

172 FERC ¶ 61,036
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick, Bernard L. McNamee,
and James P. Danly.

Transcontinental Gas Pipe Line Company, LLC

Docket No. CP20-49-000

ORDER AMENDING CERTIFICATE

(Issued July 16, 2020)

1. On January 31, 2020, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² to amend its certificate of public convenience and necessity granted in Docket No. CP17-101-000,³ which authorized the construction and operation of the Northeast Supply Enhancement Project. Transco proposes to extend and use an existing road to access its Compressor Station 206 to be constructed in Somerset County, New Jersey, in lieu of constructing the new, permanent access road approved in the Certificate Order. For the reasons discussed below, we will grant Transco's requested authorization, subject to conditions.

I. Background and Proposal

2. Transco, a limited liability company organized under the laws of Delaware, is a natural gas company as defined by section 2(6) of the NGA,⁴ engaged in the transportation of natural gas in interstate commerce and subject to the Commission's jurisdiction. Transco's transmission system extends from Texas, Louisiana, and the offshore Gulf of Mexico area, through Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and New Jersey, to its termini in the New York City metropolitan area.

¹ 15 U.S.C. § 717f(c) (2018).

² 18 C.F.R. pt. 157 (2019).

³ See *Transcon. Gas Pipe Line Co., LLC*, 167 FERC ¶ 61,110 (2019) (Certificate Order), *order on reh'g*, 171 FERC ¶ 61,031 (2020) (Rehearing Order).

⁴ 15 U.S.C. § 717a(6) (2018).

3. The Certificate Order authorized Transco to construct and operate the Northeast Supply Enhancement Project, comprising approximately 37 miles of pipeline looping and 53,900 horsepower of new compression, to provide an additional 400,000 dekatherms per day of firm transportation service on Transco's system from northern Pennsylvania, through New Jersey, to New York City area markets.⁵ As part of the project, the Certificate Order authorized Transco to construct a new access road – the Trap Rock Access Road – from County Road 518 to Station 206 in Somerset County, New Jersey, on land owned by Trap Rock Industries.

4. Transco requests to amend the Certificate Order to extend and use the U.S. Environmental Protection Agency's (EPA) existing Higgins Farm Access Road to access Station 206 in lieu of constructing the Trap Rock Access Road. Transco asserts that this would result in fewer environmental impacts and satisfy certain concerns identified by the New Jersey Department of Environmental Protection (NJDEP) in Transco's request for Water Quality Certification under section 401 of the Clean Water Act. Specifically, Transco asserts that its proposal would eliminate impacts to freshwater wetlands, state open waters, and state-regulated wetland transition areas and riparian zones and reduce permanent wetland impacts by 2.9 acres. Transco also states that the owners of the Higgins Farm have consented to Transco's use of the Higgins Farm Access Road.⁶ Transco does not propose to revise its estimated cost of the Northeast Supply Enhancement Project.

II. Procedural Issues

A. Notice, Interventions, and Comments

5. On February 5, 2020, the Commission issued public notice of Transco's amendment application, establishing a deadline of February 26, 2020, for filing

⁵ On May 15, 2020, the New York State Department of Environmental Conservation and New Jersey Department of Environmental Protection (NJDEP) rejected permits sought by Transco to build the Northeast Supply Enhancement Project, including water quality certificates required by section 401 of the Clean Water Act. *See* NJDEP June 3, 2020 Comment; *see also* 33 U.S.C. § 1341(a)(1) (2018). Transco stated in response that it did not plan to refile for the permits. *Northeast Supply Enhancement Project*, WILLIAMS, <https://northeastupplyenhancement.com/> (accessed July 13, 2020).

⁶ However, Transco notes that it has not obtained consent from the Township of Franklin, New Jersey, which holds an easement on the property.

interventions and comments. Notice of the application was published in the *Federal Register* on February 12, 2020.⁷

6. Several parties filed timely motions to intervene and comments. Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure.⁸ Additionally, several parties filed late, unopposed motions to intervene, which were granted by notice of the Secretary on March 16, 2020.⁹ Comments were filed by the Eastern Environmental Law Center on behalf of NY/NJ Baykeeper, Food & Water Watch – New Jersey, the Central Jersey Safe Energy Coalition, and the Princeton Manor Homeowners Association (collectively EELC) concerning impacts of the amendment on wetlands and special status species.¹⁰ On March 31, 2020, Transco submitted an answer to the EELC's comments.¹¹ Although the Commission's rules do not permit answers to protests,¹² our rules also provide that we may waive this provision for good cause.¹³ We will accept Transco's answer here because it has provided information that assisted us in our decision making. The concerns raised in EELC's comments and Transco's answer are addressed in the Environmental Assessment (EA) for the amendment and below.

