Authorities: Nontidal Wetlands Protection Act, Md. Ann. Code, Envir., Title 5, Subtitle 9; Waterway Construction, Md. Ann. Code, Envir., Title 5, Subtitle 5; Tidal Wetlands Act, Md. Ann. Code, Envir., Title 16.

BEST MANAGEMENT PRACTICES VERIFICATION: I verify that my project will meet all Endangered Species Act Best Management Practices applicable to work in tidal waters and wetlands as required by the MDSPGP (see Section VII.B.4.c.i-iii).

Yes No Unknown

Refer to the application instructions and the MDSPGP for additional information regarding these Best Management Practices.

I am the property owner/applicant and do not want to be contacted by MDE. All correspondence should occur with my authorized agent /principal contact designated in Section 3, located on the 1st page of this application. (By initializing the box, you are acknowledging that you will not receive any correspondence directly from MDE). I understand a copy of MDE's final decision regarding this application will be sent to me. This opt-out option does not apply to the U.S. Army Corps' correspondence, which will continue to be with the applicant/permittee.

ATTACHMENT 1

Extension Request



August 10, 2021

Columbia Gas Transmission, LLC

1700 MacCorkle Avenue, SE
Charleston, WV 25314

Jennifer Cannon
Environmental Advisor
U.S. Environmental Permitting | Stakeholder Relations

tel 304.357.2040
email jennifer_cannon@tcenergy.com
web www.tcenergy.com

VIA EMAIL & OVERNIGHT MAIL

Heather Nelson
Program Manager
Wetlands & Waterways Program
Maryland Dept. of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Amanda Sigillito
Division Chief
Nontidal Wetlands Division
Maryland Dept. of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Bill Seiger
Division Chief
General Waterways Construction Div.
Maryland Dept. of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Paul Busam
Lead Project Reviewer
General Waterways Construction Div.
Maryland Dept. of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

**Re: Extension Request
Nontidal Wetlands & Waterways Permit Number I7-NT-3089/201760592
Columbia Gas Transmission, LLC
Eastern Panhandle Expansion Project**

Dear Ms. Nelson, Ms. Sigillito, Mr. Seiger, and Mr. Busam:

Columbia Gas Transmission, LLC (“Columbia”) respectfully asks the Maryland Department of the Environment (the “Department”) to extend (i) the period to initiate work and (ii) the expiration date of the above-referenced permit (the “Permit”) for additional periods. This request is made pursuant to Standard Condition 2(a) and (c) of the Permit. An explanation of the requests is provided below.

As you know, the Department issued the Permit to include an initiation date of March 16, 2020, two years from the Permit’s effective date. Columbia understands that the ongoing global pandemic, and resulting orders of Governor Hogan, caused the Permit’s initiation date to be

extended to August 15, 2021.¹ This letter asks to further extend that date until August 15, 2023 (approximately 29 months from the original date and 2 years from the current extension). Columbia also asks that the Permit's expiration date be extended until March 16, 2025 (two years from the original date).

The cause for these requests largely stems from delays to Columbia's initial project work related to land acquisition.² Columbia remains committed to the project and intends to expeditiously proceed with the project and expects that all work contemplated by the Permit will be completed by March 16, 2025. The extensions sought by this letter are for that purpose. Good cause for the requested extensions also arises in that grant of the extensions would allow completion of the permitted activities well within the maximum 10-year period contemplated by the Section 3.19 of the Department's Permit Guide and, to Columbia's knowledge, there have been no changes in law or fact regarding the Permit since its issuance that would warrant additional proceedings beyond those already completed.

Please contact me if you wish to discuss this matter, have any questions or require any additional information. Thank you for your continued assistance.

Respectfully submitted,



Jennifer Cannon

Environmental Advisor, U.S. Environmental Permitting | Stakeholder Relations

¹ See the "Important Notice" at <https://mde.maryland.gov/programs/Water/Pages/index.aspx>.

² Columbia respectfully reserves the right to later demonstrate prior satisfaction of the deadline to initiate permitted activities, if necessary.

