



CONSTITUTION PIPELINE

Constitution Pipeline Company, LLC
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713/215-2000

April 13, 2020

Mr. Joseph Buczynski, Assistant Regional Director
Pennsylvania Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18701-1915

Subject: Constitution Pipeline Company, LLC
Constitution Pipeline PADEP Permit Withdrawal
Brooklyn, Harford, New Milford, Jackson, Oakland and Harmony Townships
Susquehanna County, Pennsylvania

Dear Mr. Buczynski,

I write to advise you that Williams Gas Pipeline/Transco and its Constitution Pipeline Company, LLC (“Constitution”) partners on the Constitution Pipeline Project (“Project”) have determined not to move forward with that Project. While we continue to believe in the Project’s mission, which was to transport inexpensive and clean burning natural gas from Pennsylvania to New York and New England, we ultimately determined that further financial support of the Project’s development was not the best use of either our financial or human resources. Nonetheless, we are pleased that the Project received positive outcomes in recent court proceedings and appreciate the time and effort of Pennsylvania Department of Environmental Protection (“PADEP”) in reviewing applications materials and issuing permits.

The following permits have been issued by the PADEP to install the pipeline, access roads and related appurtenances: a Water Quality Certificate (WQC [NJDEP File No. EA 58-002 NE]), a Chapter 102 Erosion and Sediment Control General Permit (ESCGP) for stormwater discharges associated with oil and gas activities (Permit No. ESG0011514002(1)) and a Chapter 105 water obstruction and encroachment permit (Permit No. E58-300A [APS823068, Auth #1095005]). Next to each permit we have indicated what if any outstanding obligations exist in order to close out the permit and the time frame within which we expect to satisfy these obligations.

Water Quality Certificate

Constitution's Pennsylvania WQC is conditioned upon receiving National Pollutant Discharge Elimination System (NPDES) discharge permits, an erosion and sediment control permit, and water obstruction and encroachment permits, among others. An NPDES permit PAG-10 for Hydrostatic Test discharges was received on October 21, 2015 and subsequently terminated on April 25, 2018. The permit was not used as the pipeline was not installed.

The erosion and sediment control permit (Chapter 102) and water obstruction and encroachment permits (Chapter 105) are described below. Once the applicable permit conditions are fulfilled, relative to the Project's status, the conditions of the Water Quality Certificate will be met. There are no other outstanding permit conditions related to the WQC.

Chapter 102 ESCGP

Constitution's Chapter 102 ESCGP was issued on December 29, 2014. A series of major and minor modifications were approved extending the expiration date to December 10, 2020. In 2016, PADEP approved amendments to Constitution's Chapter 102 ESCGP allowing a change in construction sequence to remove felled trees. Removal of felled trees took place in late 2016 and 2017 and Constitution continues to monitor disturbed areas at the required frequencies to ensure Chapter 102 ESCGP soil stabilization best management practices (BMPs) continue to function properly. Disturbed areas beyond existing structural BMPs, such as rock construction entrances and temporary access roads, have met the 70 percent vegetation cover permanent stabilization requirement. Structural BMPs continue to exist and are planned to be removed in the spring and summer of 2020 when conditions allow. Once the structural BMPs are removed, no further construction sequence steps will be executed by Constitution or its co-permittee and Constitution will submit a request for Notice of Termination (NOT) once vegetative cover requirements are met. Constitution anticipates that the Susquehanna County Conservation District site visit will find the right-of-way acceptable and will acknowledge that Constitution will have no further obligations.

The construction sequence stopped short of the post Construction Stormwater Management (PCSM) BMP installations and no PCSM BMPs have been or will be installed. As such, the ESCGP conditions related to operational maintenance of the PCSM BMPs is no longer applicable and no responsible party will be named on the Notice of Termination (NOT) nor will there be recorded deed instruments filed with Susquehanna County.