B. Request for Hearing

7. The Watershed Institute requests a formal hearing on whether the Northeast Supply Enhancement Project is in the public convenience and necessity in view of the associated environmental impacts and project need.¹⁴ An evidentiary, trial-type hearing is necessary only where there are material issues of fact in dispute that cannot be resolved

⁷ 85 Fed. Reg. 7997 (Feb. 12, 2020).

⁸ 18 C.F.R. § 385.214(c)(1) (2019).

⁹ March 16, 2020 Notice Granting Late Interventions.

¹⁰ Eastern Environmental Law Center March 20, 2020 Comment at 1–4.

¹¹ Transco March 31, 2020 Answer.

¹² 18 C.F.R. § 385.213(a)(2) (2019).

¹³ *Id.* § 385.101(e).

¹⁴ Watershed Institute February 26, 2020 Motion to Intervene at 2.

based on the written record.¹⁵ The Watershed Institute has not raised a material issue of fact that the Commission cannot resolve based on the written record. Moreover, the Watershed Institute seeks to relitigate issues that were already fully addressed in the Northeast Supply Enhancement Project's Certificate Order and Rehearing Order and are outside the scope of this amendment proceeding. Accordingly, we deny the request.

C. Request to Postpone Proceeding

8. Harsh Bhargava requests that the Commission postpone any deliberation on the proceeding until the COVID-19 pandemic is resolved, stating that New Jersey's response to the crisis restricts stakeholder participation.¹⁶ Stakeholders may still participate in energy infrastructure projects using the Commission's electronic filing systems¹⁷ and the Commission continues to act in such proceedings. The Commission has long encouraged electronic participation by stakeholders;¹⁸ indeed, it is the principal way that stakeholders participate in Commission proceedings. Despite Mr. Bhargava's request, several stakeholders have provided comments using the Commission's electronic filing system. Because stakeholders have been provided appropriate means to participate in this proceeding, we deny Mr. Bhargava's request.

III. Discussion

A. Certificate Policy Statement

9. Because Transco's application requests to amend the authorization granted in the Certificate Order, it is subject to the requirements of NGA sections 7(c) and (e).¹⁹

¹⁵ See, e.g., *S. Union Gas Co. v. FERC*, 840 F.2d 964, 970 (D.C. Cir. 1988); *Dominion Transmission, Inc.*, 141 FERC ¶ 61,183, at P 15 (2012).

¹⁶ Harsh Bhargava March 17, 2020 Comment.

¹⁷ See *FERC Online*, FERC, <https://ferconline.ferc.gov/> (accessed July 1, 2020).

¹⁸ See, e.g., Commission February 5, 2020 Notice of Application at 3; Commission February 19, 2020 Notice of Intent to Prepare an Environmental Document at 2–3; Commission Notice of Availability of the Environmental Assessment at 2.

¹⁹ 15 U.S.C. §§ 717f(c), (e) (2018).

10. The Commission's Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.²⁰ The Certificate Policy Statement established criteria for determining whether there is a need for a proposed project and whether the proposed project would serve the public interest. The Certificate Policy Statement explained that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

11. Under this policy, the threshold requirement for existing pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis where other interests are considered.

12. In the Certificate Order, the Commission applied the Certificate Policy Statement and determined that the Northeast Supply Enhancement Project was required by the public convenience and necessity.²¹ The Commission found that the project would not be subsidized by Transco's existing customers and that there would not be adverse effects on other pipelines and their customers.²² In addition, the Commission found that Transco had taken appropriate steps to minimize impacts on landowners.²³ The proposed minor

²⁰ *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227, *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

²¹ Certificate Order, 167 FERC ¶ 61,110 at P 18.

²² *Id.* PP 14–15.

²³ *Id.* P 17.

amendment to one project feature would further reduce impacts to landowners and surrounding communities.

13. Accordingly, we find that Transco's proposed amendment does not alter the Commission's previous finding that the Northeast Supply Enhancement Project's benefits would outweigh any adverse economic effects on existing shippers, other pipelines and their captive customers, and landowners and surrounding communities. Therefore, we conclude that the proposal is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the proposal below.²⁴

B. Environmental Analysis

14. On February 19, 2020, the Commission issued a *Notice of Intent to Prepare an Environmental Document for a Proposed Amendment of the Northeast Supply Enhancement Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the *Federal Register* on February 25, 2020,²⁵ and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American tribes; local libraries and newspapers; and affected property owners.