ATTACHMENT 2

**Eastern Panhandle Expansion Project
MDE Nontidal Wetlands and Waterways
Permit No. 17-NT-3089/201760592
(Attachments Omitted)**

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
NONTIDAL WETLANDS AND WATERWAYS PERMIT

PERMIT NUMBER: 17-NT-3089/201760592

EFFECTIVE DATE: March 16, 2018

EXPIRATION DATE: March 16, 2023

PERMITTEE: Columbia Gas Transmission, LLC
5151 San Felipe, Suite 2400
Houston, TX 77056
Attn: Wade Abbott



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a), §5-504 AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS, **Columbia Gas Transmission, LLC** ("PERMITTEE"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON **February 26, 2018** ("APPROVED PLAN") AND PREPARED BY **Arcadis U. S., Inc.** AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Construct approximately 3.06 miles of new 8-inch diameter natural gas pipeline in Maryland as part of a 3.37 mile pipeline originating at an interconnection at Columbia's 1804 and 10240 pipelines in Fulton County, Pennsylvania and extending south to a proposed point of delivery meter station in Morgan County, West Virginia. The proposed project will permanently impact 127 linear feet (923 square feet) and temporarily impact 95 linear feet (1,130 square feet) of perennial and intermittent streams. The project also proposes to temporarily impact 14,885 square feet of regulated floodplain, temporarily impact 2,642 square feet of emergent wetland, and temporarily impact 8,829 square feet of wetland buffer. The proposed project alignment extends from the state line at Fulton County, Pennsylvania in the north, to the state line at Morgan County, West Virginia in the south, and is approximately 1.4 miles west of Hancock in Washington County.

MD Grid Coordinates 228890 x 296837

A handwritten signature in black ink, appearing to read "Denise M. Keehner".

Denise M. Keehner
Program Manager

Wetlands and Waterways Program

Attachments: Conditions of Permit
Special Conditions
Best Management Practices
SPCC
HDD Contingency Plan
Plans

cc: WSA Compliance Program w/file
U.S. Army Corps of Engineers, Northern Section

1. **Validity:** Permit is valid only for use by Permittee. Permit may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Permit.
2. **Initiation of Work, Modifications and Extension of Term:** Permittee shall initiate authorized activities in waterways, including streams and the 100-year floodplain, within two (2) years of the Effective Date of this Permit or the Permit shall expire. [Annotated Code of Maryland, Environment Article 5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Permittee may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Permit, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article 5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article 5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Permittee is fully responsible for all work performed and activities authorized by this Permit shall be performed in compliance with this Permit and Approved Plan. Permittee agrees that a copy of the Permit and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Permittee, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Permit, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Permittee, its employees, agents or contractors fail to comply with this Permit or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Permittee, its employees, agents and contractors to cease and desist any activities which violate this Permit, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Permit may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Permittee: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Permit; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Permit and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Permit does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Permittee shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Permittee shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Permittee shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Washington County Permittee shall call 301-689-1480. If Permit is for a project that is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Permittee shall obtain approval from the Washington County Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Best Management Practices During Construction:** Permittee, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration (see attached).

11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Permittee, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): The Potomac River and Little Tonoloway Creek are Use I waterways; in-stream work may not be conducted from March 1 through June 15 inclusive, of any year. See Special Condition No. 3.
16. **Instream Blasting:** Permittee shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel. See Special Condition No. 2.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Permittee shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Permittee as directed by the Administration.

SPECIAL CONDITIONS OF PERMIT

1. Prior to commencement of work, the Permittee shall provide an Independent Environmental Monitor (IEM) to ensure compliance with the scope and conditions of this Permit. The Independent Environmental Monitor shall be selected in consultation with the Administration, be on site at all times during construction activities, and report directly to the Administration's Compliance Program.
2. No blasting is permitted without prior written approval from the Administration. The Permittee shall obtain prior written approval from the Administration (Wetlands and Waterways Program) before blasting or using explosives for any aspect of this project.
3. Time-of-year work restrictions shall be in effect for all instream work and for Horizontal Directional Drilling (HDD) activities. The Potomac River and Little Tonoloway Creek are Use I waterways; in-stream work may not be conducted from March 1 through June 15 inclusive, of any year.
4. The Horizontal Directional Drilling Contingency Plan shall be in effect and implemented during all Horizontal Directional Drilling (HDD) activities.
5. The drilling fluid used in HDD operations shall consist of water and bentonite clay. No additives are permitted without prior approval from the Administration. The Permittee may submit for pre-approval a list of thickening additives to be stored on site in order to prevent delays in the drilling operation. Any additive must be certified in conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals - Health Effects) and used in the manner indicated in the certification of the additive.
6. The HDD Contingency Plan shall be implemented as approved by the Administration and amended in the following Special Conditions No. 7 and No. 8. Any revisions to the Plan shall be approved by the Administration prior to implementation.

