

**ORAL ARGUMENT NOT YET SCHEDULED****UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Allegheny Defense Project, <i>et al.</i> ,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	Nos. 17-1098, 17-1127
Federal Energy Regulatory Commission,	)	& 17-1128 (consolidated)
	)	
Respondent.	)	
	)	

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**SUPPLEMENT TO MOTION OF INTERVENOR TRANSCONTINENTAL  
GAS PIPE LINE COMPANY, LLC FOR CLARIFICATION OF  
ADMINISTRATIVE STAY**

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**GLOSSARY**

PADEP Pennsylvania Department of Environmental Protection

Transco Intervenor Transcontinental Gas Pipe Line Company, LLC

Intervenor Transcontinental Gas Pipe Line Company, LLC's ("Transco") respectfully submits this Supplement to its Motion for Clarification of Administrative Stay filed on November 7, 2017. Following the filing of Transco's Motion for Clarification this morning, the Pennsylvania Department of Environmental Protection ("PADEP"), at approximately 2:02 PM EST, sent Transco a directive, attached hereto as Addendum A, requiring Transco to commence and continue certain activities despite the cessation of construction. PADEP's directive further supports the need for Transco to continue installation of certain environmental controls to stabilize disturbed areas, and also to monitor, inspect, and repair as necessary environmental controls already installed while the administrative stay remains pending, as described in Transco's Motion and the Declaration of R. Christopher Springer in Support of Motion for Clarification at paragraphs 12-16.

PADEP's directive states that "Transco has a significant area of earth disturbance which must be addressed to minimize accelerated erosion and sedimentation and manage stormwater to protect the quality of waters within the Commonwealth of Pennsylvania," and that PADEP "expects Transco to complete installation of permitted [Best Management Practices], including perimeter [Best Management Practices], in accordance with approved plans and the permit in areas where Transco or its contractors have commenced earth disturbance activities."

PADEP's directive further states that PADEP "expects Transco to continue routine monitoring of the installed [Best Management Practices]," and that "Transco should perform all necessary ongoing operation and maintenance activities to ensure the [Best Management Practices] continue to perform as designed." *"Failure of Transco to undertake these activities would be considered a violation of the Permit"* (emphasis added).

PADEP's directive thus necessitates clarification of the Court's November 6, 2017 Order issuing an administrative stay in this proceeding. Transco respectfully requests clarification from the Court as soon as practicable.

Respectfully submitted this 7th day of November, 2017.

By: /s/Elizabeth U. Witmer

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# **ADDENDUM A**

**pennsylvania**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

WATERWAYS &amp; WETLANDS PROGRAM

November 7, 2017

Joseph Dean  
Transcontinental Gas Pipe Line Company LLC  
2800 Post Oak Boulevard, Level 6  
Houston, TX 77056

Re: DEP Permit ESG03000150001

Dear Mr. Dean:

Last evening, Transco informed the Department that the United States Court of Appeals for the District of Columbia Circuit issued an administrative stay of the Federal Energy Regulatory Commission's ("FERC") February 3, 2017 Order Issuing Certificate ("Certificate Order") for Transco's Atlantic Sunrise Project ("Project"). The Department understands that, as a consequence of the Court's stay, Transco has ceased all construction activity on the Project, including the installation of Best Management Practice (BMPs) measures designed to prevent accelerated erosion and sedimentation. Transco has indicated that it is attempting to obtain clarification from the Court as to whether it can continue to install appropriate BMPs and temporarily stabilize the areas of earth disturbance during the pendency of the stay.

DEP Permit ESG03000150001, issued August 30, 2017 ("Permit"), pursuant to Part C, Section XI, requires Transco to undertake certain actions in the event of the temporary cessation of earth disturbance activities. Specifically, Section XI provides that:

The time period between the trench excavation to the beginning of disturbed area stabilization for the main line pipeline installation shall not exceed thirty (30) calendar days, unless sufficient justification for an extension of time is provided to and approved by DEP in writing. Upon temporary cessation of any earth disturbance activity, including topsoil and soil stockpiles, for which the cessation of the earth disturbance activities will exceed four (4) calendar days, the disturbed area shall be temporarily stabilized in accordance with the E&S Plan and with 25 Pa. Code § 102.22(b). Proper E&S BMPs shall be implemented and maintained throughout the entire project until permanent stabilization and Notice of Termination approval.

Transco has a significant area of earth disturbance which must be addressed to minimize accelerated erosion and sedimentation and manage stormwater to protect the quality of waters within the Commonwealth of Pennsylvania. DEP expects Transco to complete installation of permitted BMPs, including perimeter BMPs, in accordance with approved plans and the permit in areas where Transco or

Joseph Dean

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its contractors have commenced earth disturbance activities. Disturbed areas should be temporarily stabilized in accordance with the approved E&S Plans and 25 Pa. Code § 102.22(b).

During the period of the Court's stay, DEP expects Transco to continue routine monitoring of the installed BMPs. Transco should perform all necessary ongoing operation and maintenance activities to ensure the BMPs continue to perform as designed. Failure of Transco to undertake these activities would be considered a violation of the Permit.

If you have any questions, please contact me at 717-705-4799. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Williamson", with a long horizontal flourish extending to the right.

Scott Williamson  
Environmental Program Manager



**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This supplement to a motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and 27(a)(2)(B), this supplement contains 290 words.

2. This supplement to a motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this supplement has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman.

Dated: November 7, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2017, the foregoing Supplement to Motion of Intervenor Transcontinental Gas Pipe Line Company, LLC for Clarification of Administrative Stay has been filed and served electronically through the Court's CM/ECF system on all registered counsel, as follows:

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