15. We received several comments concerning our prior approval of the Northeast Supply Enhancement Project, which are outside the scope of this proceeding. We also received comments from EELC concerning impacts of the proposed amendment on wetlands and special status species.²⁶ Specifically, EELC asserted that Transco did not adequately identify wetlands or vernal pools within or adjacent to the proposed workspace and EELC identified three additional birds of conservation concern that may occur within the proposed workspace. In response, Transco stated that no wetlands, wetland transition areas, or vernal pools would be affected by the amendment.²⁷ Regarding the additional birds of conservation concern, Transco responded that the amendment does not alter findings by the U.S. Fish and Wildlife Service (FWS) with respect to the recommended avoidance and minimization measures for the Northeast Supply Enhancement Project. Further, Transco stated it would adhere to clearing

²⁴ See Certificate Policy Statement, 88 FERC at 61,745–46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

²⁵ 85 Fed. Reg. 10,666 (Feb. 25, 2020).

²⁶ EELC March 20, 2020 Comment at 1–4.

²⁷ Transco March 31, 2020 Answer at 5–9.

restrictions from April 1 through August 31 to avoid impacts on nesting birds and implement the measures provided in its Migratory Bird Plan to minimize impacts to migratory birds.

16. To satisfy the requirements of the National Environmental Policy Act of 1969, Commission staff prepared an EA analyzing Transco's proposal. The analysis in the EA addresses water resources and wetlands; vegetation, wildlife, and special status species; cultural resources; land use; and alternatives, and concluded that the proposed amendment would not result in significant environmental impacts. All substantive comments received in response to the NOI were addressed in the EA. The EA was issued for a 30-day comment period and placed into the public record on April 24, 2020. In response to the EA, we received comments from the NJDEP and Barbara Cuthbert.²⁸

1. NJDEP Comments

17. NJDEP agrees with Commission staff's findings in the EA that the amendment would avoid the 2.9 acres of wetland impact associated with construction and use of the previously approved Trap Rock Access Road and would not otherwise impact any land areas regulated by NJDEP.²⁹

18. NJDEP also agrees with the EA's finding that timing restrictions for tree removal, recommended by FWS and adopted by Transco, are appropriate to protect the federally endangered Indiana Bat (*Myotis sodalists*) and federally threatened Northern Myotis (*Myotis septentrionalis*).³⁰ In addition, NJDEP recommends timing restrictions to protect two candidate species for federal listing, the Little Brown Bat (*Myotis lucifugus*) and the Tricolored Bat (*Perimyotis subflavus*). Because neither species is proposed for protection under the Endangered Species Act (ESA), the Commission is not required to consult with the FWS regarding these species.³¹ Even so, we believe that the timing restrictions for tree removal adopted by Transco to protect the federally listed bat species would also protect other bats, if present, including the candidate species.

19. NJDEP also recommends restricting tree and shrub removal between April 1 and August 31 to prevent the taking of active nests with eggs or unfledged chicks of non-

²⁸ NJDEP May 26, 2020 Comment; Barbara Cuthbert May 26, 2020 Comment.

²⁹ NJDEP May 26, 2020 Comment at 2; *see also* Commission April 24, 2020 Environmental Assessment at C-1 (EA).

³⁰ NJDEP May 26, 2020 Comment at 2; *see also* EA at B-4.

³¹ *See* 16 U.S.C. § 1536(a)(4) (2018) (requiring consultation for any agency action likely to jeopardize any species proposed to be listed under section 1533 of the ESA).

game migratory birds.³² As explained in the EA, Transco consulted with the FWS and NJDEP to develop a Migratory Bird Plan for the Northeast Supply Enhancement Project, and the plan included as a mitigation measure NJDEP-recommended vegetation clearing restrictions to protect migratory birds.³³ Transco is required to implement the mitigation measures described in the Migratory Bird Plan during construction and operation of the Northeast Supply Enhancement Project, including this amendment.