7. Section 2.0 of the HDD Contingency Plan is amended to require the Permittee with oversight by the IEM, to conduct visual monitoring of the Potomac River from a boat during all HDD operations under the river from sunrise to sunset.
8. Section 2.2 of the HDD Contingency Plan is amended to require the Permittee to immediately notify the WSA Compliance Program of each detected inadvertent release, including those which occur outside the State of Maryland but which could impact a waters of the State. Permittee shall notify the MDE Compliance Division within 24 hours of any leaks or explosions associated with the operation of this pipeline.
9. Permittee shall identify the downstream public drinking water intake facilities to the mouth of the Potomac River and the Chesapeake Bay and maintain a list of emergency contact numbers. In the event of an inadvertent release of drilling fluid or pollution event to the Potomac River or Little Tonoloway Creek, the Permittee shall immediately notify these downstream public drinking water intake facilities.
10. In the event of an inadvertent release of drilling fluid or a pollution event in the Potomac River or Little Tonoloway Creek, the Permittee will provide water quality monitoring downstream from the release until water quality satisfies the requirements of COMAR 26.08.02 for a Use 1 stream or matches the levels found immediately upstream from the release.
11. Prior to the start of work, the Permittee shall provide to the Wetlands and Waterways Program a copy of the final, approved Erosion and Sediment Control Plans.
12. After the first earth disturbance occurs on the site, and thenceforth during the entire period of Permit coverage whether the site is active or inactive, the Permittee shall conduct inspections of the permitted area. The person(s) inspecting the site may be a person on the Permittee staff or a third party hired or arranged to conduct inspections. The person conducting the inspection must hold a valid certificate of attendance at training program for responsible personnel as required by Section 4-104(b) of the Environment Article, unless the erosion and sediment control plan approval authority has waived the requirement for a Certificate of Training in accordance with Section 4-104(c) of the Environment Article. The Permittee shall conduct inspections at the following intervals: a. Once each calendar week (Sunday to Saturday), except as in c; b. The next day after a rainfall event resulting in runoff, except as in c; c. For areas meeting stabilization requirements of COMAR 26.17.01.07.B.6(f) and the erosion and sediment control plan, once per month. (If construction activity resumes in such a portion of the site at a later date, the inspection frequency immediately increases to that required in a and b; the Permittee must document the beginning and ending dates of the period of stabilization in its inspection records).
13. Written reports of all inspections conducted by the Permittee shall be kept on file by the Permittee and submitted to the WSA Compliance Program within one business day of a request for the records. The Permittee shall ensure that the report includes: (1) the date and time of the inspection; (2) the name(s) of the individual(s) who performed the inspection; (3) an assessment of the condition of erosion and sediment controls and how any deficiencies were or are being addressed; (4) a description and date of any erosion and sediment control implementation and maintenance performed, including identification of any controls that have not been installed as required; and (5) a description of the site's present phase of construction.
14. Compliance with the Spill Prevention Control and Countermeasure Plan (SPCC) shall become a condition of this Permit (see attached).
15. The Permittee shall conduct all work authorized in this Permit in such a manner that it shall not damage or degrade any wells during construction. Nothing in this Permit authorizes the Permittee to damage or degrade any wells. In addition, for wells within 500 feet of workspaces, including those areas above HDD operations, the Permittee shall conduct, with the landowner's permission, pre and post construction monitoring for well yield and water quality. Records of such monitoring shall be kept on file by the Permittee and submitted to the WSA Compliance Program within one business day of a request for the records. In the event damage or degradation occurs to any wells, the Permittee shall replace or repair any wells it damages or degrades while performing work under this Permit, and, at a minimum, provide a temporary water supply to the affected landowner(s) until the repair or replacement is complete. Notwithstanding the above obligations, however, nothing in this Permit shall limit the authority of the Administration to seek any other relief or corrective action available to it under law in the event of a violation of this condition. This condition shall not be construed to limit any authority of the Department to issue any order or to take any action it deems necessary to protect public health or the environment, or to limit any authority the Department now has or may hereafter be delegated.