Chapter 105

Constitution's Chapter 105 permit was issued on March 9, 2015. A major modification and extension requests were approved extending the expiration date to December 31, 2020. In 2016, PADEP approved amendments to the Chapter 105 permit allowing a change in construction sequence to remove felled trees as described above. Following a review of the Chapter 105 permit conditions, Constitution believes that there are two potential permit conditions that need to be addressed and requests PADEP's concurrence with Constitution's assumptions.

Under General Conditions:

10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department require and restore the watercourse and floodplain to their former condition.

During non-mechanical tree felling, Constitution maintained a 50-foot buffer from each watercourse. During felled tree removal, mechanical equipment access across a limited number of watercourses was conducted. Equipment bridge structures placed over waterbodies during felled tree removal have been removed and the ground stabilized. Because of the avoidance and minimization efforts conducted by Constitution during the felling of trees and their removal, associated watercourses have been kept in their former condition and require no additional treatment.

Under Special Conditions:

I. The permittee shall monitor the restored wetland areas for a minimum of three growing seasons following installation of the utility line crossing. Reports shall be submitted to the Department no later than December 31 of the monitoring year. The monitoring reports shall contain information describing the success of the restoration, an inventory of plant species and percent areal coverage, photographs from fixed points marked on a plan sheet, and a written plan and timeline detailing how any deficiencies that are identified will be remedied.

The pipeline was not installed and therefore, a permanent right-of-way (ROW) will not be maintained and the tree felled areas will be allowed to revert back to their original conditions. Also, because the pipeline was not installed, excavation of the wetlands did not occur. Disturbed wetland vegetation was mitigated by seeding the wetlands with hydrophytic vegetation species according to the Chapter 102 permit conditions. Because there was no wetland excavation for pipe installation and wetlands will be allowed to revert to their original condition, Special Condition I. is not applicable and no action by Constitution is required.

Additional Related Information

On September 26, 2016, the U.S. Army Corps of Engineers (USACE) Baltimore District issued a series of Pennsylvania State Programmatic General Permits (PASPGP-5) for 125 water/wetland crossings that constituted a total of 78 single and complete projects for the removal of felled trees. The USACE permit conditions including wetland and watercourse restoration have been met.

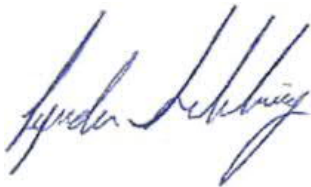
Tree felling limits were designated specifically to avoid impacts to identified cultural and archeological features along the pipeline route. Therefore, proposed impacts to identified cultural and archeological features in Pennsylvania have not taken place. Because the Project will not move forward, the Programmatic Agreement with the Pennsylvania Historical and Museum Commission

and the associated treatment plan are no longer applicable and Constitution's obligations under these documents will not be carried out.

Constitution's Certificate Order Condition 23 requiring coordination with the U.S. Fish and Wildlife Service ("USFWS") to develop its Migratory Bird and Upland Forest Plan took place and was approved by the Commission with the January 28, 2016 partial Notice to Proceed for tree felling in Pennsylvania. This plan determined the level of compensation to offset proposed associated impacts. Constitution entered into a Conservation Implementation Agreement with The Conservation Fund on October 23, 2017, where compensation was provided for the tree felling in Pennsylvania. Since then, Constitution has approved conservation projects identified by The Conservation Fund in accordance with the agreement. No additional tree felling is proposed and therefore, no additional compensation will be distributed.

We thank you for your courtesy and time and attention to this matter and look forward to working with you in the future on other projects. You may contact me at 713-215-2491 should you have any questions.

Sincerely,
CONSTITUTION PIPELINE COMPANY, LLC
By **Williams Gas Pipeline Company, LLC,**
Its Operator



Lynda Schubring, PMP
Manager Permitting

cc: Dan Merz, Senior Counsel, Williams
Chris Nichols, Project Manager, Williams
Adam Hills, Environmental Lead, Williams
Pamela Kania, Environmental Program Manager.
Mike Luciani, Application Manager