20. To further reduce potential wildlife impacts, NJDEP recommends that Transco restrict the speed of construction vehicles and equipment to 15 miles per hour, limit construction to daylight hours, and instruct construction contractors to avoid any animals and move any turtles from the work zone to the nearest suitable habitat.³⁴ The Certificate Order already requires speed restrictions and construction time limitations consistent with these recommendations.³⁵ Speed restrictions would reduce the potential for injury to animals from construction vehicles. However, the Final Environmental Impact Statement for the Northeast Supply Enhancement Project (EIS) acknowledges that impacts on less mobile wildlife (i.e., turtles) could occur, but that the species of turtles that would be present in the area would be common species, as no federally listed terrestrial reptiles were identified near Station 206.³⁶

21. NJDEP states that construction and operation of the amendment may require a Discharge to Surface Water permit, General Remediation Permit, Hydrostatic Test Water Discharge permit, and a General Permit for Construction Activities.³⁷ Environmental Condition 10 of the Certificate Order requires Transco to obtain and abide by all federal permits and approvals needed for construction and operation of the amendment.³⁸ With respect to local or state permits applicable to project activities, the Commission

³² NJDEP May 26, 2020 Comment at 2.

³³ EA at B-3.

³⁴ NJDEP May 26, 2020 Comment at 2.

³⁵ *Transcon. Gas Pipe Line Co., LLC*, Final Environmental Impact Statement, Docket No. CP17-101-000, at 4-80, 4-283, 4-307 (issued Jan. 25, 2019) (EIS); Certificate Order, 167 FERC ¶ 61,110 at Environmental Condition 1.

³⁶ EIS at 4-81, 4-162.

³⁷ NJDEP May 26, 2020 Comment at 2–3.

³⁸ *See* Certificate Order, 167 FERC ¶ 61,110 at Environmental Condition 10.

encourages applicants to file for and receive the local and state permits, in good faith, as stewards of the community in which the facilities are located.³⁹

22. Last, NJDEP recommends several measures to minimize air emissions during construction.⁴⁰ The EIS for the Northeast Supply Enhancement Project describes measures that Transco would implement to reduce air emissions during construction, including using of low sulfur diesel fuel, restricting engine idle times to 3 minutes, and requesting that contractors use equipment with engines meeting EPA Tier 4 onshore non-road emission standards or best available emission reduction technologies.⁴¹ Further, as noted in the EA for the amendment, the previously authorized access road would have involved construction of 3,300 feet of new road, whereas extending the existing Higgins Access Road would involve construction of only 1,213 feet of new road, thereby resulting in fewer impacts. We agree with staff's conclusion in the EA that the construction air emissions associated with this amendment would be similar to or less than impacts associated with the previously approved Trap Rock Access Road and not significant and that the Northeast Supply Enhancement Project would conform with the New Jersey Implementation Plan with respect to the New Jersey-New York-Connecticut Interstate Air Quality Control Region.⁴²

2. Ms. Cuthbert's Comments

23. Ms. Cuthbert, a landowner near the proposed amendment, takes issue with Commission staff's conclusion in the EA that the amendment would have fewer impacts on water resources and wetlands than the previously approved route using the Trap Rock Access Road.⁴³ Specifically, Ms. Cuthbert, noting that there is a Superfund Site and contaminated bedrock aquifer on the Higgins Farm, expresses concern with the possibility that construction activity may displace contaminated soils during installation

³⁹ *Adelphia Gateway, LLC*, 169 FERC ¶ 61,220, at P 98 (2019), *order on reh'g*, 171 FERC ¶ 61,049, at P 61 (2020); *see also* EA at A-5 – A-6.

⁴⁰ NJDEP May 26, 2020 Comment at 3–4.

⁴¹ EIS at 4-308. The Certificate Order requires Transco to implement all of the measures to which it committed. Certificate Order, 167 FERC ¶ 61,110 at Environmental Condition 1.

⁴² EA at A-2.

⁴³ Barbara Cuthbert May 26, 2020 Comment at 1–2; *see also* EA at B-1 – B-2.

of an electric powerline to Station 206⁴⁴ and any road widening. Ms. Cuthbert is also concerned that dewatering activities and disposal of excess soil may disturb contaminants.

24. As discussed in the EA, construction and operation of the previously approved access road would impact 2.9 acres of wetlands and cross two waterbodies, whereas the route proposed in the amendment would impact no wetlands and cross no waterbodies.⁴⁵ The EPA conducted a shallow soil investigation at the proposed workspace that crosses the Higgins Farm Superfund Site, which did not identify any contamination in the soil above the bedrock.⁴⁶ The underlying aquifer where it overlaps with the proposed access road workspace is approximately 35 feet below the surface, whereas the amendment would involve grading only to a depth of approximately 3 feet, avoiding contamination.⁴⁷ The EPA and the NCH Corporation, which oversee remediation at the Higgins Farm Superfund Site, have concluded that the amendment would not interfere with remediation efforts.⁴⁸ In any event, should Transco encounter contaminated soil or groundwater, Transco will implement its Unanticipated Discovery of Contamination Plan, which the EIS for the underlying project found would prevent the spread of contamination and ensure that contaminated media is managed in accordance with applicable regulations.⁴⁹

25. Regarding Transco's water and soil management plans, if minor dewatering is necessary, Transco will collect, contain, and characterize the water for appropriate treatment and disposal, as explained in the EA.⁵⁰ Further, Transco will confine its use of the existing Higgins Access Road to repair and maintenance of the compressor station

⁴⁴ The service line is not subject to Commission jurisdiction.