16. Nothing in this Permit authorizes the Permittee to unreasonably impact other water user(s) in the vicinity of the project. The Permittee shall conduct the work authorized in this Permit in such a manner that it shall not unreasonably impact such user(s). The Permittee shall comply with the following procedures, at a minimum, when other water user(s) in the vicinity are determined by the Administration to have been unreasonably impacted by the Permittee.

- If the Administration determines that other water user(s) in the vicinity of the project are unreasonably impacted by the work authorized under this Permit, the Permittee shall within twenty-four (24) hours provide bottled water for drinking and, if required by the Administration, a tanker for other uses. The Administration may require the Permittee to replace or retrofit the water supply well of an impacted user or take other corrective measures. In addition, the Administration may require the Permittee to reduce and/or cease the project to temporarily eliminate an unreasonable impact on other users or to require a third party investigation to determine if the Permittee work authorized under this Permit is causing an unreasonable impact on a nearby water supply well.
- An individual domestic water supply which has been determined by the Administration to be adversely impacted by the work authorized under this Permit shall be considered adequately replaced when the Permittee provides a new or retrofitted well, or alternative water supply approved by the Administration and the County Environmental Health Department. A new or retrofitted well shall meet the minimum yield requirements established in COMAR 26.04.04.26 and approval of use requirements established in COMAR 26.04.04.30, and County Environmental Health Department approval.
- Any non-domestic water supply which has been determined by the Administration to be adversely impacted by the work authorized under this Permit shall be considered adequately replaced when the Permittee provides a new or retrofitted well or other alternative water supply approved by the Administration and County Environmental Health Department. A new or retrofitted well shall be capable of yielding water at the same quantity and quality of water used or needed by the property owner/entity in the five years prior to the water supply disruption. A new or retrofitted non-domestic water supply for potable uses, must also meet the approval of use requirements in COMAR 26.04.04.30.
- If the water supply interruption is not of a temporary nature, the Permittee shall provide a permanent retrofitted/replacement water supply of a sufficient quantity and quality for the required use within a reasonable time, not to exceed 60 days. If any event occurs which causes, or which the Permittee reasonably expects to cause, a delay of the work to be performed under this condition, the Permittee shall notify the WSA Compliance Program in writing, within ten (10) working days of obtaining knowledge of the occurrence of such event and of its impact on timely compliance. The notice shall identify the cause of the delay, an estimate of the anticipated length of delay, the measures taken and to be taken by the Permittee to prevent or minimize the delay, and an estimate of the date by which such measures will be completed. The Permittee shall promptly comply with the requirements of this condition as soon as reasonably possible. The Permittee may request, in writing, an extension of the deadline at least ten (10) working days prior to the deadline. The Department may, at its sole discretion, grant an extension upon such a request.

Notwithstanding the above obligations, however, nothing in this Permit shall limit the authority of the Administration to seek any other relief or corrective action available to it under law in the event of a violation of this condition. This condition shall not be construed to limit any authority of the Administration to issue any order or to take any action it deems necessary to protect public health or the environment, or to limit any authority the Administration now has or may hereafter be delegated.

17. To prevent the formation of sinkholes and possible adverse impacts to underground water supplies, the Permittee will incorporate best management practices (BMPs) to seal voids uncovered by trenching operations. At a minimum, the Permittee shall adhere to the following procedures for sinkhole remediation:

Sinkhole Remediation

Proper sinkhole remediation involves a three-step process:

- Investigation
- Stabilization
- Final grading

The method of sinkhole remediation is contingent upon the scope of the problem and the nature of subsequent land use.

Investigation

The investigation phase should determine the areal extent and depth of the sinkhole. The investigation should also determine the depth and location of bedrock pinnacles upon which sinkhole stabilization may be founded. The investigation may consist of visual inspection, excavation, or installation of soil borings, and may be conducted in combination with geophysical studies.

Visual Inspection - This is generally useful for smaller sinkholes (less than 10 feet in diameter), where the bedrock "throat" of a sinkhole is entirely visible from ground surface.

