



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Larry Hogan
Governor

Ben Grumbles
Secretary

Boyd Rutherford
Lieutenant Governor

August 8, 2015

Re: Notice of Decision to Issue Remanded Permit
Nontidal Wetlands and Waterways Permit Number 12-NT-0433/201261660
Columbia Gas Transmission, Line MB Extension Project

Dear Property Owner, Public Official, or Interested Person:

The Water Management Administration (Administration) for the Maryland Department of the Environment (MDE or the Department) has made a final decision to reissue Nontidal Wetlands and Waterways Permit No. 12-NT-0433/201261660 to Columbia Gas Transmission. The Permit authorizes Columbia Gas Transmission to impact nontidal wetlands, nontidal wetland buffers, streams, and the 100-year floodplain in connection with the proposed extension of an existing 26" natural gas pipeline (Line MB) for approximately 21.1 miles from the Owings Mills Metering and Regulating Station in Baltimore County to the Rutledge Compressor Station in Harford County.

The permit was initially issued by the Administration on April 21, 2014. Several petitioners filed judicial review actions in the Circuit Court for Baltimore County challenging the Department's decision to issue the permit. On April 30, 2015, the Circuit Court for Baltimore County issued an Opinion and Order remanding the permit to the Department to take action on three issues: conducting a more extensive public notice process, providing additional documentation that the project would not affect historic properties, and clarifying the Administration's rationale on water quality issues. The Administration has completed the actions outlined in the Opinion and Order, and, after examination and consideration of the documents received and evidence in the permit file, the Administration has determined that the final decision to reissue the permit meets the required statutory and regulatory criteria and complies with the Opinion and Order.

This is a final agency decision; there is no further opportunity for administrative review. This final decision is subject to judicial review at the request of any person that 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. Requests for judicial review must be made to the appropriate circuit court within 30 days of the date of this permit decision. Please see the attached Fact Sheet for additional information about the judicial review process.

In addition to the judicial review Fact Sheet, the following documents are enclosed with this letter: the Notice of Decision; the Summary of the Basis for Decision; the Permit including general and special conditions; and the Impact Plates and Impact Tables associated with the project. All of the enclosed documents, as well as additional plans and materials referenced in the Permit can be found online at:

http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Pages/Columbia_Nontidal_Permit12-NT-0433.aspx

Hardcopies of these materials are also available for inspection at MDE and the following libraries on or after August 11, 2015:

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230
MDE Receptionist, during regular business hours

Baltimore County Public Library
Reisterstown Branch
21 Cockeyes Mill Road
Reisterstown, MD 21136

Baltimore County Public Library
Cockeysville Branch
9833 Greenside Drive
Cockeysville, MD 21030

Harford County Public Library
Fallston Branch
1461 Fallston Road
Fallston, MD 21047

Baltimore County Public Library
Hereford Branch
16490 York Road
Hereford, MD 21111

If you have any questions or need any additional information, please do not hesitate to contact me at 410-537-3766.

Sincerely,



Amanda Sigillito, Chief
Nontidal Wetlands Division

/AS

Enclosures

FACT SHEET NEW JUDICIAL REVIEW PROCESS

Legislation passed by the 2009 General Assembly changes procedures for certain permits issued by the Department, including wetlands and waterways permits. The new judicial review procedures take effect on January 1, 2010 and will apply to final permit decisions issued on and after January 1, 2010.

Under pre-existing procedures, permit applicants and third parties with standing under Maryland law could challenge the issuance of a permit or the conditions of a permit through a request for a “contested case” adjudicatory hearing conducted by the Office of Administrative Hearings.

Effective January 1, 2010, the “contested case” process no longer applies to final decisions on applications for these permits. Rather, 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 redressability, 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

For a complete list of permits that these procedures apply to follow the link below:

http://www.mde.state.md.us/programs/ResearchCenter/LawsandRegulations/Pages/ResearchCener_laws_regs/jrproc.aspx