⁴⁵ EA at C-1. NJDEP agreed with Commission staff's wetland findings in its comments on the EA, as provided above. NJDEP May 26, 2020 Comment at 2.

⁴⁶ EA at B-6.

⁴⁷ *Id.* at B-1.

⁴⁸ *Id.*

⁴⁹ *Id.*; *see also* EIS at 4-21.

⁵⁰ EA at B-1.

and must obtain all applicable permits for the proposed amendment, including for general construction and dewatering activities.⁵¹

26. Accordingly, we agree with Commission staff's finding in the EA that it is unlikely that Transco would encounter contaminated soil or groundwater during construction of the amended route.⁵² We also agree with Commission staff's finding that construction and operation of the amended facilities would have fewer impacts on water resources and wetlands than construction and use of the previously approved Trap Rock Access Road.⁵³

3. Environmental Analysis Conclusion

27. Based on the analysis in the EA, as supplemented herein, we conclude that, if the amended route is constructed and operated in accordance with Transco's application and supplements, and in compliance with the requirements in the Certificate Order and conditions therein and the environmental conditions in the appendix to this order, approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

IV. Conclusion

28. Based on the foregoing, we find under section 7 of the NGA that the public convenience and necessity requires approval of Transco's amendment, subject to the conditions in this order.

29. Compliance with the environmental conditions included in our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the

⁵¹ *Id.* at A-5 – A-6; *see also* NJDEP May 26, 2020 Comment at 3–4 (providing construction and operation of the amendment may require additional state permits, including for general construction and dewatering activities).

⁵² EA at B-1, B-5 – B-6.

⁵³ *Id.* at B-1 – B-2.

conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

30. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this order. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.⁵⁴

31. At a hearing held on July 16, 2020, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) The Certificate Order in Docket No. CP17-101-000 is amended, as described and conditioned herein, and as more fully described in the application and subsequent filings by Transco, including any commitments made therein. In all other respects, the Certificate Order is unchanged.

(B) The authority issued in Ordering Paragraph (A) is conditioned on Transco's compliance with the environmental conditions set forth in the appendix to this order.

(C) Transco shall continue to comply with all previous conditions of the Certificate Order, including the environmental conditions set forth in the appendix to the Certificate Order.

(D) Transco shall comply with all applicable Commission regulations under the NGA including, particularly the general terms and conditions set forth in paragraphs (a), (b), (c), (e), and (f) of section 157.20 of the regulations.

⁵⁴ See 15 U.S.C. § 717r(d) (2018) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); see also *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory authority over the transportation of natural gas is preempted) and *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

(E) Transco shall complete construction of the proposed facilities and make them available for service within the timeframe conditioned in the Certificate Order, in accordance with section 157.20(b) of the Commission's regulations.

(F) Transco shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Transco. Transco shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

(G) The Watershed Institute's request for a formal hearing is denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix – Environmental Conditions

As recommended in the Environmental Assessment (EA) and modified herein, this authorization includes the following conditions:

1. Transcontinental Gas Pipe Line Company, LLC (Transco) shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), and as identified in the EA, unless modified by the Order. Transco must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of the Office of Energy Projects, or the Director's designee, **before using that modification.**
2. The Director of the Office of Energy Projects, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the amendment. This authority shall allow:
 - a. the modification of conditions of the Order;
 - b. stop-work authority; and
 - c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from the amendment's construction and operation.
3. The authorized facility location shall be as shown in the EA, as supplemented by filed aerial maps/plot plans. **As soon as they are available, and before the start of construction**, Transco shall file with the Secretary of the Commission any revised aerial maps/plot plans for the access road approved by the Order. All requests for modifications of environmental conditions of the Order or site-

specific clearances must be written and must reference locations designated on these aerial maps/plot plans.

Transco's exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to the Order must be consistent with the authorized facility and location. Transco's right of eminent domain granted under Natural Gas Act section 7(h) does not authorize it to increase the size of its natural gas facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

4. Transco shall continue to comply with environmental conditions set forth in the appendix to the May 3, 2019 Order in Docket No. CP17-101-000.