Excavation - Backhoe excavation is commonly useful for small to moderately sized sinkholes (less than 20 feet in diameter), where the throat of a sinkhole is not visible from ground surface. A track hoe, "clamshell," or other type of equipment may be useful where soil depths exceed approximately 15 feet. Unconsolidated material (soil and fill) is removed from the sinkhole until bedrock pinnacles and/or the throat of the sinkhole is visible.

Soil Borings - Auger, core, airtrack, or other boring equipment is utilized where large sinkholes and/or extensive sinkhole development is anticipated, and critical foundation structures are planned (bridge abutments, major roadways, and structures with loadings concentrated over small areas). This investigation involves a closely spaced boring program to determine the location and depth of bedrock pinnacles and cavities and sinkhole throats.

Geophysical Studies - Geophysical measurements may be used in conjunction with intrusive methods to further delineate the sinkhole dimensions. Studies include but are not limited to the use of electromagnetic terrain conductivity (EMC), seismic refraction, or resistivity.

Stabilization

Stabilization of sinkholes may involve reverse-grade backfilling, grouting, or subsurface engineered structures.

Reverse-graded Backfilling - This method is generally useful on small to moderately sized sinkholes. The throat of the sinkhole is excavated, and then filled with clean, interlocking, rock material. The stone diameter of the initial fill layer should be approximately one-half the diameter of the throat or cutter width. Above the initial fill layer is placed progressively smaller diameter clean rock fill up to or near the ground surface. Compaction of each rock grade is essential. Generally a minimum of three gradation sizes of fill are necessary for stabilization.

Grouting - This method is generally useful for moderate to large sinkholes. Borings are placed in the ground adjacent to the sinkhole and a concrete mix (grout) is injected, either under pressure or gravity, into the subsurface.

Engineered Subsurface Structures - This method is generally used on larger sinkholes or where concentrated load-bearing structures are anticipated. The technique involves creating a bridge between bedrock pinnacles to form a stable base, above which appropriate construction may be completed.

Final Grading

In order to provide permanent stabilization and prevent groundwater contamination, final grading of the sinkhole location must be completed to avoid infiltration of water from the ground surface. Where structures such as roads, buildings, parking lots, or other impervious surfaces are planned, grading and construction over stabilized sinkholes may proceed as is appropriate. Where open space is planned at stabilized sinkhole locations, the final grading should include the placement of low permeability topsoil or clay and a vegetative cover, with a positive grade maintained away from the sinkhole location to avoid ponding or infiltration.

18. Prior to hydrostatic testing of the gas line, Permittee must provide the Administration and the Department of Natural Resources with specific information relative to the source of test water and the manner and location in which the water will be disposed. If the source or waste location of the water involves other than municipal water and sewer systems, the Department must approve the plan prior to line testing. Additional Conditions may be imposed if the water is drawn directly from, or returned to Waters of the State, or regulated Nontidal Wetlands, or the 25-foot nontidal wetland buffer.
19. Permittee shall comply with the Air and Radiation Administration requirements of COMAR 26.11.06.03D. The MDE Air and Radiation Administration Compliance Program monitors this aspect of the work.

20. A Toxic Materials Permit is required for the application of certain pesticides to eradicate vegetation near or within any regulated wetland or waterway. The Permittee shall obtain a Toxic Material Permit from MDE prior to the use of these chemicals.
21. The Permittee shall use an applicator certified by the State of Maryland for the application of any pesticide which is required to be applied by a certified applicator.
22. If the Permittee transfers ownership or operation of this pipeline after completion, the Permittee shall, at the time of transfer, notify the Administration's Wetlands and Waters Program and shall advise the new owner/operator in writing of MDE conditions that must be met for continued operation and provide a copy of such notification to MDE.
23. The Permittee shall report to the Administration's Wetlands and Waterway Program within one business day any citizen making a complaint to the Permittee reporting leaking gas or any other release from the construction or operation of the pipeline. This can be made by phone or email. The Permittee shall provide to the Administration in writing the completed or planned response and any planned or actual corrective action to address the citizen complaint within 3 business days.

FEDERALLY MANDATED STATE AUTHORIZATION

The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit 5.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity under the Maryland State Programmatic General Permit (MDSPGP-5), as a Category B activity. The federal authorization will be sent separately by the Corps and should be followed when performing the authorized work.